

**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: 2016/62/92077/E

Site Address: The Moorings, 14, Lodge Farm Close, Thornhill,
Dewsbury, WF12 0DG

Description: Erection of first floor extension, rear extension and
balcony to existing bungalow

Recommending Officer: Rebecca Drake

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: 22-Feb-2018

Officer Report

Site Description

The application relates to a detached bungalow positioned on the end of Lodge Farm Close in Dewsbury. The property has a dual pitched roof with an attached flat roofed store. There is a dual pitched canopy to the front elevation and a projecting to the rear elevation alongside the boundary. The property is constructed from artificial stone with concrete tiles for the roof. There is a garden space and parking area to the front of the property and a small area to the rear before land levels drop. There are trees and vegetation on the banking and a beck at the bottom. There is a patio area used as garden space further down the banking. The canal lies at the bottom of the banking.

Description of Proposal

Planning permission is sought for the erection a first floor extension and single storey extension to the property. The first floor extension would be positioned on piers that would project 1.2m from the front elevation and will be in filled with a UPVC/glazed frontage. It would have a dual pitched roof with a ridge height of 2.24m higher than the existing ridge. It would have a width of 7.5m and only stand above part of the existing bungalow. The first floor extension would provide a new level of accommodation comprising 3 bedrooms and a kitchen area. A steel structure to the rear elevation would form an 'L' shaped balcony. There would be a single storey extension projecting 3.8m from the rear elevation with a flat roof.

The extensions would be constructed from artificial stone and the dual pitched roof would be tiled with concrete tiles.

History of negotiations/amendments received

Amendments were sought to alter the fenestration of the extension and the design of the porch element. During the course of the application, the agent requested that a single storey addition was inserted on the rear elevation. The application was re-publicised following receipt of these amended plans.

Relevant Planning History

2015/93952 - Outline application for erection of 3 dwellings – outline planning permission granted

2012/92293 – outline planning permission for the erection of 3 detached dwellings – approved

95/92174 – Erection of garage, WC, utility and conservatory extensions – approved

Representations

Two representations have been received from one individual. The concerns raised are summarised below.

- Elevation missing from the plans
- Discrepancies on the plans in terms of roof form of 'garden store'
- Concern regarding design of fenestration
- Clarification of the use of the flat roofed area for storage not accommodation
- Land ownership issues

Final publicity date Expires: 17th January 2018

Consultation Responses

None necessary

Policy

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is unallocated on the UDP Proposals Map and on Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE13** – Extensions to dwellings (design principles)

- **BE14** – Extensions to dwellings (scale)

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP 24** – 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 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 7 – Requiring good design
- Chapter 11 – Conservation and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity (including any heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Representations
- 7) Conclusion

1 – Principle of development:

The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. All these considerations are addressed later in this assessment.

2 –Impact on visual amenity:

The application seeks permission for the erection of extensions to the existing dwelling. From undertaking the site visit, it is noted that the immediate

streetscene is varied, comprising a mixture of two storey and single storey residential properties. The application property itself is set back from the road, however is still visible within the streetscene.

Given the variety of property styles in the area, the principle of creating a first floor extension is considered acceptable in terms of visual amenity. The two adjacent properties are both two storeys in scale and it is considered that having a two storey element to the application property would not appear out of keeping with the character of the surrounding area. This would not extend across the full width of the property and would not appear excessively large on the site. The design of the fenestration has been amended in order to allow the proposed development to appear more in keeping with the appearance of the original property and surrounding development. The oval shaped windows have been changed to rectangular shaped openings and alterations to the frontage of the building and the design on piers has been sought in order to infill this section to ease visual amenity concerns.

The single storey rear extension has been reduced in scale since submission of the original application. The agent has confirmed that this will be located in the flat area of land to the rear and that no build up would be required in terms of the land levels. It is also noted that permitted development rights are intact on the property for the erection of a rear extension which could be larger than what is proposed subject to height/material restrictions.

The balcony would be located to the rear of the property and would not be readily visible within the streetscene. It is not considered to significantly detract from character of appearance of the application property.

The proposed materials of construction area considered acceptable – this is stone and concrete tiles to match the existing dwelling. This element can be controlled by condition in order to ensure that visual amenity is protected.

When considered cumulatively, the proposed extensions would not result in overdevelopment of the site.

In summary, the application is considered acceptable in terms of visual amenity and compliant with aims of D2, BE1, BE2, BE13 and BE14 of the UDP as well as the aims of PLP 24 of the emerging Local Plan.

3 – Impact on residential amenity:

The closest residential dwellings are nos. 12 and no.16, Lodge Farm Close. Both of these are two storey detached properties set in good sized garden plots.

No. 16 is located immediately to the west of the application site. This is a large two storey property. After undertaking the site visit, it is clear that the main area of private amenity space is located to the east of this dwelling. The first floor extension would sit above the existing footprint of the dwelling in close proximity to the boundary. From a review of aerial imagery it is clear that

the existing single storey footprint of the building projects around 3.5m beyond the neighbour's rear elevation and there is a reasonable separation distance that exists between the two dwellings. Whilst there would be some impact in terms of overbearing and overshadowing at some times in the day, this impact is not considered to be severe. The proposed single storey element has a flat roof which does assist in minimising the impact of the extension. In terms of overlooking/loss of privacy it is noted that a 1.8m high privacy screen is proposed on the side elevation of the balcony facing this neighbouring property and the retention of this element could be controlled by condition. This is also set in from the boundary meaning that the any overbearing impact from this is significantly reduced. Similarly, openings are proposed within the side elevation facing towards this property and annotation on the plans shows that these too would be obscurely glazed. This can be conditioned too. Any other first floor openings would be controlled by the restrictions of the GDPO.

In terms of the impact on no.12, Lodge Farm Close, this is considered to be minimal. There is over 25m between the existing front elevation of the application property and the side elevation of the neighbouring property. There are no habitable room openings on the side elevation on the neighbouring property and, due to the separation distances there are no concerns in terms of overbearing and overshadowing to this property or its amenity space.

There are no other properties that are considered close enough to be significantly impacted in terms of residential amenity.

In light of the above, subject to the aforementioned conditions, the application is considered to be acceptable in terms of residential amenity and in accordance with BE1 and BE14 of the UDP, as well as PLP 24 of the emerging Local Plan.

4 – Impact on highway safety:

The impact on highway safety is considered acceptable. This would not change from the existing situation and this is considered adequate to accommodate any increase in cars that could be anticipated from the proposed development. As such, the application is considered acceptable in terms of highway safety and is compliant with the aims of T10 of the UDP as well as PLP 21 of the emerging Local Plan.

5 – Other matters:

Trees

Whilst there are trees on the banking to the rear of the property and within close proximity to the site, none of these are protected. Notwithstanding this an informal consultation was held with KC Trees who raise no objection to the scheme.

Ecology

The application site lies within the bat alert layer on the Council's GIS system. As such, careful attention was paid when undertaking the site visit to look to evidence of bat roost potential. In this instance, the property appeared well sealed around the eaves and roof area and it was judged unlikely to contain roosting bats. Even so, as a cautionary measure, a note will be added to the decision notice stating that if bats are found development shall cease and the advice of a licenced bat worker sought.

Canal

The Calder and Hebble Navigation lies at a much lower level at the bottom on the banking to the rear of the site. Given that the application is for a first floor element and the rear extension could potentially be erected under permitted development, it was not considered necessary to consult with the Canal and Rivers Trust. This is due to the nature of the development and the separation distance that would be retained between the dwelling and the canal.

6 – Representations:

Two representations have been received from one individual. These are on the following grounds:

- Elevation missing from the plans
Response: the amended scheme contains the full set all plans which are available to view
- Discrepancies on the plans in terms of roof form of 'garden store'
Response: amended plans addressed this discrepancy.
- Concern regarding design of fenestration
Response: addressed in the amended design and discussed in the report.
- Clarification of the use of the flat roofed area for storage not accommodation
Response: the application is determined in accordance with the submitted plans and the annotations provided. The plans do not show any access on this area.
- Land ownership issues
Response: the agent has been approached on the matter and confirmed that the correct Certificate has been signed.

7 – Conclusion:

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.

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: 2016/92077

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 D2, BE13 and BE14 of the Kirklees Unitary Development Plan and Policy PLP 24 of the Kirklees Publication Draft Local Plan.

3. The external walls and roofing materials of the extensions hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policy BE13 of the Kirklees Unitary Development Plan and Policy PLP 24 of the Publication Draft Local Plan.

4. The balcony hereby approved shall not be brought into use until an obscurely glazed privacy screen measuring 1.8m in height has been installed on the western side elevation in accordance with the details shown on the submitted plans. The privacy screen shall be thereafter retained.

Reason: In order to protect the amenity of the neighbouring properties from overlooking and to accord with the aims of Policy BE1 of the Kirklees Unitary Development Plan and Policy PLP 24 of the Kirklees Publication Draft Local Plan.

NOTE The Council's Environment Officer has commented that a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
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Plan Type	Reference	Version	Date Received
Location Plan	-	-	1st July 2016
Existing and proposed ground floor plan	WF12 0DG-01-V4	-	20th February 2018
Proposed first floor plan	WF12 0DG-02-V4		20th February 2018
Existing and proposed front and side elevations	WF12 0DG-03-V4	-	20th February 2018
Existing and proposed rear and side elevation	WF12 0DG-04-V4	-	20th February 2018

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 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. The Case Officer worked with the agent in order to secure an amended scheme with an acceptable level of impact on visual and residential amenity. The decision is based on the amended plans and the conditions listed above.

Report Dated: 22nd February 2018