

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:	2023/62/92442/E
Site Address:	2, Brewerton Lane, Dewsbury Moor, Dewsbury, WF13 4PB
Description:	Formation of vehicular access
Recommending Officer:	Morgan Braithwaite

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: 08-Nov-2023

OFFICER REPORT

Site Description

2, Brewerton Lane, Dewsbury Moor, Dewsbury, WF13 4PB is a two-storey detached dwelling.

The property is constructed from brick, with a stone finish to the front elevation.

The dwellings that form the street scene are somewhat uniform in appearance, with some variation in scale. However, the area is predominantly residential in nature and constructed of a similar material palette.

Description of Proposal

The application has been received for the formation of a driveway and crossing for use by an existing dwelling. This would create two off-street parking spaces for the existing dwelling (where there are none at present), with either a Tarmac or Concrete crossing to match the existing pavement.

Relevant Planning History

2020/93553: Erection of front and rear dormers to create first floor accommodation and garage with patio over. Granted conditionally.

Representations

The application was advertised by neighbour notification letters, which expired on 26.10.2023.

No representations were received as a result of site publicity.

Consultation Responses

Kirklees Council highways officer was consulted regarding this application site being located on the T-junction formed by Brewerton Lane and Scarr End Lane. Overall, they supported the proposal as it would create off-street parking and therefore aiding in keeping the highway clear.

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.

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

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highway safety and access
- **LP22** – Parking
- **LP24** - Design
- **LP28** - Drainage

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 Supplementary Planning Document 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
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Assessment

Principle 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.

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

Impact on visual amenity:

Key Design Principle 1 of the House Extensions & Alterations supplementary planning document (SPD) 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 HEASPD 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.

In this case, the proposal relates to the formation of a driveway and dropped crossing. The proposal would be visible from the street scene as it relates to the front of the existing dwelling. The proposal is proposed to be constructed on land to the East of the application property, and due to a change in land levels, the land rises upwards away from the road. As such, some excavation would be required to form the driveway. Other properties surrounding the application site have undertaken similar works to that which is proposed, creating driveways and off-street parking of which the scale and material palette have been sympathetically achieved.

Having taken the above into account, the proposed driveway would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy PL24 of the Kirklees Local Plan (a) in terms of the form, scale, and layout. Additionally, Policy LP21 (a) ensure the safe and efficient flow of traffic within the development and on the surrounding highway network, (e) take into account the features of surrounding roads and footpaths

and to provide adequate layout and visibility to allow the development to be accessed safely.

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 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.

The proposed driveway would cover some of the amenity space of the application property. It is considered that; the proposal would not take up a significant amount of useable amenity space and sufficient amenity space would be retained if the proposal was to receive permission. Therefore, the proposal would be acceptable in terms of the residential amenity of future occupiers of the dwelling.

Impact on no.4 Brewerton Lane

The proposal is similar to works already completed by no.4 Brewerton Lane along with a further neighbouring property, no.6. There is also potential that the retaining wall of the front garden would screen the view of the driveway.

As such, it is deemed that there would be no detriment to the residential amenity of no.4 Brewerton Lane.

Impact on highway safety

The proposal would result in some intensification of the domestic use of the property. Although the proposal would not create an additional bedroom, it would see the alteration of parking arrangements on site.

As a residential road it is not anticipated that heavy traffic flow and speeds should be reduced due to the narrow carriage way, therefore safety is not a major concern. Critical visibility to the right of the proposal appears to be achievable, yet there may be compromised visibility splays due to the neighbour's wall.

However, after considering the above, it is deemed that the creation of off-street parking would cause a benefit which would outweigh the safety concerns.

On the basis of the above, the proposal is considered to be acceptable and in accordance with Policies LP 21 and LP 22 of the KLP.

Other matters

Carbon Budget

The proposal is a small-scale domestic development to the grounds of 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.

Representations

No representations received.

Negotiations

No alterations were requested during the course of this application.

Proposed Conditions/Footnotes

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.

Drop Kerb under s184 agreement.

Surfaced with a permeable finish (or else suitable drainage would be required)

Any gates must be set back 5m from the driveway-pavement boundary and must open inward.

Conclusion

This application to develop a driveway to provide two off-road car parking spaces at 2 Brewerton Lane, Dewsbury Moor, Dewsbury WF13 4PB. The application has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations Supplementary Planning Document, 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.

Recommendation

Approve

Decision Authorisation – Delegated Powers

Application Number - 2023/92442

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 Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

3. Prior to the development being 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 highway safety and to achieve a satisfactory layout, in accordance with Policies LP21, LP22, LP24 and LP28 of the Kirklees Local Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that order) any gates or barriers for or over a vehicular access or egress shall be set back 5m from the back of the footway and shall be hung as to only open

inwards. So long as such gates or barriers are in position, they shall be retained to only open inwards.

Reason: In the interests of highway safety and to avoid the need for vehicles to wait in the highway, in accordance with Policy LP24 of the Kirklees Local Plan.

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 work may be carried out.

Plan Type	Reference	Date Received
Location Plan	1004210	13.09.2023
Proposed Site / Block Plan	1004211	13.09.2023

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.

No alterations have been sought since submission as the proposals were considered to be acceptable in their original form.

