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:	2017/62/92609/W
Site Address:	14, Howard Avenue, Lindley, Huddersfield, HD3 3DJ
Description:	Erection of two storey side and single storey rear extensions and front and rear dormers
Recommending Officer:	Sam Jackman

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: 10-Nov-2017

SITE DESCRIPTION

14 Howard Avenue, Lindley is a semi-detached property constructed of brick and concrete pantile roof, located within a residential area of similar properties. There is an existing timber attached single garage and a small glazed front porch. The rear garden is a flat, long and narrow.

DESCRIPTION OF PROPOSAL

The proposal is to build an 'L' shaped extension comprising of a 2-storey side extension and a single storey rear extension.

The side extension would project from the gable by 1.9m by 10m, including 3m from the rear elevation by 7.7m high with a hipped roof. The extension would be set back 0.9m from the front elevation with the ridge set down respectively. The extension would be set in from the shared boundary with No 12a by 0.6m. The accommodation created would be a store, shower room and kitchen, with a new bedroom, bathroom and enlarged front bedroom above.

The single storey rear extension would project 3m by the full width of the rear elevation, linking into the side extension with a lean-to roof, creating a larger living area.

The extension would be built from brick with a concrete tiled roof.

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

The original plans showed a larger side extension with the front elevation flush at first floor and a small projection at ground floor. The side extension included the main roof changing from a hip to a gable and introducing 4 new dormers to the front and rear elevations. These elements have been deleted, with the amended plans including a new first floor extension at the rear and the side extension set back and reverting back to a hopped roof.

RELEVANT HISTORY

None

PUBLIC/MEMBERS RESPONSE

The Council has advertised the application by site notice /neighbour letters/ which expired on 21.10.2017.

2 letters of representation have been received objecting to this application, from the neighbour at no 12A and his representative.

Their concerns regarding the design, impact & appearance of the street

- Introducing a gable will unbalance the pair of semi's
- Dormers incongruous feature
- Front elevation flush, therefore terracing effect
- Distance from the side boundary, difficult to build and maintain
- Windows in the side elevation should be obscurely glazed
- Reduced light from the extension in to the landing & hallway

Cllr Burke and Cllr Eastwood requested the application to go to committee, on the grounds of:-

> *It would be detrimental to the visual and residential amenity of the adjacent property, contrary to Policies BE2 and BE14 of the Unitary Development Plan.*
>
> *The location of the extension being very close proximity to the neighbouring property would have a detrimental impact on the visual amenity of the street scene resulting in an overly prominent structure. The proposal is therefore contrary to Policies D2, BE1 & BE2 of the Unitary Development Plan and guidance in the National Planning Policy Framework regarding good design.*
>
> *This development is contrary to Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan as well as the aims of Chapter 7 of the National Planning Policy Framework, which asserts the role of planning in the creation of better places. by reason of its scale would lead to a detrimental loss of privacy due to the existing en-suite bathroom window of No. 12a Howard Avenue, located to the south of the site. To approve the application would be contrary to policy BE14 of the Unitary Development Plan.*
>
> *This development is contrary to Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan as well as the aims of Chapter 7 of the National Planning Policy Framework, which asserts the role of planning in the creation of better places.*
>
> *The neighbours either side of the property were notified of the amended plans, with additional comments received from the original objector and representative.*

Neighbours additional comments to the amended plans were:-

- Bathroom window loss of privacy - request it moved to the rear elevation
- Loss of light to the hall - request that the gable is painted white.
- Restrict hours to weekdays only 9am – 6pm

Following the submission of amended plans and comments of the neighbours to the amended plans, both Cllr Burke and Cllr Eastwood were happy with the application and withdrew their committee request.

CONSULTATION RESPONSES

Biodiversity – the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance.

This is due to the fact the property is well maintained with limited foraging within the area, however a cautionary footnote should be added.

POLICY

The statutory development plan comprises:

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 designated as unallocated on the Unitary Development Plan

Kirklees Unitary Development Plan:
D2 - Unallocated
BE1 – Design principles
BE2 – Quality of design

BE13 – Extensions to dwellings (design principles)
BE14 – Extensions to dwellings (scale)
T10 – Highways

The site is designated as unallocated on the Local Plan Policies Map

Kirklees Publication Draft Local Plan: Submitted for examination April 2017:
PLP 1 – Achieving sustainable development
PLP 2 – Place shaping
PLP 21 – Highway safety and access
PLP 22 - Parking
PLP 24 – Design
PLP 30 - Biodiversity and geodiversity

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 & enhancing the natural environment

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]”.

The NPPF refocuses the emphasis on good design as being indivisible from good planning and when applied in conjunction with policies BE1 and BE2 of the UDP, which cover general design principles and quality of design, require

Local Planning Authorities to consider proposals favourably when sympathetic design and materials suitably reflect the character of the host property and surrounding properties are submitted.

In addition two specific policies relating to extensions to dwellings apply. Policies BE13 and BE14 of the UDP establish that proposals for the extension of existing dwellings should respect the design features of the existing house and adjacent buildings and should not have a detrimental effect upon the visual amenity of the area or adjoining dwellings.

Advice in Chapter 7 of the NPPF regarding design is also a material consideration. At paragraph 56 this states that 'good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people'.

2 – Impact on visual amenity:

The proposal will introduce a two-storey side and single storey rear extension to the existing semi-detached dwelling.

The side extension will be set back by 0.9m from the front elevation with the hipped roof stepped down accordingly and would be constructed of materials to match those of the existing building. It will remain subordinate to the host dwelling and will be well related in terms of its design and appearance. The proposed development will have a minimal impact on visually amenity, thereby acceptable and compliant with the requirements of policies D2, BE1, BE2, BE13 and BE14 of the Unitary Development Plan (UDP), Policies PLP1 and PLP24 of the publication draft Local Plan (PDLP) and advice in chapter 7 of the National Planning Policy Framework (NPPF).

The proposal also includes a single storey rear extension where the proposed works will not be visible from the highway and therefore will not harm the appearance of the street scene. The extension will be constructed of materials to match those of the existing building and will remain subordinate to the host building. The extension is considered to relate satisfactorily to the host building and will have an acceptable impact on visual amenity, thereby acceptable and compliant with the requirements of policies D2, BE1, BE2, BE13 and BE14 of the Unitary Development Plan (UDP), Policies PLP1 and PLP24 of the publication draft Local Plan (PDLP) and advice in chapter 7 of the National Planning Policy Framework (NPPF).

3 – Impact on residential amenity:

The proposed extension and alterations are assessed upon whether they would have a detrimental effect on visual amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing or overlooking and also in terms of its design, size and visual amenities.

Impact on residential amenity with regard Overlooking

There would be no overlooking as there are no windows in the side elevations apart form a bathroom window which will be obscurely glazed. This window will be in a similar position to the neighbours bathroom window, resulting in them both been almost opposite one another. The neighbours has requested the bathroom to be relocated to the rear of the property which is an unreasonable request, however this window could be conditioned to be a top opening only as well as being obscurely glazed which is considered to sufficiently mitigate this concern.

The front elevation windows would be set back from the front elevation so no additional overlooking given the current relationship with the neighbours.

The rear elevation windows would overlook the rear garden and would be 26m from the rear elevation of the property behind once extended, this is considered to be an acceptable distance. Therefore wouldn't create any overlooking in line with policy BE14 and advice in the NPPF.

Impact on residential amenity with Overshadowing

The front elevation of the host property faces due East, with the adjacent property most affected by the proposal located to the North. The neighbours property no 12A is greater in depth than the host property by 4m and is set further back within the plot, resulting in the host property projecting forward of No 12A by 2m.

To overcome any overshadowing the side extension has been amended to both show a hipped roof and a setback of 1m, these amendments are considered to be acceptable with respect to overshadowing the neighbours property given that there will already be some overshadowing given the current orientation of the properties.

At the rear of the property the extension would project 3m albeit 2-storey along the boundary with No 12A, however this additional projection will bring the building in line with the neighbours property creating no additional overshadowing. However there is a landing window in the neighbours property located centrally to the side elevation, to help light within the hallway which is not a habitable room window, the neighbour has requested this elevation to be painted white or a light reflective service. Given the mix styles and material pallet within the area the side elevation can be conditioned to be a light stone colour.

With regard No 16 this is located to the south of the host property where the first floor element is to the side of no 14 and the rear extension is only single storey against their shared boundary.

Therefore, it is considered the extension as amended wouldn't create any undue overshadowing and meets the aims of policies D2 & BE14 of the Unitary Development Plan and advice in Chapter 7 of the National Planning Policy Framework

4 – Impact on highway safety:

Whilst this application would result in the loss of the garage and some driveway to the side of the property, there are no highway issues as the drive is being altered to provide 2 off-street parking spaces. These space can be conditioned to be provided before the development is brought into use.

Therefore the proposal would meet the aims of Policy T10 of the Unitary Development Plan with respect to highway safety and advice in Chapter 7 of the NPPF.

5 – Other matters:

Biodiversity – the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance.

This is due to the fact the property is well maintained with limited foraging within the area, however a cautionary footnote should be added.

6 – Representations:

It should be noted that two letters of representations have been received as a result of site publicity, from the neighbour and his representative.

Their initial concerns regarding the design, impact & appearance of the street

- Introducing a gable will unbalance the pair of semi's.

Response: Feature now removed

- Dormers incongruous feature.

Response: Feature now removed.

- Front elevation flush, therefore terracing effect.

Response: The side elevation is now set back 0.9m.

- Distance from the side boundary, difficult to build and maintain

Response: The proposal retains remains the same at 0.6m separation which is considered to be sufficient to allow the construction of the extension in planning terms.

- Windows in the side elevation should be obscurely glazed.

Response: These windows are conditioned to be so.

- Reduced light from the extension in to the landing & hallway.

Response: A conditioned has been attached to the decision notice in this regard.

Cllr Burke and Cllr Eastwood requested the application to go to committee and raised objections as set out above. However following the submission of amended plans and comments of the neighbours to the amended plans, both Cllr Burke and Cllr Eastwood were happy with the application and withdrew their committee request.

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.

Decision Authorisation - Delegated Powers

Application Number: 2017/92609

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 51 of the Planning and Compulsory Purchase Act 2004.

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, Policy PLP24 of the Kirklees Publication Draft Local Plan and advice in the National Planning Policy Framework.

3. The 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 advice in the National Planning Policy Framework.

4. The front and rear wall 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 and advice in the National Planning Policy Framework.

5. Notwithstanding the details on the submitted plans, the side elevation shall be either block work and rendered with a light cream/stone colour or the brickwork painted a light cream/stone colour.
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 advice in the National Planning Policy Framework.

6. 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 additional door or window openings other than those expressly authorised by this permission shall be

constructed in the external walls of the northern (side) elevation of the extension hereby approved.
Reason: So as not to detract from the amenities of the adjoining property by reason of loss of privacy and to accord with Policy D2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and advice in the National Planning Policy Framework.

7. The bathroom window in the side elevation, shall be obscurely glazed (minimum grade 4) and be a top opener, before the extension 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) this window shall thereafter be so retained obscure glazed and a top opener.
Reason: So as not to detract from the amenities of the adjoining property by reason of loss of privacy and to accord with Policy BE14 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and advice in the National Planning Policy Framework.

8. Before the hereby approved development is brought into use, no. 2 parking spaces shall be formed to the front of the property which shall be surfaced and drained 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 as amended or superseded; and thereafter retained.
Reason: In the interests of highway safety, to achieve a satisfactory layout, to minimise flood risk arising from an increase in surface water run-off and to accord with Policies D2 and T10 of the Unitary Development Plan and advice in the National Planning Policy Framework.

NOTE: With reference to condition (8) above, the developer is advised to refer to Communities and Local Government 'Guidance on the permeable surfacing of front gardens' published 13th May 2009 (ISBN 9781409804864): www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens

NOTE: The Council's GIS system indicates that the property is within a bat roost area and 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: 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 13.00 hours, Saturdays

With no working on 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 Environmental Services are able to control noise on construction sites by serving a Notice which may include specifying the hours during which the works may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan 1:1250	1740.1		26.7.17
Existing layout	1740.2		26.7.17
Proposed ground floor layout	1740.3	A	13.10.17
Proposed first floor layout	1740.4	A	13.10.17
Existing front & rear elevations	1740.6		26.7.17
Proposed front & rear elevations	1740.7	A	13.10.17
Proposed side elevation	1740.8	A	13.10.17
Proposed side elevation	1740.9		13.10.17

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 amended plans during the process of the application to seek an amendment which would to reduce the impact of the development on the amenity of nearby residents. This decision is based on the amended/additional documents submitted.

Recommendation and Authorisation Box

Report Dated: 9.11.17

Coal – low risk