

**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:	2023/62/91995/E
Site Address:	83, Ravensthorpe Road, Thornhill Lees, Dewsbury, WF12 9EG
Description:	Erection of rear balcony
Recommending Officer:	Edward Cheseldine

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: 06-Sep-2023

Officer Report

2023/91995 - 83, Ravensthorpe Road, Thornhill Lees, Dewsbury, WF12 9EG

Site Description

83 Ravensthorpe Road is a two storey, semi-detached dwelling in Thornhill. The property has rendered exterior walls and stone features which fall under a cross-gable roof. There is a modest front and rear outdoor area associated with the plot. The front area is used as off-street parking. Properties on the road are of a similar appearance and size to the application dwelling. To the side of the property is an access road for the adjacent site that lies to the rear of the dwelling. This site is allocated in the Kirklees Local Plan for the development of housing.

The application site is not situated in designated Green Belt or in a conservation area. There are no listed buildings in close proximity to the site.

Description Proposal

The applicant is seeking permission for the erection of a balcony. The balcony is located at the rear of the property. It is proposed to project ~1.15m and will be to a width of ~3.30m. The balcony will have glazed sides which will be held in place by metal balustrades.

History of Negotiations

Design amendments were negotiated by the Planning Officer, to remove the canopy style roof and install obscurely glazed panels, in order to comply with Kirklees Planning Policy.

Relevant Planning History

2002/91945 – Erection of two storey, single storey and conservatory extensions – approved

85 Ravensthorpe Road:

2004/91487 – Erection of conservatory – approved

79 Ravensthorpe Road:

96/90595 – Erection of two storey extension - approved

Land to south:

2021/91759 – Reserved Matters Application for erection of 120 dwellings pursuant to outline permission ref 2016/94118 – pending consideration

2016/94118 – Outline application for residential development - approved

Consultation Responses

None.

Public Representation

Neighbour Notification letters were sent out in accordance with statutory publicity requirements. These expired on 15 August 2023. As a result of publicity, no representations were received.

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.

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 24** – Design
- **LP 30** – Biodiversity

Kirklees Council adopted supplementary planning guidance on house extensions (House Extension and Alterations Supplementary Planning Document) (SPD) 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 House Extensions and Alterations 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 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

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

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 & Alterations SPD and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

Impact on visual amenity:

Balconies provide an additional platform onto existing buildings, usually at an elevated height. Care should be taken so the construction of such a platform does not negatively impact neighbouring properties or detract from the character of the host dwelling or surrounding area.

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. With regard to extensions, it states under part c, that proposals should promote good design by ensuring 'extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details'.

- Key Design Principle 1 of the House Extensions & Alterations Supplementary Planning Document states '*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.*'
- Key Design Principle 2 of the House Extensions & Alterations Supplementary Planning Document states '*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 proposed rearward balcony is not presently or commonly found on buildings of this age or style however the appearance of the balcony would not unbalance or negatively impact the character of the property. It would be subordinate in scale and height to the host dwelling and to the garden. The balcony would not cut into the main roof of the building and would rest on top of the ground floor lean to roof. The structure has a simple architectural appearance due to the use of glass and metal balustrades. The metal material is modest and does not have an industrial appearance.

The proposal is therefore compliant with Key Design Principle 1 & 2 of the House Extensions & Alterations Supplementary Planning Document, Policy LP 24 of the Kirklees Local Plan and Chapter 12 of the National Planning Framework.

Impact on residential amenity

Balconies are platforms, often at a first or second floor height giving unobstructed views of their surroundings. Care should be taken so that the use of balconies does not harm the residential amenity of occupants presently enjoyed.

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, minimising impact on residential amenity of future and neighbouring occupiers. The House Extensions and Alterations Supplementary Policy Document (HEASPD) goes into further detail with respect to outlining principles.

- HEASPD - Key Design Principle 3, '*extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours*'.

To the rear of the application site, there is an application for reserved matters for a large housing development. Within the plans, marked directly behind the application site is an area of landscaping. There is estimated to be ~12.80m distance from the balcony to the end of the garden which borders the new development site. From this, it can be assessed that the balcony would only impact dwellings on Ravensthorpe Road.

Impact on 79 Ravensthorpe Road

79 Ravensthorpe Road is situated to the east of the application site. There is an ~11.00m lane separating the two properties. The distance between the properties is sufficient to protect the inhabitants of No. 79 from being overlooked. There will be no impact in terms of a loss of light or an overbearing impact.

Impact on 85 Ravensthorpe Road

85 Ravensthorpe Road is situated to the west of the application site and is the adjacent dwelling. The balcony will be situated on the first floor, on the east side of the rear elevation, protruding the existing elevation. The balcony could

have the potential of impacting the privacy of neighbouring outdoor space. In order to mitigate this, it will be conditioned that there will be a 1.8m obscurely glazed privacy screen on the west face of the balcony. There will be no impact in terms of a loss of light or an overbearing impact.

Impact on Highway Safety

The proposal is for a balcony which will not affect current parking or access amenity. It will not lead to an additional number of occupants. As such, there will be no impact to highway safety.

Other Matters

Biodiversity

The proposal is for construction which will not affect the main roof of the dwelling. The dwelling is not situated in an area known to include bats. A cautionary note should be added that if bats are found during the development, then work must cease *immediately*, and the advice of a licensed bat worker sought.

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.

Conclusion

This application to erect a balcony at 83 Ravensthorpe Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations SPD, the National Planning Policy Framework and other material considerations.

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

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 Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The balcony shall not be brought into use until a 1.8m obscurely glazed screen (to a minimum privacy level of Grade 4 or equivalent) has been placed on the west elevation of the balcony. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing (to a privacy level of Grade 4 or equivalent) shall thereafter be retained.

Reason: To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan the Key Design Principles of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

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.

Plans and specifications table: -

Plan Type	Reference	Version	Date Received
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Location plan	AR-01	1	05/07/2023
Grouped Plans and Elevations	AR-02	1	05/07/2023
Grouped Plans and Elevations	AR-03	2	04/08/2023

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 has, 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. Amendments were sought to overcome design concerns with the application. These amendments were satisfactory for the application to be deemed acceptable.

