KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	**2023/62/91127/E**
Site Address:	78, Lower Lane, Gomersal, Cleckheaton, BD19 4HZ
Description:	Erection of single storey side extension
Recommending Officer:	Nicole Helliwell

DECISION – CONDITIONAL FULL PERMISSION

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Emma Thompson

AUTHORISED OFFICER

Date: 27-Jun-2023

Officer Report

Reference No. 2023/62/91127/E
Site Address: 78, Lower Lane, Gomersal, Cleckheaton, BD19 4HZ
Proposal: Erection of single storey side extension

Site Description
The application relates to 78 Lower Lane, a two storey detached property situated in Gomersal, Cleckheaton. The dwelling is faced in natural stone and incorporates a dual pitched roof finished in dark grey concrete roof tiles. The property benefits from off road parking, an attached double garage and gardens to the front, side and rear. The neighbouring properties are of residential use and comprise two storey dwellings of similar materials and architectural styles. The site also lies adjacent to the Little Gomersal Conservation Area.

Description of Proposal
The applicant seeks planning permission for the erection of a single storey side extension. Permission is not required for the internal alterations to the property and therefore, the only matter for consideration is the proposed extension. The proposed single storey extension would project approximately 3.9m from the side elevation of the original dwellinghouse. It would feature a maximum height of approx. 4.16m and an eaves height of approx. 2.94m.

Relevant Planning History
2014/90667: Works to TPO(s) 07/76. Planning application details | Kirklees Council – **Granted**
2003/94471: Erection of conservatory. Planning application details | Kirklees Council – **Conditional Full Permission**

Representations
The application was publicised by site notice, press advertisement and neighbour notification letters, which expired on 23rd June 2023. As a result of the above publicity, no representations have been received.

Consultation Responses
KC Conservation and Design
KC Conservation and Design were informally consulted on the proposed scheme and raised no objections.

Policy
Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map and lies adjacent to the Little Gomersal Conservation Area. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 35** - Historic Environment

Supplementary Planning Guidance / Documents:

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- House Extensions and Alterations SPD (adopted 29th June 2021)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** - Achieving Sustainable Development
- **Chapter 12** - Achieving Well-Designed Places
- **Chapter 16** - Conserving and Enhancing the Historic Environment

<u>Assessment</u>

1. **Principle of development**

   The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council

will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions and Alterations SPD and Chapter 12 of the NPPF, regarding design.

The application site is also located adjacent to the Little Gomersal Conservation Area. Section 72 of the Listed Buildings & Conservation Areas Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area. This is also mirrored in Chapter 16 of the National Planning Policy Framework and LP35 of the Kirklees Local Plan.

In this case, the principle of development on the application site is considered acceptable, and shall be assessed against other material planning considerations, including visual and residential amenity, as well as highway safety.

1. Impact on Visual Amenity and Historic Environment

Visual Amenity

Key Design Principle 1 of the House Extensions & Alterations Supplementary Planning Document (SPD) does state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. Furthermore, Key Design Principle 2 of the SPD goes onto state that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and details.

Paragraph 130 of the NPPF sets out that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.

Single Storey Side Extension

The proposed single storey extension would project approximately 3.9m from the side elevation of the original dwellinghouse. The extension would be faced in natural stone and would incorporate a dual pitched roof finished in dark grey concrete roof tiles to match the appearance of the host property.

Although the enlargement would exceed 4m in height and would have some visibility from public vantage points, it would be set back approx. 1.6m from the principal elevation and would have an acceptable scale relative to the original build. The extension would also be modestly proportioned and would appear subservient. For these reasons, it is considered that the proposed development would respect the character and appearance of the host property and wider street scene.

Summary
Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extensions and Alterations Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

Historic Environment
LP35 of the Kirklees Local Plan requires development proposals affecting a designated heritage asset to preserve or enhance the significance of the asset, retaining those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensuring that proposals maintain and reinforce local distinctiveness.

Paragraph 197 of the NPPF is also of relevance and states that in determining applications, local planning authorities should take account of:

a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*

b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

c) *the desirability of new development making a positive contribution to local character and distinctiveness.*

Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) is relevant, and requires that special attention shall be paid in the

exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.

The application site sits adjacent to the Little Gomersal Conservation Area. As such, KC Conservation and Design were informally consulted on the proposed scheme. The proposed single storey side extension would be visually acceptable with regard to its scale, siting and design. Furthermore, the extension would be set back from the conservation area and is not considered to harm its heritage significance thereby not requiring any further justification in accordance with Chapter 16 of the NPPF.

Summary
It is therefore considered that the proposed development would not cause any detrimental harm to the significance of the Little Gomersal Conservation Area and would comply with Policy LP35 of the Kirklees Local Plan, Chapter 16 of the NPPF and the requirements of Section 66 and 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.

2. Residential Amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

Impact on 76 Lower Lane
76 Lower Lane is a residential property located south of the application site. The submitted plans confirm that the proposed single storey side extension would have no significant impacts on the neighbour's residential amenity given that it would be located at the opposite end of the property and would not project forward of the original build.

Impact on 158 Gomersal Lane
158 Gomersal Lane is a two storey detached property located west of the application site. The proposed single storey side extension would occupy a position approximately 37.8m from the front elevation of the neighbouring property. Given that the separation distance retained would be substantial, it is considered that there would be no undue harm to the neighbouring occupants with regards to overlooking, overshadowing and overbearing impact.

Impact on 80 Lower Lane

80 Lower Lane is a two storey detached property located east of the application site. The proposed single storey side extension would not contain any fenestration and would occupy a position approximately 20m from the neighbour's garage. Therefore, it is considered that the enlargement would not result in any further harm to the neighbour's residential amenity over the existing.

Occupier Amenity

It is noted that sufficient outdoor amenity space of a functional layout would be retained at the application site. As such, the proposed development would ensure an acceptable standard of amenity for existing and future occupants.

Summary

Having considered the above factors, the proposal is not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions and Alterations SPD and Paragraph 130 (f) of the National Planning Policy Framework.

3. Highway Safety

The proposal would not intensify the domestic use at the dwelling and would not affect the existing parking arrangements on site. Therefore, the development is considered acceptable in accordance with Policies LP21 and LP22 of the KLP, Chapter 9 of the NPPF, Principles 15 and 16 of the Kirklees House Extensions and Alterations SPD and the Highways Design Guide SPD.

4. Other Matters

Carbon Budget

The proposal is a small-scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

There are no other matters relevant to the determination of this application.

5. Representations

No representations were received following the statutory publicity.

6. **Negotiations**

No amendments were sought or received during the course of the application.

7. **Conclusion**

This application for a single storey side extension at 78 Lower Lane has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations SPD, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be acceptable.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation - Delegated Powers
Application Number: 2023/91127
Officer Recommendation: Approve
Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24 and LP35 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building and retained thereafter.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and

Alterations SPD and the aims of Chapter 12 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours, Mondays to Fridays
- 08.00 and 13.00hours, Saturdays
- With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Location Plan	-	02/05/2023
Site Plan - Existing	P00	02/05/2023
Existing Floor Plans and Front Elevation	P01	02/05/2023
Existing Rear and Side Elevations	P02	02/05/2023
Site Plan – Proposed	P10	02/05/2023
Proposed Ground and First Floor Plans	P11	02/05/2023
I1 Ground Floor Isometric	P12	02/05/2023
Proposed Front and Rear Elevations	P13	02/05/2023
11 Side 1 Proposed	P14	02/05/2023
I4 Rear Isometric	P15	02/05/2023
Climate Change Statement	-	02/05/2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees

Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. In this case, the design of the original scheme has been found acceptable. No further amendments or details were sought thereafter.

Report Dated: 23/06/2023