

**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: 2017/62/91171/E

Site Address: 129, Oxford Road, Dewsbury, WF13 4EH

Description: Erection of first floor and two storey side and rear extensions

Recommending Officer: Nia Thomas

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-Oct-2017

Officer Report

Site Description

No. 129 Oxford Road is a detached chalet style bungalow constructed of stone for the external walls, tiles for the roof and upvc for the openings. The site has an area of hardstanding and garden space to the front and an area of garden space to the rear along with a conservatory. There is dense hedging on the front boundary of the site facing Oxford Road.

Surrounding the site is predominantly residential and many of the dwellings surrounding the site have been extended (see planning history). There is a mixture of house types within the immediate streetscene (as can be seen from the submitted streetscene plan).

The site is unallocated and is not located in a conservation area.

Description of Proposal

Planning permission is sought for the erection of extensions to form a reconfigured dwelling. The remodelled dwelling would be 9.8 metres in overall height (5.2 metres to the eaves), will be 15.3 metres in width and will be 7.8 metres in length. The proposal includes:

- Ground floor side extension (which projects slightly to the front)
- Two storey rear extension
- First floor extension

The extensions will be constructed from materials to match the existing which is stone for the external walls, tiles for the roof and upvc for the openings.

History of negotiations/amendments received

The case officer has been in negotiations with the applicant and agent with regards to amended plans. The amended plans were sought due to concerns relating to the prominence of the proposed extensions in the streetscene – the submitted revisions are considered to overcome these concerns and, on balance, are considered to be acceptable.

Relevant Planning History

99/90559 – Erection of conservatory APPROVED (no. 129)

2015/90038 – Erection of single and two storey extensions APPROVED (no. 127)

Representations

Final publicity date Expires: 24.10.2017

8 representations have been received as a result of three publicity periods:

- Parking issues. Extension to be erected on the driveway/garage demolished which will lead to more parking on the street
- Impact on public amenity, access and sightlines/highways safety, especially for pupils of nearby schools given fast speed of vehicles.
- Enormous property on one of smallest plots in postcode area
- Completely dominate streetscene, dwarf neighbouring properties and be overbearing
- Restrictive covenants on land stating that gardens must be kept as gardens
- Outlook from lounge and dining room windows which afford a lovely view of mature trees and church.
- Several windows facing into main living rooms, overbearing and totally spoil visual amenity as properties on opposite side of road are on higher ground
- Observations of different vehicles on Oxford Road

Officer comments will be made in section 6 of this report.

No parish/town council comments are required.

Consultation Responses

No consultation responses are required.

Policy

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

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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). 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 unallocated 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)
- **T10** – Highways safety
- **T19** – Parking Provision

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP21** – Highways safety
- **PLP22** - Parking
- **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 – Conserving and enhancing the natural environment

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]”.

Visual amenity, residential amenity and highways safety will be assessed in this report.

2 –Impact on visual amenity:

The impact on visual amenity is acceptable following the receipt of amended plans.

Policies BE1 and BE2 of the UDP are considerations in relation to design. Paragraph 60 of the NPPF states planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiate through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

The surrounding development is residential in nature, several of the dwellings surrounding the site have been extended and therefore, within the streetscene, the dwellings do not have similar appearances and character – this is seen on the submitted streetscene plan as well as on site observations. The proposed extensions, which will completely alter the appearance of the existing bungalow to create a large two storey dwelling, are considered to, on balance, harmonise with the varied character existing development within the wider streetscene. The design (including its openings and roof form) as well as the materials are in keeping with the character of the area.

The extensions would mean that the location of the reconfigured dwelling would remain centrally placed within the site with parking to the south and amenity space to the north. The extended footprint of the building would still ensure that the building comfortably sits within the site and would not constitute overdevelopment. The dwelling would have a reasonable amount of amenity space to the front and rear of the site. This follows the form of development along this part of Oxford Road which mostly detached dwellings with long gardens.

The remodelled dwelling would be set back from the highway and follows the building line of neighbouring dwellings. Its height would be comparable with its neighbouring dwellings and ensures that the building is not read as an over dominant feature in the streetscene and within the plot itself.

The property would have a fairly close relationship with the surrounding dwellings. This relationship between the dwellings is characteristic of the existing development within the area and as such would not appear unduly out of place.

It is clear that there are a mixture of property styles and types (including scale) in the area. There is not a prevailing property style within the area and despite being visible from Oxford Road, would not be overly prominent for the above reasons, as well as the significant set back from the highway.

Overall

The cumulative impact of the proposed extensions will not result in overdevelopment of the site. There will be a reasonable amount of amenity space at the site following development.

Overall, the proposal is in accordance with UDP policies D2, BE1, BE2, BE13 and BE14 of the Kirklees Unitary Development Plan and will not cause harm on the visual amenity of the proposal.

3 – Impact on residential amenity:

The impact on residential amenity is acceptable. Representations have been addressed in section 6 of this report.

Impact on no. 127 Oxford Road

The proposed extensions and resultant height increase will lead to bulk and massing in close proximity to the neighbouring property which is on a slightly higher level than the application site. There are three openings in the side elevation of no. 127 facing this site – two of which serve a habitable room (the other opening is a door which serves a kitchen). Although these windows serve a habitable room, they are considered to be secondary (there is a main lounge window in the front elevation which is the main opening). Given the above and the fact that the element of the proposed extensions in closest proximity to no. 129 is at single storey level and the roof significantly slopes away from the neighbouring site, there is not considered to be a significant overbearing impact as a result of the bulk and massing of the proposed extensions. The overall height and eaves height of the proposed dwelling also matches no. 127.

In terms of overlooking/loss of privacy, there are no openings proposed in the side elevation at ground floor or first floor level. If ground floor openings were inserted in the future, there is a possibility of overlooking from habitable room windows. However, in this instance, given the levels differences and the boundary treatment between the sites, there would be no harmful impact. A condition has been recommended to retain the boundary treatment between the sites to preserve this level of amenity.

First floor openings are controlled by the GPDO.

Impact on no. 131 Oxford Road

The proposed extensions and resultant height increase will lead to an increase in bulk and massing in close proximity to the neighbouring site which is on a lower level. There are two windows in the side elevation of this neighbouring dwelling – given their positioning in the side elevation and their size, these are not considered to be habitable room windows. There is a bay window to the rear of this neighbouring dwelling which is likely to serve a habitable room – this is set off the boundary with this dwelling, with a garage in between the sites.

Although the overall height of the proposed extensions will mean that the proposed extensions will be higher than no. 131, the eaves height will approximately match the eaves height of no.131. Given this, the fact that the dwelling will not project closer to no. 131 than existing and the roof will be hipped away from this site, the bulk and massing of the proposal is not considered to have a harmful impact on residential amenity.

With regards to overlooking/loss of privacy, there would be one opening facing this site which serves a bathroom. A condition has been recommended to ensure that this opening is obscurely glazed. Any future openings at ground floor level will not lead to a loss of privacy/overlooking – this is because there are no openings in the side elevation at no. 131 and the area to the side is not private residential amenity space – it is driveway space which can be seen from the highway.

First floor openings are controlled by the GPDO.

Impact on surroundings

There will be no impact on dwellings to the front and rear of the site.

Overall

In conclusion, for the reasons given above, the impact of the proposal is acceptable in terms of residential amenity and is in accordance with UDP policies BE1 and BE14.

4 – Impact on highway safety:

The impact on highways safety is acceptable. The proposed extensions will lead to an increase in the number of bedrooms from 2 to 5 and therefore to comply with UDP policy T19, 3 parking spaces are required. In this case, there is acceptable space on the site to accommodate these parking spaces.

In terms of highway safety, although there is no internal turning space within the site which may lead to reversing onto the highway, the existing access will remain and given that there is adequate parking within the site, it is considered unreasonable to refuse the application on these grounds.

It is acknowledged that several objections have been received on the grounds of highways/pedestrian safety. In this case, the proposal will not significantly add to parking on the highway for the reasons discussed above. Given that there are no parking restrictions on Oxford Road, there is no planning control as to whether people park on Oxford Road or entrances to dwellings are blocked.

5 – Other matters:

Ecology - The site is located within a bat alert layer. Following a site visit, the building appeared to be well sealed and there was no evidence of bat roosts or bat roost potential was found.

A footnote has been added to the decision notice to provide the applicant with advice should bats or evidence of bats be found during construction. This would accord with the aims of chapter 11 of the NPPF.

6 – Representations:

8 representations have been received as a result of all publicity periods:

- Parking issues. Extension to be erected on the driveway/garage demolished which will lead to more parking on the street
Officer comment: covered in highway safety section of this report.
- Impact on public amenity, access and sightlines/highways safety, especially for pupils of nearby schools given fast speed of vehicles
Officer comment: covered in highway safety section of this report.
- Enormous property on one of smallest plots in postcode area
Officer comment: amended plans considered to overcome this concern. This is covered in visual amenity section of this report.
- Completely dominate streetscene, dwarf neighbouring properties and be overbearing
Officer comment: amended plans considered to overcome this concern. This is covered in visual amenity section of this report.
- Restrictive covenants on land stating that gardens must be kept as gardens (and cannot be used as parking in the future)
Officer comment: not a material planning consideration. However, planning permission does not override any private legal issues.
- Outlook from lounge and dining room windows which afford a lovely view of mature trees and church
Officer comment: loss of view is not a material planning consideration.
- Several windows facing into main living rooms, overbearing and totally spoil visual amenity as properties on opposite side of road are on higher ground
Officer comment: this is covered in the residential amenity section of this report.
- Observations of vehicles on Oxford Road at different times

Officer comment: the photographs sent in with the representations have been noted and acknowledged in the highways safety 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.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2017/91171

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.

3. The external walls and roofing materials of the extension 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.

4. The development shall not be occupied until the bathroom window in the south eastern elevation of the extension hereby approved have been obscure glazed. 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 shall thereafter be retained.

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

5. The existing fence boundary treatment located along the north eastern boundary of the application site shall be retained. Should an alternative boundary treatment be required, it shall be constructed from close-boarded fencing measuring 1.8 m in height from the finished ground level.

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 fencing shall thereafter be retained.

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

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 work may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing plans (including location plan) and proposed plans including streetscene	-	-	16.10.2017

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 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 has been in negotiations with the applicant and agent with regards to amended plans. The amended plans were sought due to concerns relating to the prominence of the proposed extensions within the streetscene – the submitted revisions are considered to overcome these concerns.

Report Dated: 26.10.2017

