

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:	2023/62/91486/E
Site Address:	110, Spen Lane, Gomersal, Cleckheaton, BD19 4AA
Description:	Formation of parking area and entrance wall with associated alterations
Recommending Officer:	Nina Sayers

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 29-Sep-2023

Officer Report

Site Description

110 Spen Lane is a two-storey, mid-terraced dwelling in Gomersal, Cleckheaton. The property has a garden area to the front and rear of the property, and it is noted that there is a single storey rear conservatory erected to the rear of the property. The property is finished in pebbledash and stone with a tiled roof.

The property is located in a residential area with other properties of a variety of designs, ages and sizes. There is large areas of green space and woodland in the vicinity.

Description of Proposal

The applicant is seeking permission for the formation of parking area and entrance wall with associated alterations.

The proposed development comprises a vehicle access from Spen Lane across the existing embankment to the front of 110 Spen Lane. It would be finished in porous paving and would have a dropped kerb.

The existing boundary treatment would be replaced with a brickwork walls with timber panels and timber gates.

History of negotiations/amendments received

Officers had concerns regarding the significant amount of hardstanding proposed and therefore amended plans were sought and received which retained some soft landscaping to the front of 110 Spen Lane.

Relevant Planning History

2022/91755 Erection of a single storey rear extension. Conditional Full Permission.

Representations

The application was advertised by neighbour letter. Final publicity expired 25/07/2023.

No representations were received.

Consultation Responses

KC Highways DM – No objections subject to conditions.

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).

Kirklees Council has adopted supplementary planning guidance on house extensions 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.

The site is located within the Green Belt as allocated on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design

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 13 – Protecting Green Belt land

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

The application site is located on land allocated as Green Belt on the Kirklees Local Plan. The proposal is for the formation of a vehicle access and associated alterations.

In relation to any application within the Green Belt, the NPPF maintains that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 149 of the NPPF advises that a Local Planning Authority should regard the construction of new buildings as inappropriate within the Green Belt. It then sets out a number of exceptions to this. In addition, paragraph 150 states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include (b) engineering operations and (e) material changes in the use of land set out those forms of development which may be acceptable within the Green Belt. As such, the proposed development could be considered to fall within the acceptable forms of development set out within paragraph 150 of the NPPF.

Policy LP57 of the Kirklees Local Plan mirrors the view of the NPPF by aiming to ensure that a proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access.

It is noted that additional hard standing would be introduced as part of the proposal, however this would be located between an existing domestic curtilage and the directly adjacent highway and would be to a relatively small area. It is noted that the amount of hardstanding has also been reduced following amended plans requested by officers. It is therefore considered that the proposal would not result in significant harm to the openness of the Green Belt. As such, the proposed scheme would not be considered inappropriate development in the Green Belt and the principle of development is considered acceptable.

The proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

2 – Impact on visual amenity

Chapter 12 of the NPPF sets out that decisions should ensure that, amongst other things, developments are sympathetic to local character, including the surrounding built environment (para.127 of the NPPF). Policy LP24 of the KLP expands on this further, setting out that good design should be at the core of all proposals in the district.

Key design principles 1 (local character and street scene) and 2 (impact on the original house) given in the Kirklees House Extensions and Alterations SPD reflect the above.

The proposal would introduce additional hardstanding to the front of the property which would be visible from the highway. Paragraph 4.43 of the Kirklees House Extensions and Alterations SPD outlines that “careful consideration should be taken to retain as much of the garden boundary and soft landscaping as possible”. Officers initially raised concerns regarding the amount of hardstanding proposed as it dominated the front of the property, however this has been reduced to maintain some greenery to the side of the proposed access.

As part of the proposal the whole of the front of the property within the domestic curtilage would be hard-landscaping. Whilst this is not ideal in terms of visual amenity, it is noted that this is as existing and therefore it is considered on balance that the proposal would not cause any significant additional harm over and above the existing arrangements on site.

The proposed boundary treatment would be brickwork walls with timber panels and timber gates. The existing boundary treatment is timber, and it is noted that there is variety in the boundary treatment at the neighbouring properties. The proposal is therefore considered acceptable.

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, Principles 1, 2 and 15 of the House Extensions and Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out in terms of policy LP24 c), which states that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers.

Given the nature of the proposal, no additional harm is considered to be caused to the amenity of either the neighbouring, current or future occupiers, over and above the existing arrangements on site.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity, 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 Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety

The proposed development would include an access from Spen Lane to the host dwelling across an existing grass verge. Spen Lane is a classified A road (A643). KC Highways DM were consulted on the proposed scheme. The host

dwelling currently has no off-street parking provision and therefore the proposal would be an improvement in terms of parking.

There would be no on-site turning space within the application site and due to the scale of the site this could not be provided. Therefore, vehicles would need to reverse onto the driveway from Spen Lane. Normally, for any new access onto a classified A road, it would be required that turning was provided within the site so vehicle could enter and exit in a forward gear. It is considered, on balance, that the proposed scheme would be considered acceptable as it would negate the need for residents to park on the highway in the vicinity of the application site and therefore there would be no significant additional highway concerns over and above the existing arrangements. It is also noted that the proposed arrangements are similar to that implemented at the adjacent property.

It would be conditioned that the proposed vehicle parking areas are surfaced in an appropriate, permeable material. A new vehicular crossing would need to be provided for the proposed driveway. A footnote would be added to any positive decision regarding the applicants' requirements to consult with Design Engineers.

As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions and Alterations SPD.

5 – 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 for consideration.

6 - Representations

No representations were received.

7 – Conclusion

This application for the formation of a parking area and entrance wall with associated alterations at 110 Spen 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.

As set out above, 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: 2023/91486

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22 and LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

3. Before the Development is first brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the

Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and in accordance with Policy LP22 of the Kirklees Local Plan.

NOTE: The changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership

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	Version	Date Received
Location plan			19/05/2023
Proposed Plans	9618/05	Rev.B	29/08/2023

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.

Officers had concerns regarding the significant amount of hardstanding proposed and therefore amended plans were sought and received which retained some soft landscaping to the front of application site.

Report Dated: 27/09/2023