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:	2017/62/92381/W
Site Address:	23 , Ripon Avenue, Fartown, Huddersfield, HD2 2QP
Description:	Erection of two storey side and single storey rear extensions and dormer windows to front and rear
Recommending Officer:	William Simcock

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: 14-Feb-2018

Officer Report

Site Description

23 Ripon Avenue is a semi-detached dwelling, the right-hand half of a pair, set within a row of similar properties on the south side of the highway. It has a blue slate hipped roof and a mainly rendered exterior. It has a small front garden, a driveway at the side, and a larger, mostly paved amenity area to the rear. Land levels rise to the west (right-hand side) and south (rear).

Description of Proposal

The proposal is for:

1. The erection of a two-storey side extension 2.75m in width, with a hipped roof;

2. The erection of a single-storey rear extension, projecting 4.5m with a flat roof;

3. The formation of dormers to the front and rear. The rear dormer would take up most of the width and height of the original roof structure; the front dormer would be 2.7m wide with clearance below the ridge and above the gutter, but still with a flat roof like the rear dormer.

Walling and roofing materials for the side and rear extensions are to match the existing building. The dormers are to be tile-clad.

History of negotiations/amendments received

06-Nov-2017: Amended plans and elevations submitted taking into account case officer's concerns about visual and residential amenity.

Relevant Planning History

None.

Representations

Final publicity date Expires: 08-Aug-2017

Three letters of representation received, from 21 and 25 Ripon Avenue and from Whitby Avenue (house number not given). Two object, one makes comments.

A summary of the comments received is set out below:

- Rear extension too big, would amount to overdevelopment and out of character with area;
- Impact on my amenity and privacy;
- Overlaps my boundary line (no. 21)
- Side windows face boundary wall – can this be clarified?
- I am sure you cannot build a fence on top of a boundary wall;
- Trees have been cut down on the site.

Consultation Responses

No consultations were deemed necessary on this occasion.

Policy

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

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

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

The site is unallocated on the UDP Proposals Map and without designation 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** – Highway safety
- **T19** – Parking.

Kirklees Publication Draft Local Plan (PDLP):

PLP 21: Highway safety and access
PLP 22: 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 10 – Planning for climate change, flood risk and coastal change.

Assessment

The following matters are considered in the assessment below –

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

1 – Principle of development: The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states "planning permission for the development … of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]". Other UDP Policies of relevance include BE1 and BE2 (development should be visually attractive and contribute to a sense of local identity), BE13 (extensions should respect the design features of the existing building), BE14 (extensions should not have an adverse impact on adjacent properties or land), BE15 (sets out recommended design standards for dormers) and T10 & T19 (development should not create

or materially add to highway safety problems and ensure adequate parking is provided).

PLP24 of the Publication Draft Local Plan covers mostly similar concerns to the UDP policies already listed. It attracts a number of unresolved objections but these do not relate to the guidance on extensions that forms part of this policy wording: “Proposals should promote good design by ensuring that . . . extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers”. So this part of the policy can be given at least moderate weight.

2 –Impact on visual amenity: The rear extension would have a flat roof but as it would be single-storey, and has been designed with a small ornamental parapet, this is not considered detrimental to amenity.

BE14 states that extensions to the side of semi-detached dwellings should avoid the creation of an undesirable terracing effect with respect to their neighbours. It is generally preferred that two-storey side extensions should leave a substantial gap before the boundary unless they can be very substantially set back from the existing front elevation. In this instance the front elevation is set back 500mm both at lower and upper floor. It is noted there is a very large change in levels between nos. 23 and 25 (with 25 being higher) and a change in house type (with 25-27 being largely similar but with a gable roof). Furthermore there is at least one precedent for a similar two-storey extension at 19 Ripon Avenue, albeit not one that was approved under the current UDP. It is considered on balance that it would avoid the creation of an undesirable terracing effect. The plans show the roof pitch of the hipped part being made steeper than the existing pitch but it is considered that as gable roofs are by far the dominant house type on this street, including the immediately adjacent dwelling no. 25, the change to a steeper roof pitch would not be visually jarring and can be accepted.

There are no precedents for front dormers on Ripon Avenue. The proposed front dormer would leave 300 and 800mm clearance below the ridge and above the gutter line respectively, which is less than the 500 and 1000mm recommended in Policy BE15. But it is centrally-placed in relation to the existing frontage, less than half the width, and would allow the original roof to remain the dominant element. It is considered that whilst a slightly smaller dormer might ideally have been preferable, it would not seem disproportionate in the context of the roof structure as extended, and it would not adversely affect the street scene or visual amenity. The rear dormer is very similar to what could be built under permitted development rights (the GPDO Part 1 Class B allows full-width, full-height dormers as long as are set back at least 200mm from the eaves.

It is considered that the overall scale, bulk, and arrangement of the extensions proposed would be subservient to the original dwelling in that the original would remain visually the dominant element, in accordance with PLP24.

In conclusion, it is considered that the proposed development would, subject to all facing and roofing materials including those used on the dormers matching the existing materials, respect the appearance of the existing house and its surroundings, and would conserve visual amenity, thereby complying with the aims of Policies BE1-2, BE13-15, and PLP24.

3 – Impact on residential amenity: The rear extension exceeds the 3.0m projection recommended in Policy BE14 for semi-detached dwellings. It has however been redesigned from the original plans which showed a full-width 5.0m extension, so that where it adjoins no. 21 it would be stepped, with the part adjacent to the common boundary only projecting 3.0m. The part projecting 4.5m would only begin 1.5m in. It is considered on balance that it would not have an overbearing impact on this property. In relation to no. 25, it would come up to the common boundary but there is a very sharp change in levels so it is considered that in this instance even a 4.5m single-storey extension would not be overbearing. No 25 has its main outlook to the front and rear with only one narrow upper floor window (probably a landing or staircase) and two very small ground floor windows in the side elevation and so it is considered that the side extension would not have a significant impact in terms of light or outlook.

Regarding privacy, it is recommended the two side facing windows should be obscurely glazed and non-opening since the existing boundary wall would not appear to be high enough to protect privacy. No other side facing windows form part of the scheme and it is considered that none of the front or rear facing windows would result in any material impact on privacy to existing properties over and above that caused by the existing windows.

In conclusion, subject to the condition on obscure glazing and no additional windows being formed in the side elevations at ground floor, it is considered that the development would not adversely affect residential amenity and it would comply with the aims of Policy D2 and BE14 and those of PLP24.

4 – Impact on highway safety: It is proposed that part of the existing front garden would be surfaced to provide a parking space. This would replace the one that is to be lost on the existing driveway. It is considered unlikely that the dwelling, given its size and location, would be occupied by a family with more than two cars and it is considered that parking provision would be adequate. Subject to a condition requiring the additional parking provision to be formed and thereafter retained, the development would accord with the aims of Policies T10, T19, and those of PLP21-22. The parking spaces should be given permeable surface to reduce their contribution to run-off, so as to accord with the aims of NPPF chapter 10, specifically that opportunities should be taken to reduce the causes of flooding.

5 – Other matters:

Biodiversity:
The site is in the bat alert layer but on the basis of an external viewing would appear to have no bat roost potential. The standard note will be added to the decision notice.

6 – Representations:

Objections based on concerns about visual and residential amenity have been addressed in the main part of the assessment but are highlighted below together with responses to other issues raised.

Rear extension too big, would amount to overdevelopment and out of character with area;
Response: The extension has been substantially reduced in response to planning officers' concerns.

Impact on my amenity and privacy;
Response: These concerns have been addressed in detail in part (3) of the Assessment above and it is considered that the amended scheme would not have any adverse impact.

Overlaps my boundary line (no. 21);
Response: The extension appears to be wholly within the boundary and so the application is valid.

Side windows face boundary wall – can this be clarified?
Response: It is noted that the side facing windows to the kitchen and bathroom would be very close to the stone boundary wall between nos. 23 and 25. The cill of the kitchen window would be below the top of the wall but it appears the lintel would be above it. So whilst these windows would receive only limited light, this is not considered fatal to the determination of the application.

I am sure you cannot build a fence on top of a boundary wall;
Response: No new fencing forms part of the application.

Trees have been cut down on the site.
Response: At the time of the case officer's visit to the site there were no signs of trees having recently been felled, but such an operation would not have required the Council's consent as there are no trees within or on the boundary of the site covered by a Tree Preservation Order.

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 – CONDITIONAL FULL PERMISSION

Decision Authorisation - Delegated Powers

Application Number: 2017/92381

Officer Recommendation: CONDITIONAL FULL PERMISSION

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies D2, BE13 and BE14 of the Kirklees Unitary Development Plan and Policy PLP24 of the Publication Draft Local Plan.

3. The external walls, facing and roofing materials of the extensions and dormers hereby approved shall in all respects match those used in the construction of the existing building.
Reason: In the interests of visual amenity and to accord with Policy BE13 of the Kirklees Unitary Development Plan and Policy PLP24 of the Publication Draft Local Plan.

4. All side-facing windows in the proposed extensions shall be non-opening or top-opening only and shall be fitted with grade 5 obscure glazing before the development is first brought into use. 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), windows of this type shall be retained at all times.
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 and Policy PLP24 of the Publication Draft Local Plan.

5. 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 extensions at ground floor level at any time.
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 and Policy PLP24 of the Publication Draft Local Plan.

6. Before any part of the proposed side extension is first occupied or brought into use, all areas indicated to be used for parking on the proposed site plan shall have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for parking at all times.
Reason: To ensure adequate space within the site for vehicle movements and parking in the interests of highway safety, to prevent the development from contributing to flood risk through increased run-off, and in accordance with Unitary Development Plan Policies T10 and T19, Publication Draft Local Plan policies PLPL21-22, and Chapter 10 of the National Planning Policy Framework.

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

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

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			10-Jul-2017
Location plan	01		10-Jul-2017
Existing floor plans	02		10-Jul-2017
Existing elevations	03		10-Jul-2017
Proposed elevations	04	B	08-Feb-2018
Proposed floorplans	05	B	08-Feb-2018
Existing and proposed site plans	06	B	08-Feb-2018
Design and access statement			10-Jul-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 undertook negotiations with

the applicant to secure amended plans reducing the scale of the extensions in the interests of visual and residential amenity, and requested the applicant provide a site plan to show compensatory parking provision in the interests of highway safety.

Report Dated: 14.2.2018