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:	2017/62/92311/W
Site Address:	16, Alwen Avenue, Birkby, Huddersfield, HD2 2SJ
Description:	Erection of extensions and lower ground detached garage.
Recommending Officer:	Laura Yeadon

DECISION – Full Conditional 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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 23-Feb-2018

Officer Report

Site Description

16 Alwen Avenue is a two storey semi-detached dwelling located within an area of land defined as Unallocated Land within the Kirklees UDP. The property is two storeys in height, constructed from brick with a concrete tiled roof with a porch to the front elevation. There is a raised garden to the front which separates the dwelling from the roadside with a sloped driveway to the side leading to a car port. To the rear of the property is a tiered garden which slopes upwards towards the properties on Halifax Old Road. The wider street scene has a mixture of dwelling designs with both hipped and gables evident along with front and side extension and garages to the frontage. The predominant local material is brick. Properties on the northern side of the road have raised front gardens.

Description of Proposal

Permission is sought for the erection of extensions and the erection of a lower ground detached garage.

Extensions

The proposed extensions include a single storey front extension, two storey side and rear wrap-around extension.

The proposed porch/lounge extension to the front of the property would replace the existing porch and would project 1.2 metres from the front elevation of the building, set in from the side elevation by 0.9 metres and spanning the full width of the property. The eaves height would be 2 metres with an overall height of 2.6 metres to the ridge of the lean-to roof. The proposed construction materials would be brick for the walls and tiles for the roof, to match the host dwelling.

The proposed two storey extension would be set back from the front elevation of the property by 0.5 metres projecting to the side by 3 metres. The extension would span the full depth of the property, projecting off the rear of the property by 4.5 metres. The extension would span the full depth of the rear elevation by 4.5 metres at ground floor and by 3 metres at first floor. The single storey element would have a lean-to roof with the two storey element to the side having a hipped roof and the rear element having a double pitched

roof with the ridges set down from the existing roof line by 0.6 metres. It is also proposed to alter the hipped roof of the main dwelling to be gable roof.

Detached garage

The proposed detached garage would attach to the front of the property and be accessed directly off Alwen Avenue. The garage would have a width and depth of 6 metres with a flat roof which would be a total height of 2.5 metres. The walls would be constructed from brick with the roof being a 'green roof'. This would extend above current ground levels

History of negotiations/amendments received

Amended plans have been sought and received following concerns raised about the size and scale of the proposed development. Following ongoing discussions and feedback between Officer's and the Agent and applicant, an agreeable scheme has been submitted and subsequently re-advertised by neighbour notification letter due to the scheme being significantly different to that originally proposed.

Relevant Planning History

No history

Representations

Final publicity date expired 20th February 2017 following the submission of amended plans – no representations received

Parish/Town Council comments – not applicable

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

K.C. Ecology & Biodiversity Officer – no Bat Survey required

Policy

The statutory development plan comprises:

The Unitary Development Plan (UDP). This report will refer only to those policies of the UDP 'saved' under the direction of the Secretary of State beyond September 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 Land on the UDP Proposals Map and proposed to be retained as such on the 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 – Conserving and enhancing the natural environment

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) 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.

Furthermore, the site is without notation on the Publication Draft Local Plan. Policy PLP1 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 National Planning Policy Framework.

2 –Impact on visual amenity:

In terms of visual amenity policies D2, BE1, BE2 and BE13 of the UDP need to be considered along with Policy PLP24 of the draft local plan and chapter 7 of the NPPF.

It is acknowledged that the proposed extensions are large in scale and would significantly alter the appearance of the host property. It is however noted that dwellings in the local area are of a mixture of designs with both hipped and gable roofs presence and a number having been extended. Examples of extensions include a large front extension at no.s 22-24, a two storey side extension at no.20, and garages fronting on to the road at no.s 10, 12, 30 and 32.

The proposed front extension is considered to be of a relatively modest scale with a projection of 1.5 metres which would occur with the requirements of policy BE14. The front extensions at no.s 22-24 are much larger and the proposed front extension is not considered detrimental to the appearance of the street scene given its relatively small scale.

It is noted that the side extension would be set back only 0.5 metres from the front elevation and the proposal includes the formation of a gable end roof on the original part of the dwelling with a hipped roof on the extension. Whilst the use of a gable end on a property which is currently hipped is not ideal, it is noted that such an alteration could be undertaken as permitted development and that there is a mix of roof types and styles in the local. The use of this

feature is therefore on balance considered to be acceptable. The two storey side extension is not considered to be subservient to the host dwelling, due to being a continuation of the existing eaves and ridge height. However due to the introduction of a hipped roof on the side elevation of the property, a terracing effect would not occur should the neighbouring property construct a similar development.

The rear extension would wrap around the dwelling and be both single and two storey. The two storey element of the rear extension would project 3 metres from the original house and have a double gabled roof design with the additional 1.5 metres at ground floor having a lean to roof. The design of rear extension is functional and is on balance considered to be acceptable.

The garage to the front of the property is single storey and whilst hosting a flat roof and being the width of the existing dwelling, the visual impact would be softened by the use of a green roof. In addition, there are similar structures along Alwen Avenue and it is considered that such a structure would not be out of keeping with this established character.

The proposed materials of construction would be brick for the walls and concrete tiles for the roof with double glazed units for the windows which would all match the host dwelling. Window openings would be proportions to match the host property which is considered to be acceptable.

Overall given the above factors the scheme as amended, when read cumulatively, would not cause significant harm or be intrusive in terms of visual amenity. It is considered however that the development is on the cusp of the maximum that would be permissible without being considered to be overdevelopment. Therefore, in this instance it is considered to be reasonable and necessary to remove Permitted Development Rights for the property to be further developed without the requirement of Planning Permission.

The proposal would therefore have an acceptable impact on visual amenity, in accordance with Policies D2, BE1, BE2 and BE13 of the UDP, Policy PLP24 of the Publication Draft Local Plan and Chapter 7 of the NPPF.

3 – Impact on residential amenity:

In terms of residential amenity any potential overlooking, overbearing and overshadowing impacts need to be considered in relation to Policies D2 and BE14 of the UDP and Policy PLP24 of the draft Local Plan.

In terms of overlooking, openings would be within the front elevation, side elevation facing No. 18 and in the rear elevation. There are no openings within the side elevation facing the adjoining property, No. 14. The new openings to the front would look across Alwen Avenue however a distance of 21 metres would be achieved to the properties opposite which is considered to provide sufficient separation to protect local amenity. It is proposed to have 3 windows in the eastern side elevation of the extension facing the garden area to no.18, 1 at first floor as a secondary window to a bedroom and 2 at

ground floor to serve a kitchen and WC. Given that these windows face directly towards no.18 at close proximity and serve habitable space and a WC it is considered appropriate and necessary to condition that they are obscurely glazed. With regards to the rear openings these would look out on to the garden area which is considered to be acceptable. No openings are proposed on the western elevation facing no.14 which is acceptable and PD rights for any new windows on this elevation will be withdrawn to protect the amenity of no.14.

With regards to overshadowing and overbearing, the side extension would be close to the shared boundary with No. 18. Windows are sited within this elevation of the neighbouring property however these appear to be non-habitable rooms. The neighbouring property is to the west of the application site and therefore there will be some overshadowing during the morning hours. The two storey extension to the rear of the property would project 4.5 metres at ground floor and stepped back to 3 metres at first floor. Whilst the ground floor element would project more than the 3 metre projection recommended within Policy BE14 of the UDP, the extension would project to the north which mitigates the impact from overshadowing. The first floor projection accords with local policy and is therefore considered to be acceptable.

Taking into account all the above, it is considered that the proposed development is acceptable in terms of residential amenity, subject to conditions set out above. The proposal would then, in terms of residential amenity, be in accordance with Policies D2 and BE14 of the UDP, Policy PLP24 of the Publication Draft Local Plan and Chapter 7 of the NPPF.

4 – Impact on highway safety:

There is a proposed garage which would be located within the front garden area of the property which would be accessed directly off Alwen Avenue. It is noted that the garage would have internal dimensions which would fall slightly short of the current 6 metres by 6 metres internal dimensions set out in Manual for Streets. However, it is likely that one vehicle can be accommodated within the garage and the driveway would be retained which can also accommodate one vehicle. As such, it is considered that the proposal is acceptable in terms of offering off-road parking provision without causing significant harm to highway safety.

5 – Other matters:

Land stability

In order to implement the proposed garage and rear extension, a large amount of excavation works would be required. Paragraph 120 of the NPPF states that *"To prevent unacceptable risks from pollution and land stability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity and the*

potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or land owner."

It is therefore reasonable and necessary to include a note on the decision notice stating that in terms of land stability and excavation works, it is the developer and/or land owners responsibility for securing a safe development.

Ecology

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been received from the Ecology & Biodiversity Officer, informal discussions have taken place and it was considered that as the property was well-sealed, it was unlikely that there would be bats roosting within the property. However, as a cautionary measure, and to accord with the aims of Chapter 11 of the NPPF, a footnote shall be attached to this permission setting out that, should any bats be found using the building then works must cease and the appropriate advice sought.

There are no other matters for consideration.

6 – Representations:

No representations have been received.

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: 2017/92311

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 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, Policy PLP24 of the Kirklees Publication Draft Local Plan and Chapter 7 of the National Planning Policy Framework.

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, Policy PLP24 of the Kirklees Publication Draft Local Plan and Chapter 7 of the National Planning Policy Framework.

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 Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed in the external walls of the western side elevation facing No. 14 Alwen Avenue of the extensions hereby approved at any time without the prior written approval of the Local Planning Authority.
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, PLP24 of the Kirklees Publication Draft Local Plan and Chapter 7 of the National Planning Policy Framework.

4. The extension shall not be occupied until all windows within the eastern side elevation facing No. 18 Alwen Avenue of the extension hereby approved have been obscure glazed to a minimum grade 4. 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 for the lifetime of the development.
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 Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and Chapter 7 of the NPPF.

5. 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) no development included within Classes A, B, C, D and E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.
Reason: To prevent over-development of the site in the interests of visual amenity and to accord with Policies BE1, BE2 and D2 of the Unitary Development Plan, Policy PLP24 of the Publication Draft Local Plan and Chapter 7 of the National Planning Policy Framework.

6. 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 garage door shall be of the type that when opening and fully open, does not project over the adjoining footway or adjoining highway.
Reason: In the interests of highway safety and in accordance with Policy T10 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

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.

NOTE Please note that it is the developer and/or land owner's responsibility to secure a safe development in relation to land stability and the proposed excavation works.

This decision is based on the following plan(s):-

Plan Type	Reference	Version	Date Received
Location plan	IQ17.028.P-01		14th July 2017
Existing and proposed site plans	IQ17.028.P-02 Rev B		23rd January 2018
Existing elevations and floor plans	IQ17.028.P-03		14th July 2017
Existing side elevations	IQ17.028.P-04		14th July 2017
Proposed floor plans	IQ17.028.P-05 Rev B		23rd January 2018
Proposed front and rear elevations	IQ17.028.P-06 Rev B		23rd January 2018
Proposed side elevations	IQ17.028.P-07 Rev B		23rd January 2018
Design and Access Statement	IQ17.028		14th July 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. Amended plans have been sought and received following concerns raised about the size and scale of the proposed development. Following ongoing discussions and feedback between Officer's and the Agent and applicant, an agreeable scheme has been submitted and subsequently re-advertised by neighbour notification letter

Report Dated: 22nd February 2018