

**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: 2017/62/90978/W

Site Address: 8, Beagle Avenue, Beaumont Park, Huddersfield, HD4
7AP

Description: Erection of two storey and single storey side
extensions

Recommending Officer: Neil Bearcroft

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.**

Teresa Harlow

AUTHORISED OFFICER

Date: 29-Sep-2017

Officer Report

Site Description

8 Beagle Avenue is a detached property located within an area defined as Unallocated Land within the Kirklees Unitary Development Plan. The property is set up slightly from the roadside and hosts a large open garden to the front with a driveway to the side leading to an attached single storey flat roofed playroom and utility room (former garage) and there is a dormer window within the north elevation roof slope. To the rear of the property is a small flat-roofed conservatory and lawned garden which are set up from the floor level of the property. Boundary screening consists of hedges and fencing.

Description of Proposal

Permission is sought for the erection of two storey and single storey extensions to the side of the property.

At ground floor level the extensions would bring the building level with the existing lounge with a total projection at ground floor of 2.3 metres. At first floor a side extension would be constructed over which would have a gable end. The conservatory to the rear of the extension would be retained. The resultant accommodation would be an internal reconfiguration of the ground floor of the property to have a lounge kitchen diner, play room and conservatory, with 4 bedrooms and a bathroom at first floor level.

The proposed materials of construction for the extension would be concrete blockwork with a rendered finish for the walls and concrete tiles for the roof which would match the existing with uPVC openings.

History of negotiations/amendments received

Initial concerns were raised regarding the design of the scheme and the impact it would have on visual amenity. It was suggested to the Agent that the eaves height should be lowered to be in line with the top of the windows which would put a less shallow pitch on the dwelling which would be in keeping with other development within the street scene. In addition it was suggested that the roof of the two storey front extension had an eaves height the same as that proposed which would prevent the roof having a less 'flat' appearance. In response to these comments, amended plans were received on 15th May 2017. These also indicate a change of construction materials for the walls from sandstone to block construction with rendered finish.

Further amendments were requested at the request of the team leader to remove the front facing gable after concerns were raised in respect to the impact to the impact the extension would have on the street scene and the character and appearance of the host building.

Relevant Planning History

No history

Representations

Final publicity date expired 28th April 2017 – prior to the submission of amended plans – 6 letters of representation received with the following comments

- Represents an overdevelopment of the current plot and building and will adversely affect the street scene
- Majority of properties on Beagle Avenue are bungalows/dormer style bungalows on both sides of the road and following the proposed works this building will look out of place and may cause a terracing effect
- Original structure will be transformed from a small two bed dormer to a large five bed house with none of the original features remaining
- That particular area of Beagle Avenue comprises dormer bungalows of similar design, each with identical apex roof, and with a single storey side extension for a garage
- If application goes forward the effect on the appearance of the road would be out of balance with a large two storey house standing out above the surrounding original bungalows which would create a lopsided, out of character appearance to the street scene
- Proposed extension is a large one, both outwards and upwards, and from whichever aspect it is viewed, would have a clear visual impact, affecting public amenity
- Impact would be most noticeable viewed from the front and rear elevations
- From our property we look towards the rear elevation of the dormer bungalows of Beagle Avenue and at present, the backs and apex roofs of those bungalows are seen, to left and right, orderly and with matching roof lines, in the way that was intended when they were built – if the one immediately at the bottom of our garden was to become a large, five bedroom two storey house it would have an extremely noticeable and striking visual impact of a disruptive nature
- Our rear garden is not overlooked at present except from the side by the upper windows of the two adjoining properties which are, and always have been, two storey houses. Therefore we enjoy almost complete privacy – the proposed two storey extension would give a direct line of site into our garden, conservatory and kitchen
- Concerned that a new business named 'Jolly Childminders, Beaumont Park' is based at the application site
- In summary, main objections are: 1) disruption of neat, orderly appearance of street, and also as seen from rear; 2) considerable, intrusive visual impact; 2) overlooking our property and garden where not overlooked before; 4) possible implications of childminding business
- Size of proposal dwarfs the existing and adjacent dwellings and their frontage, affecting the amenity of neighbours

- Absence of a garage, shortening of the driveway, and use of the building for a childminding business will exacerbate the car parking problem on the street where the footpaths are unusable, with access for emergency vehicles restricted
 - A precedent will be set for similar dwellings nearby
 - Bungalow of No. 8 is directly in front of my house and No. 8 is elevated and looks over No. 8
 - If plans go ahead my right to privacy will be affected
 - If plans go ahead I will not get the sun in my room or in my front garden as an extension this big will restrict if from coming into my home
 - If the application goes through the house next door can do the same and the two bungalows turn into 5 bedroom houses and it will spoil the look of the avenue
-
- Object to:
 - The visual impact of a large detached house in an estate of predominantly dormer bungalows
 - The overlooking bedroom windows affect our right to privacy
 - Understand that the property is to be used as a childminding business. As our back gardens face each other we are concerned about the increase in noise of children playing outside
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- Proposed large extension which is mainly upwards, would look out of scale and proportion with the surrounding development of dormer bungalows
 - Height of the extension would result in the two new upper storey rear windows having a direct line of sight into my kitchen, conservatory and garden, all of which at the moment are not overlooked, therefore greatly affecting and reducing my right to privacy
 - Conversion from existing two bedroomed dormer bungalow to a five bedroomed house would have a dramatic and unacceptable visual impact in the immediate surrounding area
 - Concerned about the possible implications regarding the running of a childminding business at the address

Parish/Town Council comments – not applicable

Consultation Responses

None required

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 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. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is Unallocated Land on the Unitary Development Plan Proposals Map and proposed to be retained as such on the Publication Draft Local Plan Proposals Map.

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)
- **T10** – Highway safety
- **T19** – Parking standards

Kirklees Publication Draft Local Plan: Submitted for examination April 2017:

- **PLP1** – Presumption in favour of sustainable development
- **PLP2** – Place shaping
- **PLP21** – Highway safety and access
- **PLP24** – 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**

Assessment

The following matters are considered in the assessment below –

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

The general principle of extending and making alterations to a property are assessed against Policies BE1, BE2, BE13 and BE14 of the Unitary Development Plan and advice within Chapter 7 of the National Planning Policy Framework regarding design. These require, in general, balanced considerations of visual and residential amenity, highway safety and other relevant material considerations.

2 –Impact on visual amenity:

The proposed extensions would be in the form of a front/side extension and first floor extension which would involve the single storey side element of the property projecting forward to lie flush with the front elevation of the lounge and the existing side elevation of the property, effectively ‘infilling’ the front section of the property. The extension would incorporate a first floor to the property over the existing play room and entrance which would create a two storey dwelling with a ridge height to match the existing ridge and a single storey entrance would be created within the front elevation. The conservatory to the rear would be retained.

The design of the extension would effectively result in the existing dwelling being transformed into a two a large storey property however, the footprint of the building whilst projecting forward, would not project any further forward of the existing lounge nor would it project any further to the side beyond the existing side elevation and is therefore, within the confines of the existing building lines and retaining the existing front and rear garden. Taking this into account it is considered it would not constitute overdevelopment.

Whilst the extension would create a first floor to the property the roof ridge would not exceed the existing, and there is a two storey extension to a similar 'originally' styled property facing the site at No. 7. Also along the street scene to the south are two storey semi-detached properties with the wider area, primarily Henry Ralph Avenue and Moor Park Avenue also comprised of a mixture of both bungalows and two storey properties of varying construction materials including cladding, stone and render. Given the sloping nature of Beagle Avenue with No. 6 set on a higher ground level than the application site and No. 10 on a slightly lower level with the dwellings being detached, a terracing effect would not occur should the neighbours propose similar developments.

A number of concerns have been raised regarding the visual impact of the resultant development. These have been carefully considered and have resulted in amendments to the originally submitted scheme. It is now considered that for the reasons highlighted above that the design is in keeping with host and surrounding properties with acceptable construction materials (which would be render for the walls and tiles for the roof) and that the resultant building would acceptably harmonise with the character of the area. The use of render, whilst not currently visible on these house types in the estate, is a common material used in the surrounding area and is on balance considered to be acceptable.

As such, the extension is considered to be compliant with Policies D2, BE1, BE2 and BE13 of the Unitary Development Plan, Policy PLP24 of the PDLP and advice within the National Planning Policy Framework.

3 – Impact on residential amenity:

A core principle of the National Planning Policy Framework is to seek high quality design and a good standard of amenity for all existing and future occupiers of land and buildings. Policy BE14 of the Unitary Development Plan states that extensions to dwellings should not have a detrimental impact on 'adjoining dwellings or any occupier of adjacent land'.

Overshadowing – in terms of overshadowing, the bulk of the extension would be to the front of the existing playroom and utility room (former single storey garage) and at first floor level. Whilst the property is set up from the roadside, given the separation distances between the dwellings to the front and rear of the site and also that the dwelling is to the east of the facing dwellings on Beagle Avenue and west of the properties on Moor Park Avenue, it is not considered that there would be a significant loss of direct sunlight to these dwellings. In terms of the adjacent property No. 10, there are no openings which would face the extension and the building work adjacent to the boundary would be adjacent to the neighbouring attached garage. As such, it is not considered that there would be substantial harm caused from overshadowing.

Overlooking – in terms of overlooking, there are proposed openings within the front and rear elevations of the property and also the side elevation facing No.

10. With regards to the opening within the front elevation, there are already habitable room windows at both ground and first floor level. The proposed openings would be to a playroom and entrance at ground floor and a bedroom and landing at first floor. Whilst noting that additional habitable room opening would be created, these would not decrease the established separation distances between the site and the facing dwellings which is a distance of approximately 30 metres, which is considered to be acceptable.

In terms of the rear elevation windows, an additional 2 no. bedroom windows would be created along the same building line as the existing bedroom window. Again, there would be no decrease in separation distance which is established also at approximately 30 metres. Concerns have been raised regarding overlooking from the creation of the new openings however when put into context in terms of a new dwelling, should a new build be proposed, Policy guidelines state that separation distances between established properties and new dwellings should be a minimum of 21 metres. As the proposed distances exceed in this requirement, it is considered that the proposed openings are considered to be acceptable. A first floor window is also proposed within the side elevation of the extension facing No. 10. As this would be to a WC, it is expected that this would be obscurely glazed which can be controlled by an appropriate condition.

4 – Impact on highway safety:

The submitted plans indicate that as existing, the integral garage is utilised as a playroom and therefore, to alter this to a playroom with window would not impact on the existing parking provision. Following construction works, the driveway would be approximately 10 metres which is of sufficient length to accommodate 2 no. vehicles and therefore, it is not considered that there would be a detriment to highway safety and parking provision from the loss of the garage, compliant with Policies T10 and T19 of the Unitary Development Plan and advice within the National Planning Policy Framework.

5 – Other matters:

The process for determining the need for bat survey is as follows; if a property falls within a GIS layer known as the 'Bat Alert Layer' planning officers use details of the proposals to apply a flow diagram, which indicates if further assessment for bats is required. The bat alert layers for West Yorkshire and flow diagram are available on this web page: <http://www.wyjs.org.uk/ecology-service/planning-issues/>

The requirement to consider bats, and biodiversity in general, is a statutory requirement on the LPA and the process outlined above forms part of the means by which we discharge this duty. The intention is that it is an objective and robust approach. It was considered that in this instance, a Bat Survey was not required.

Concerns have also been raised regarding the proposed dwelling being utilised for running a childminding business. It is not a breach in planning

regulations to run a business from home providing that the residential use of the property is retained as the primary function. Any breach in regulations can be investigated via an enforcement complaint. The application is for an extension to a dwellinghouse and therefore is assessed as such.

6 – Representations:

6 letters of representation have been received with the following comments and Local Planning Authority response:

Represents an overdevelopment of the current plot and building and will adversely affect the street scene

Response: This has been addressed within the visual amenity section of this report.

Majority of properties on Beagle Avenue are bungalows/dormer style bungalows on both sides of the road and following the proposed works this building will look out of place and may cause a terracing effect

Response: This has been addressed within the visual amenity section of this report.

Original structure will be transformed from a small two bed dormer to a large five bed house with none of the original features remaining

Response: This has been addressed within the visual amenity section of this report.

That particular area of Beagle Avenue comprises dormer bungalows of similar design, each with identical apex roof, and with a single storey side extension for a garage

Response: This has been addressed within the visual amenity section of this report.

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- If application goes forward the effect on the appearance of the road would be out of balance with a large two storey house standing out above the surrounding original bungalows which would create a lopsided, out of character appearance to the street scene

Response: This has been addressed within the visual amenity section of this report.

- Proposed extension is a large one, both outwards and upwards, and from whichever aspect it is viewed, would have a clear visual impact, affecting public amenity
- Response: This has been addressed within the visual amenity section of this report.

Impact would be most noticeable viewed from the front and rear elevations

Response: Noted

- From our property we look towards the rear elevation of the dormer bungalows of Beagle Avenue and at present, the backs and apex roofs

of those bungalows are seen, to left and right, orderly and with matching roof lines, in the way that was intended when they were built – if the one immediately at the bottom of our garden was to become a large, five bedroom two storey house it would have an extremely noticeable and striking visual impact of a disruptive nature

Response: This has been addressed within the visual amenity section of this report.

- Our rear garden is not overlooked at present except from the side by the upper windows of the two adjoining properties which are, and always have been, two storey houses. Therefore we enjoy almost complete privacy – the proposed two storey extension would give a direct line of site into our garden, conservatory and kitchen

Response: This has been addressed within the residential amenity section of this report.

- Concerned that a new business named 'Jolly Childminders, Beaumont Park' is based at the application site
- Response: This has been addressed within the other matters section of this report.
-
- In summary, main objections are: 1) disruption of neat, orderly appearance of street, and also as seen from rear; 2) considerable, intrusive visual impact; 2) overlooking our property and garden where not overlooked before; 4) possible implications of childminding business

Response: These issues have been addressed within the visual amenity, residential amenity and other matters section of this report.

- Size of proposal dwarfs the existing and adjacent dwellings and their frontage, affecting the amenity of neighbours
- Response: This has been addressed within the visual amenity section of this report.

Absence of a garage, shortening of the driveway, and use of the building for a childminding business will exacerbate the car parking problem on the street where the footpaths are unusable, with access for emergency vehicles restricted

Response: This has been addressed within the highway safety and other matters section of this report.

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- A precedent will be set for similar dwellings nearby
- Response: Any submission for planning permission will be assessed upon its own merit.

Bungalow of No. 8 is directly in front of my house and No. 8 is elevated and looks over No. 8

Response: This has been addressed within the residential amenity section of this report.

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- If plans go ahead my right to privacy will be affected
- Response: This has been addressed within the residential amenity section of this report.
-
- If plans go ahead I will not get the sun in my room or in my front garden as an extension this big will restrict it from coming into my home
- Response: This has been addressed within the residential amenity section of this report.
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- If the application goes through the house next door can do the same and the two bungalows torn into 5 bedroom houses and it will spoil the look of the avenue

Response: Any submission for planning permission will be assessed upon its own merit.

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- Object to:
- The visual impact of a large detached house in an estate of predominantly dormer bungalows
- Response: This has been addressed within the visual amenity section of this report.
-
- The overlooking bedroom windows affect our right to privacy.
- Response: This has been addressed within the residential amenity section of this report.
-
- Understand that the property is to be used as a childminding business. As our back gardens face each other we are concerned about the increase in noise of children playing outside.

Response: This has been addressed within the other matters section of this report.

- Proposed large extension which is mainly upwards, would look out of scale and proportion with the surrounding development of dormer bungalows.

Response: This has been addressed within the visual amenity section of this report.

- Height of the extension would result in the two new upper storey rear windows having a direct line of sight into my kitchen, conservatory and garden, all of which at the moment are not overlooked, therefore greatly affecting and reducing my right to privacy.

Response: This has been addressed within the residential amenity section of this report.

Conversion from existing two bedroomed dormer bungalow to a five bedroomed house would have a dramatic and unacceptable visual impact in the immediate surrounding area.

Response: This has been addressed within the visual amenity section of this report.

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- Concerned about the possible implications regarding the running of a childminding business at the address.
- Response: This has been addressed within other matters section of this report.

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.
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- Recommendation Approve
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- Decision Authorisation - **Delegated Powers**

Application Number: 2017/90978

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.

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- 2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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, BE1, BE2, BE13 and BE14 of the Kirklees Unitary Development Plan.

- 3. The development shall not be occupied until the first floor window in the side elevation of the extension facing No. 10 Beagle Avenue of the extension hereby approved has been fitted with obscure glazing, minimum grade 4. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) the window shall thereafter be so retained obscure glazed.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policies D2 and BE14 of the Unitary Development Plan.

- NOTE: The Council's GIS system indicates 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 to 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:-
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Plan Type	Reference	Version	Date Received
Location plan			20th March 2017

Plan Type	Reference	Version	Date Received
Existing elevations	Drawing 1 – Rev: A		20th March 2017
Existing floor plans and site plan	Drawing 2 – Rev: A		20th March 2017
Proposed elevations	Drawing 3 – Rev: C		4th September 2017
Proposed floor plans	Drawing 4 – Rev: B		4th September 2017

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. The Case Officer requested alterations to the design of the extension to create a more aesthetically pleasing design. This recommendation is based on the amended plans.

Date of Report: 29/9/2017