

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:	2023/62/91964/E
Site Address:	191, Drub Lane, Drub, Cleckheaton, BD19 4BZ
Description:	Erection of extensions and alterations
Recommending Officer:	Jennifer Booth

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: 14-Sep-2023

OFFICER REPORT

Site Description

191 Drub Lane is a detached dwelling with a steeply pitching roof, road facing gable. There is a garage attached to the side with gardens to the front and rear. The property has a drive at the front.

The property backs onto open fields with a similar dwelling to the north west and a bungalow to the south east.

Description of Proposal

The applicant is seeking permission for extensions and alterations.

The submitted plans include an increase in the height of the eaves from 3.3m to 4.2m and an increase of the apex from 9.15 to 10m.

The side extension would replace the existing flat roofed garage with a width of 5.5m, extending the full depth of the dwelling and 3m beyond the rear wall. The extension across the rear elevation of the dwelling, single storey with a balcony over.

The front of the dwelling would be stone clad with zinc detailing with an overhang, the front of the side extension would be finished with a stone coloured render. The side and rear elevations would be finished with stone coloured render. The roof would be covered with zinc panels.

Relevant Planning History

2022/93481 - Demolition of dwelling and erection of new dwelling - withdrawn

Representations

The application was advertised by neighbour letters, which expired on 16/08/2023

As a result of the above publicity, four representations have been received. The material considerations raised are summarised as follows:

- The site is within green belt and the proposals would not comply with green belt policy,
- The extended dwelling would not be in keeping with the surrounding properties,
- The design would result in an eye sore,
- Inappropriate materials,
- Overshadowing of the adjacent 193 Drub Lane.

Although other matters may have been raised, only material considerations can be considered as part of the assessment.

Consultation Responses

None

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 Green Belt on the Kirklees Local Plan Proposals Map

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design
- **LP57** – Extension, alteration or replacement of existing buildings

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.

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, and 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 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Assessment

Principle of development:

The site is within the Green Belt on the Kirklees Local Plan Proposals Map. As such a key consideration will be its impact on the Green Belt and it will be assessed having regard to Policy LP57 and NPPF Chapter 13. In addition, the impact of the development on design grounds, residential amenity and highway safety will also be considered along with, biodiversity and all other material considerations and representations received.

These issues along with other policy considerations will be addressed below.

Green belt considerations:

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt. Paragraph 147 of the NPPF states that inappropriate development should not be approved except in 'very special circumstances'.

Paragraphs 149 and 150 of the NPPF set out that certain forms of development are exceptions to 'inappropriate development'. Paragraph 149 sets out that the extension or alteration of a building could be appropriate provided it does not result in disproportionate additions over and above the size of the original building. Policy LP57 of the Kirklees Local Plan is consistent with advice within the NPPF. Policy LP57 of the Local Plan relates to the extension, alteration and replacement of existing buildings in the Green Belt. In the case of extensions, it notes that these will be acceptable provided that the original building remains the dominant element both in terms of size and overall appearance.

Policy LP57 also outlines that such development should not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standing, curtilages and enclosures and means of access. Further to this, Policy LP57 states that with such development, the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.

The proposals would see a modest increase in the eaves and overall height of less than 1m, an extension being added over the existing garage and a single storey across the rear. Although there is no limit specified within planning policies, the agent has provided a calculation of a 59% increase. Whilst this would represent a significant increase, there are a number of mitigating factors including the following:

- The majority of the additional footprint being located to the rear, as part of a single storey rear which would be modest in terms of its 2.9m projection. Thereby avoiding impact on streetscene and openness.
- The increase in height of both the eaves and the apex is less than 1m difference from the existing dwelling.
- The element replacing the garage is limited to a storey and a half thereby retaining a lower height than the original element.

Officers have afforded weight to the justifications received noting the scheme would minimise impact on openness and character. Due to the design and considered approach to create additional space whilst ensuring the scheme does not result in disproportionate additions or impact on openness. Any spatial and visual impacts have been minimised and whilst the volume increase would be quite substantial it is considered, on balance, the development proposals would comply with policy LP57 of the KLP and advice within Chapter 13 of the NPPF.

It is considered that, due to the scale increase proposed, any future development of the site should be restricted to avoid any cumulative development detrimentally impacting on openness and character, as such permitted development rights should therefore be removed.

Impact on visual amenity:

Key Design Principle 1 of the House Extension & Alterations 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 House Extension & Alterations SPD goes on to 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.

The proposals include a number of alterations to the property with increasing the height by less than 1m, an extension replacing the garage and a single storey rear extension as well as stone cladding for the frontage, render coverage of the property on part of the front and to the sides with feature glazing and rear with zinc elements and roofing. The changes proposed alter the appearance of the property forming a modern dwelling.

Paragraph 4.2 of the House Extensions & Alterations SPD states that “the local context, character and identity of the area will be a significant factor in determining the appropriate form and scale of alterations”. The properties on this stretch of Drub Lane vary in terms of detail and have a mixed palette of

materials. As such, the works proposed would be considered acceptable on this front. Paragraph 4.4 states that “contemporary designs and high-quality modern interpretations of distinctive and significant local characteristics will be welcomed...positive contribution to the wider environment” and Paragraph 4.6 states “where extensions seek to differ from the existing **materials**, design, roof pitch or **detailing**, proposals will be considered on a case by case basis.” The general form of the dwelling would be retained, with a more contemporary appearance in terms of design, materials and detailing, but retaining the general scale and proportion of the host building it is considered, in this instance, the proposals are considered to be acceptable in terms of visual amenity.

Side Extension

Paragraphs 5.15, 5.19 & 5.21 of the House Extensions & Alterations SPD are of relevance with regards to the side extension as they require the development proposed to be located and designed to minimise the impact on the character of the area, reflect the original building in terms of materials and detailing and ensure adequate space is retained to provide a sense of space.

The side extension would be set back and set down from the front of the property allowing the original element of the house to remain the dominant element. The materials and fenestration proposed would be in keeping with the modernisation of the main house and therefore considered to be acceptable in terms of visual amenity.

Single storey rear extension

Paragraphs 5.1 and 5.2 of the House Extensions & Alterations SPD go into further specific detail regarding rear extensions requiring development to maintain the quality of the residential environment, respect the original house and use appropriate materials.

The extension to the rear would project 2.9m from the original rear wall of the dwelling, retaining a sizeable amenity space and proposed to be constructed using materials and fenestration in keeping with the overall modernisation of the property. The rear extension is therefore considered to be acceptable in terms of visual amenity.

Rear balcony

Paragraph 5.28 of the House Extensions & Alterations SPD does support appropriately designed and sited balconies which do not negatively affect neighbouring properties or alter the local character of the area.

The balcony is limited in terms of its scale and would be in keeping with the overall design and appearance of the proposals. The balcony is therefore considered to be acceptable in terms of visual amenity.

Having taken the above into account, the proposals 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 Extension & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

Impact on 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 House Extension & Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

There are no properties to the front or rear of the host property which could be affected by the works proposed.

Impact on 189 Drub Lane

The neighbouring property adjacent to the northwest has a garage and blank roof plane between the properties which will minimise the impact of the increase in height. The rear extension is limited in terms of its projection and set back modestly from the boundary with the neighbouring property and as such would result in no overbearing, overshadowing or overlooking. The balcony has the potential to overlook the neighbour's garden. However, a condition can be included requiring a privacy screen which would not result in any overbearing impact but mitigate any potential overlooking to preserve privacy.

With regards to the impact on the adjacent 189 Drub Lane, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extension & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be acceptable.

Impact on 193 Drub Lane

The existing garage is positioned close to the shared boundary with the adjacent property to the southeast. It was noted on the site visit that there is a window in the side elevation of the neighbouring property. The proposals would replace the garage with a storey and a half extension. Whilst the structure would be higher than the garage, the increase would be limited and as such would not increase the impacts over the relationship which already exists. The rear extension would align with the rear of the neighbouring

property and as such would be unlikely to result in any significant impact on the amenities of the occupiers of the adjacent dwelling. The balcony element would be set back from this neighbour and would not result in any materially detrimental overlooking.

With regards to the impact on the adjacent 193 Drub Lane, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extension & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be acceptable.

Having considered the above factors, the proposals are 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 Extension & Alterations SPD and Paragraph 130 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposals will result in some intensification of the domestic use. However, the plans provide a parking space within the garage and two spaces on the drive to the front of the dwelling which is considered to represent a sufficient provision. Bin storage for the dwelling is shown on plan as being to the rear. 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 Extension & Alterations SPD.

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.

Representations:

Four representations have been received. The material considerations raised are summarised as follows:

- The site is within green belt and the proposals would not comply with green belt policy – **Response:** *this is a material consideration as it relates to green belt. The impacts of the proposal in terms of the green*

belt have been fully considered under the relevant section of this report,

- The extended dwelling would not be in keeping with the surrounding properties – **Response:** *this is a material consideration relating to visual amenity. The appearance of the proposed extension has been addressed within the relevant section of this report,*
- The design would result in an eye sore - **Response:** *this is a material consideration relating to visual amenity. The appearance of the proposed extension has been addressed within the relevant section of this report,*
- Inappropriate materials - **Response:** *this is a material consideration relating to visual amenity. The appearance of the proposed extension has been addressed within the relevant section of this report,*
- Overshadowing of the adjacent 193 Drub Lane - **Response:** *this is a material consideration relating to residential amenity. The impacts of the proposed extensions and alterations in terms of the amenities of the neighbouring properties has been addressed within the relevant section of this report.*

Although other matters may have been raised, only material considerations can be considered as part of the assessment.

Negotiations:

None

Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

The use of an off white render on the walls as shown on the plans would ensure a satisfactory appearance given the similar properties in the area.

To ensure privacy with the adjacent 189 Drub Lane, it is considered to be reasonable to include a condition for a 1.8m privacy screen along the side of the balcony.

To ensure any future enlargement of the property is acceptable in terms of the green belt relationship, it is considered appropriate to remove permitted development for classes a – e.

Conclusion:

This application for extensions and alterations to 191 Drub Lane has been assessed against relevant policies in the development plan as listed in the

policy section of the report, the House Extension & 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: 2023/91964

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 Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extension & Alterations SPD and the aims of the National Planning Policy Framework.

3. The render proposed for the external elevations as shown on the submitted plans shall be finished with an off white colour.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extension & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the submitted plans, an obscurely grazed privacy screen, 1.8 metres in height, shall be erected along the side of the balcony hereby approved adjacent to the neighbouring 189 Drub Lane to a minimum privacy level 4 or equivalent and shall thereafter be retained.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification)) no development included within Classes A through E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interest of visual amenity and so as to limit the potential future impact on the green belt in accordance with Policy LP24 of the Kirklees Local Plan as well as 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	Web ID	Date Received
Location plan	91101-C	997319	06/07/2023
Existing site plans	91102-A	997202	06/07/2023
Existing elevations	05202-A	997188	06/07/2023
Existing elevations	05201-A	997189	06/07/2023
Existing floor plans	04101-A	997191	06/07/2023
Demolition details	91103-A	997201	06/07/2023
Existing sections	06301-A	997196	06/07/2023
Proposed site plan	91112-A	997211	06/07/2023
Proposed elevations	05211-A	997187	06/07/2023
Proposed elevations	05212-A	997197	06/07/2023
Proposed floor plans	04111-A	997190	06/07/2023
Proposed sections	06311-A	997200	06/07/2023
Overlay	-	1006695	08/09/2023
Design & access statement	-	997214	06/07/2023
Climate change statement	-	997257	06/07/2023

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.

As the submitted plans were considered to be acceptable, no changes were sought.

Report Dated

11/09/2023