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:	2017/62/93149/E
Site Address:	68, Station Road, Shepley, Huddersfield, HD8 8DU
Description:	Erection of single storey rear extension, dormer window to rear and juliet balconies to first and second floors
Recommending Officer:	Jennifer Booth

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: 22-Nov-2017

OFFICER REPORT

Site Description

68 Station Road, Shepley is a stone terraced property sited on the end of a row of three similar properties. The front elevation has stone detailing over the door, a bay window, and a road facing gable within the roof plane. There is an enclosed garden to the front of the property and a small yard area to the rear of the property with a small outbuilding. It was noted on site that whilst the front elevation is detailed and ornate, the rear elevation is simple in its design.

There are similar terraced dwellings to the south side, with less detailed terraces to the north side and the rear. On the opposite side of Station Road there are a number of modern detached dwellings.

Description of Proposal

The applicant is seeking permission for the erection of a single storey rear extension, alterations to the rear elevation at first floor and the formation of a dormer within the rear roof plane.

The single storey rear extension would extend across the width of the dwelling and would have a projection of 3m. The walls would be constructed using stone with a parapet wall, two lanterns and a central pitched section.

The alterations to the first floor elevation would include replacing the main bedroom window with a Juliet balcony with sliding doors.

The dormer within the rear roof plane would extend across the width of the dwelling and would be rendered with a Juliet balcony.

History of negotiations

The initially submitted plans raised concerns in terms of visual amenity given the design of the rear dormer and the scope of the changes to the first floor rear elevation. Amended plans have been sought and received to alter the design of the dormer and change the detailing on the rear elevation which is considered to overcome the amenity concerns originally had by officers.

Relevant Planning History

None

Representations

The application was initially advertised by site notices and neighbour letters, which expired on 03/07/2017

As a result of the above publicity, two representations from the adjacent neighbour were received which expressed the following concerns-

- Given the land level difference with no.70 occupying a lower position, the appearance of the single storey rear extension would be exaggerated and cause overshadowing,
- Would the party wall need to be altered for the foundations,
- The new windows in the side elevation of the original house would cause a loss of privacy.

Amended plans were requested to amend the appearance of the alterations and the proposals were re-advertised till 17/11/2017. The neighbour adjacent has re-iterated his previous concerns.

Kirkburton Parish Council has been consulted and has replied with 'no objections'.

Consultation Responses

None

Policy

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

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)
- **T10** – Highway Safety
- **T19** – Parking

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

Publication Draft Local Plan Policies

PLP 22 - Parking
PLP 24 - Design

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) Conditions
8) Conclusion

1 – Principle of development:

The site is unallocated within the Unitary Development Plan. As such, development can be supported providing the proposal does not prejudice the avoidance of overdevelopment, highway safety, residential amenity, visual amenity and the character of the surrounding area in line with the requirements of policy D2 (specific policy for development on unallocated land).

These issues along with other policy considerations will be addressed below.

2 –Impact on visual amenity:

The property is sited within a residential area with a diverse pallet of properties in terms of age, style, size and materials. The property is an end property within its own row of three similarly detailed dwellings (but within a row of further properties). Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

The proposal under consideration consists of three distinct elements which shall be addressed below.

Single storey rear extension

Although the land to the rear of the property is limited, it is considered that the scale of the proposed single storey rear extension would be acceptable relative to the size of the host property and a modest amenity space would be retained. The materials proposed would be to match the main house with the use of stone for construction of the walls. The detailing includes bi-folding doors on the rear elevation which would amount to a substantial level of glazing and proposes the use of a flat roof and lanterns within the roof. Whilst the design would not be considered to be particularly traditional in terms of its appearance, the resultant contemporary design can be considered to form an acceptable relationship with the dwellinghouse and would not appear overly dominant.

Alterations to first floor rear elevation

The scheme has been amended in terms of the first floor as the originally submitted plans showed this section being rendered. The submitted plans show the size and shape of the window openings being altered to facilitate a Juliet balcony. The formation of such a feature within the rear elevation would have limited visual impact given the position to the rear of the property and on the recessed section of the rear elevation and as such this element is considered to be acceptable. Indeed this particular alteration could potentially be carried out under permitted development.

Rear dormer with Juliet balcony

The initially submitted plans showed the formation of a second floor which was considered to be unacceptable in terms of its appearance given the scale proposed with the extension being built off the back wall of the dwelling. The amended plans now show the formation of a dormer which would be set up into the roof space. The appearance would be quite contemporary with the use of a render finish and formation of a Juliet balcony. However, this is considered to form an acceptable relationship with the rear elevation of the dwelling inclusive of the proposed single storey extension and the changes to the first floor fenestration

Having taken the above into account, the proposed extension and alterations would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policies D2, BE1, BE13 and BE14 of the UDP, Policy PLP24 of the Publication Draft Local Plan and the aims of chapter 7 of the NPPF.

<u>3 – Impact on residential amenity</u>:

Single storey rear extension

The neighbours to the rear, 11 & 15 Yew Tree Road are located some 20m to the rear of the host property. As such, given the limited projection and height of the proposed single storey rear extension there would not be any significant

impact upon the amenities of the occupiers of the neighbouring properties to the rear, 11 & 15 Yew Tree Road.

The extension would be built along the common boundary with the adjoining 66 Station Road. There would be some potential for overshadowing in the morning and the formation of an oppressive and overbearing impact. However, this is mitigated to a degree by the limited projection of 3m which is in line with policy BE14 of the UDP and the structure is single storey with a limited height provided as the roof form would be flat. As such, the impact upon the amenities of the occupiers of the adjoining 66 Station Road would not be significant.

It is appreciated that the land level difference between the host property and the adjacent 70 Station Road would exaggerate the visual effect of the proposed extension in terms of overbearing and potentially overshadowing in the afternoon. However, the extension is single storey, limited in terms of height given the use of a flat roof and the projection is limited to 3m in line with policy BE14. Furthermore, the application could construct a 3m single storey extension without the need for planning permission directly to the rear of the kitchen (a full width extension could not be constructed under permitted development given the split level of the rear elevation as it would fall foul of the side extension rules and it would exceed the half the width of the original house criteria).

It is also noted that the submitted plans show two new windows in the side elevation of the original house on the ground floor between the host property and the adjacent 70 Station Road. These windows could be formed under permitted development without the need for planning permission. Furthermore, it is noted that these windows would serve a shower room and a utility room, neither of which would be considered to be habitable rooms. As such, these windows are not considered to represent any loss of privacy.

Alterations to first floor rear elevation

The proposed Juliet balcony at first floor would look towards the rear elevations of the properties to the rear on Yew Tree Road. However, this would be a limited increase in the size of the existing opening mostly in terms of its height and would offer no more opportunity for overlooking than exists at present. Furthermore, this element of the scheme could be constructed under permitted development.

Rear dormer with Juliet balcony

The rear dormer would introduce new massing to the roof form. However, it is set up within the roof plane and as such is not considered to impact significantly upon the amenities of the adjoining 66 Station Road or the adjacent 70 Station Road.

The new window proposed would face out over the rear elevations of the properties on Yew Tree Road, which are situated some 20m to the rear of the

property. However this window would be no closer than the existing first floor windows within the property and as such would not represent a material increase in overlooking from the host dwelling.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with policies D2, BE1 and BE14 of the UDP and Policy PLP24 of the Publication Draft Local Plan.

4 – Impact on highway safety:

The proposals will result in some intensification of the domestic use and it is noted that the property does not have an off road parking provision. However there is on street parking available as this is a residential road which is considered to represent a sufficient provision. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with policies D2, T10 and T19 of the UDP.

5– Other matters:

Biodiversity

After a visual assessment of the building by the officer, it appears that the building is in good order, well-sealed and unlikely to have any significant bat roost potential. Even so, a cautionary note should be added that if bats are found during the development then work must cease immediately and the advice of a licensed bat worker sought. This is considered sufficient to comply with the aims of chapter 11 of the NPPF.

There are no other matters for consideration.

6 – Representations:

Two representations from the adjacent neighbour were received expressed the following concerns and which are responded to as follows:-

- Given the land level difference with 70 occupying a lower position, the appearance of the single storey rear extension would be exaggerated and cause overshadowing – Response: *Overshadowing is a material consideration and has been addressed within the residential amenity section of this report. It should be noted however, that the applicant could build a single storey extension directly to the rear of the existing kitchen with a projection of 3m without the need for planning permission*.
- Would the party wall need to be altered for the foundations – Response: *this is not a material consideration as it is a civil issue*.
- The new windows in the side elevation of the original house would cause a loss of privacy – Response: *privacy is a material consideration and has been addressed within the residential amenity section of this report. However it is noted that the windows are in the original house,*

which do not require planning permission. Furthermore, these windows would serve a shower room and a utility room, neither of which would be considered to be habitable.

7 – Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Matching materials to ensure that the extensions harmonise with the host property as using alternative materials would look out of place within the street scene.

It is considered appropriate to condition the colour of the render finish for the dormer to ensure a satisfactory relationship is formed with the dwelling.

8 – Conclusion:

This application to erect a single storey extension to the rear, make alterations to the first floor rear elevation and form a dormer with a Juliet balcony within the rear roof plane has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be acceptable.

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.

As set out above, 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: 2017/93149
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, Policy PLP24 of the Publication Draft Local Plan, and the aims of the National Planning Policy Framework.

3. The external walls of the rear 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 Publication Draft Local Plan, and the aims of chapter 7 of the National Planning Policy Framework.

4. The render finish on the external walls of the dormer shall be painted with a cream colour or equivalent to standard colour code RAL1013 (oyster white) before the dormer extension is first brought into use and thereafter retained in the same colour.
Reason: In the interests of visual amenity and to accord with Policy BE13 of the Kirklees Unitary Development Plan, Policy PLP24 of the Publication Draft Local Plan, and the aims of chapter 7 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Proposed & existing plans	17220-01 A	662465	03/11/2017

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 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.

Concerns were raised during the course of the application regarding visual amenity. As such amended plans were sought and received to overcome the concerns.

Report Dated 22/11/2017