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:	2017/62/92343/E
Site Address:	24, Lea Drive, Shepley, Huddersfield, HD8 8PA
Description:	Erection of two storey side extension (including single storey element) and single storey front extension
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.

Julia Steadman

AUTHORISED OFFICER

Date: 07-Sep-2017

Officer Report

Site Description

No. 24 Lea Drive, Shepley is a two storey detached dwelling constructed of brick for the external walls, concrete tiles for the roof and upvc for the openings. The site has an area of amenity space and a driveway to the front and an area of amenity space to the rear of the site. The site also has a front extension and a garage.

Surrounding the site is predominantly residential and many of the dwellings have been extended. The character of the area is varied, including two storey dwellings and single storey bungalows (the neighbouring property to the north, no.22 Lea Drive is a bungalow.

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

Description of Proposal

Planning permission is sought for the erection of a two storey side extension (including single storey element) and single storey front extension.

Two storey side extension (including single storey rear element)

The extension will project 5.1 metres from the side of the dwelling, will be 11.1 metres in length and will be approximately 8.2 metres in overall height (5.6 metres to the eaves).

The extension will only project 0.9 metres from the rear of original dwelling, will be 5.1 metres in width and will be 3.8 metres in overall height (3 metres to the eaves).

Single storey front extension

The front extension will project from the front of the dwelling by 1.8 metres, will be 7 metres in width and will be 4 metres in overall height (2.7 metres to the eaves).

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

History of negotiations/amendments received

No amendments have been secured as the proposal is acceptable in its current form.

Relevant Planning History

2017/90117 – Erection of two storey side and single storey front extensions and cladding APPROVED (no. 24)

Representations
Final publicity date Expires: 1.9.2017

No representations have been received.

Kirkburton Parish Council – no comment.

Consultation Responses (from the previous application 2017/90117)

K.C. Highways Development Management – no objection.

K.C. Environmental Health – no objection, although a footnote relating to hours of construction is suggested.

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 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
- **G6** – Contaminated Land

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP 24** – Design
- **PLP21** – Highway safety and access
- **PLP22** - Parking
- **PLP53** – Contaminated and unstable land

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 addressed in this report.

2 –Impact on visual amenity:

The impact on visual amenity is acceptable. Each individual element of the proposal will be assessed in this report.

Two storey side extension (including single storey element)

To the northeast of the original dwelling, a side extension will be erected. While the extension would be seen from the streetscene of Lea Drive, given the variety of dwellings within close proximity, the extension would not be an overly prominent feature in the area, thus not detracting from its character.

The extension is fairly large in comparison to the host dwelling but given that the roof form is consistent with that of the host dwelling (the eaves and ridge match the host dwelling) and the openings and materials will match the existing, the extension would be sympathetic in appearance to the main building despite not being set down from the ridge of the host dwelling.

The addition of the single storey rear element of the side extension and is a very minor change to the appearance of the dwelling, is small in scale and matches the roof form, materials and openings of the main dwelling – thus not detracting from its character.

Finally, UDP policy BE14 states that for the side extensions, the impact of a terracing effect needs to be assessed. In this case, the relationship between the application site and no. 22 Lea Drive to the northeast, including the levels changes and the distance between the sites, means that there will be no terracing effect created. The front extension feature on the principal elevation is also considered to break up the built form.

Single storey front extension

The extension will project 1.8 metres from the front of the dwelling. Although this is slightly more than what is normally allowed under UDP policy BE14, the extension will be sympathetic in scale to the host dwelling and will be set down from the ridge of the main building.

A front extension is a typical feature of this residential area and would not harm the streetscene despite being visible. This is because there are other front extensions on Lea Drive and the extension will not project the full width of the dwelling. Given the character of the area in which there is a variety of extensions and alterations within the streetscene and the subservient appearance of the extension, it would not harm the character of the area.

Given the simple design of the front extension, this will not be read as an incongruous addition that would detract from the appearance of the host dwelling. The proposed materials and openings are acceptable.

Overall

The extension 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. No objections have been received.

Impact on no. 22 Lea Drive

There is a distance of approximately 2.5 metres between the application site and no. 22 Lea Drive to the northeast of the site. There are two windows in the side elevation of this neighbouring bungalow.

Although there has not been an objection from the occupiers of no. 22 Lea Drive, it is acknowledged that there is a close relationship between the windows in the side elevation of this neighbouring property and the proposed extension. The extension would build upon the existing single storey garage and would bring built form closer to this neighbouring property at first floor level (as well as increase the bulk and massing to northeast of the site in the form of a two storey extension, where there is not currently anything). It is acknowledged that the erection of a first floor extension (thus creating a two storey element within close proximity to the neighbouring dwelling) would result in the loss of the remaining outlook from this window which provides vistas to the north.

While a distance of 2.5 metres in most cases would not be sufficient to avoid an overbearing and oppressive impact on the neighbouring dwelling, in this case and on balance, this relationship is considered acceptable for the reasons set out below.

- The dwelling as a whole would not project closer to no. 22 than existing because the extension would be at first floor level.

- Use of room served by the side window: At the time of the previous site visit for application 2017/90117, the case officer visited the neighbouring property and noted that the side window serves a small kitchen area (and does not include a dining room). Because this room is fairly small and is not considered to be used as a dining-kitchen, it would be classed as a non-habitable room. Due to the nature of the room, it is considered that, on balance, the proposed side extension would not have an overbearing and oppressive impact on the amenity of the occupants of the neighbouring dwelling as a result of the additional scale and massing of the solid wall in close proximity to this

window at no.22. The window is already at a slightly lower level and there is already an existing ground floor element in close proximity to this neighbouring dwelling which is considered to establish an existing close relationship, albeit it is acknowledged that the proposed first floor extension would exacerbate the existing situation. The other window in this elevation is obscurely glazed and is likely to serve a bathroom.

For the reasons set out and on balance, it is considered that the visual dominance that would be created would not result in significant material harm to the living conditions of occupiers of this adjacent dwelling to such a degree to warrant refusal of the proposal. The addition of a single storey element at ground floor level projecting 0.9 metres further than the original dwelling is very small in scale and height and therefore will not increase the bulk and massing of the proposal as a whole significantly to lead to an overbearing impact.

With regards to overlooking/ loss of privacy, there are no openings in the side elevation at ground floor or first floor apart from an en-suite bathroom window (this is labelled to be obscurely glazed and is secured by recommended condition 2). For this reason, there will be no overlooking/loss of privacy. It is acknowledged that if openings were inserted at ground floor level serving the lounge, there may be overlooking into no.22 given there are windows in their side elevation. For this reason, a condition has been recommended to remove permitted development for new openings at ground floor in this elevation.

First floor windows are controlled by the General Permitted Development Order and would have to be obscure glazed if inserted.

The front extension is relatively small in scale and projection and would serve a non-habitable room. Given the small scale of this extension and its non-habitable nature, along with the distance between the sites, there will be no overbearing impact on the occupiers of this dwelling despite this site being at a higher level than the neighbouring dwelling.

With regards to overlooking/loss of privacy, there are no openings in the elevation of the extension facing this site. Although it is acknowledged that an opening could be inserted as permitted development, any views to this neighbouring dwelling would be onto an area that is visible from the highway and therefore would not lead to undue overlooking/loss of privacy.

Impact on no. 26 Lea Drive

Given that the side extension is to the northeast of the site, there will be no impact on the occupiers of this dwelling in any way. It is acknowledged that the side extension also includes a small projection to the rear of the house – however, this will only project from the rear of the site by 0.9 metres and will be set off the boundary with this neighbouring dwelling by approximately 6.9 metres. This distance and the small scale of this single storey element is sufficient to avoid any harm to residential amenity.

Given the relatively small scale projection and single storey height of the front extension, along with the distance of 6.1 metres to the boundary with this neighbouring dwelling (with a further distance of at least 1 metre to the dwelling itself), there will be no overbearing impact on the occupiers of this dwelling.

With regards to overlooking/loss of privacy, there are no openings in the elevation of the extension facing this site. Although it is acknowledged that an opening could be inserted as permitted development, any views to this neighbouring dwelling would be onto an area that is visible from the highway and therefore would not lead to undue overlooking/loss of privacy. The extension also serves a non-habitable room.

Impact on surrounding properties

Given the distance between the dwellings to the front and rear of the site, there will be no impact on the occupiers of these dwellings in any way.

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 considered to be acceptable. The extensions will lead to an increase in the number of bedrooms by two. Although this could lead to additional trips to the site, the existing parking provision in the form of a driveway and a double garage can accommodate at least three parking spaces, complying with UDP policy T19.

With regards to highways safety, the occupiers of the dwelling will have to reverse onto the highway. Given that this is the existing situation and Lea Drive is a quiet residential road, there will be no highways safety issues over and above the existing. The proposal is therefore not considered to result in any undue highway safety implications, complying with UDP policy T10.

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.

Contaminated Land - A condition has been recommended that should land contamination be identified during construction, appropriate measures are

taken. This is considered sufficient to comply with the aims of Policy G6 of the UDP as well as Chapter 11 of the NPPF.

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: 2017/92343
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. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise approved in writing with the local planning authority, works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise approved in writing with the local planning authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the local planning authority.
Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy G6 of the Kirklees Unitary Development Plan as well as the aims of Chapter 11 of the National Planning Policy Framework.

NOTE: Due to its location, 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
Proposed extension – elevations and floor plans	16/189	-	25.7.2017
Existing plans – extensions and floor plans	16/189	-	17.7.2017
Block plan	16/189	-	17.7.2017
Location plan	1:1250	-	17.7.2017

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 not been in negotiations with the applicant as the proposal is acceptable in its current form. No amendments are required.

Report Dated: 06.09.2017