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:	**2024/62/91822/E**
Site Address:	63, Westfield Lane, Scholes, Cleckheaton, BD19 6DR
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: 27-Sep-2024

OFFICER REPORT

Site Description

63, Westfield Lane, Scholes, Cleckheaton, BD19 6DR is a two-storey semi-detached dwelling faced in brick. Prior to the formation of vehicular access, the dwelling did not benefit from parking provision, however, the dwelling did have access to areas of amenity space to both the front and rear of the property. After completing the works, the property now has off-street parking provision for two vehicles to the front of the dwelling.

The dwellings that form the street scene are similar in scale, appearance and material palette. Some of these dwellings have received similar works to form driveways; a feature which is becoming characteristic of the street scene.

The area is predominantly residential with access to village amenities such as a children's playground, sport/recreation area, cafes and good bus transport links.

Description of Proposal

The application seeks permission for the formation of vehicular access, including a dropped kerb crossing to the front of the application property.

Relevant Planning History

No relevant planning history.

History of Negotiations

No alterations were requested during the course of the application.

Representations

The application was advertised by neighbour notification letters, which expired on 23.08.2024.

No representations have been received as a result of site publicity.

Consultation Responses

A Kirklees Council Highways officer has been consulted regarding the application. No concerns were raised regarding the application.

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

- **LP 1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highway safety and Access
- **LP 22** Parking
- **LP 24** – Design

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 December 2023, 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 9 – Sustainable Transport
- Chapter 12 – Achieving well-designed and beautiful places

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) Conditions
7) Conclusion

1) Principle of development

The site is without notation of 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 the 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. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other planning considerations, including visual and residential amenity, as well as highway safety.

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

2) Impact on visual amenity

Key Design Principle 1 of the House Extensions and 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 of the street scene.

The proposal would be visible from the street due to being located to the front of the dwelling. The works would see the formation of vehicular access to the property, comprising of a dropped kerb and tarmac driveway; it is noted that similar works have taken place within the street scene. Therefore, the proposal would be in keeping with the local character and street scene as well as the existing dwelling.

Having taken the above into account, the proposed vehicular access 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.

3) 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 proposal 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 of Key Design Principle 3 on privacy, Key Design Principle 5 of overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Design Principle 7 for outdoor space.

Impact on 61, Westfield Lane, Scholes, Cleckheaton, BD19 6DR

There is approximately 2.9m between the side elevation of each dwelling. The works proposed by the applicant dwelling, are similar to the works which have been completed by no.61. Due to the proposal being for the formation of vehicular access, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 65. Westfield Lane, Scholes, Cleckheaton, BD19 6DR

No.65 is the adjoining dwelling to the applicant property. The works proposed by the applicant property, are similar to others in the area. Due to the proposal being for the formation of vehicular access, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 1, Westfield Place, Scholes, Cleckheaton, BD19 6DU

There is approximately 32m between the front (north) of the application property and the side (south-west) of no.1. The works proposed are similar to others in the area. Due to the proposal being for the formation of vehicular access, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

In summary, as the proposal is for the formation of vehicular access. Therefore, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

4) Impact on highway safety

A driveway has been formed, providing off-street parking for the dwelling for up to two vehicles. A dropped kerb would need to be incorporated to provide appropriate vehicular access to this driveway.

Therefore, the proposal 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 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.

6) Representations

No representations have been received as a result of site publicity.

7) 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.

Matching materials condition

9) Conclusion

The formation of vehicular access at 63, Westfield Lane, Scholes, Cleckheaton, BD19 6DR 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.
The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Governments 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: 2024/91822
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.Any hard surfacing of parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's '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 avoid an increase in flood risk through surface water run-off and to achieve a satisfactory layout in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, Principles 11, 14 and 15 of the Councils adopted House Extensions and Alterations SPD, the Council's adopted Highways Design Guide and the policies within Chapter 9 of the National Planning Policy Framework.
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: 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**	**Version**	**Date Received**
Location Plan	Location Plan	1048372	08.07.2024
Proposed Site / Block Layout	TQRQM24179172753458	1048373	08.07.2024

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.

Report Dated: 24.09.2024