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:	2017/62/93206/E
Site Address:	16, Abbey Road, Shepley, Huddersfield, HD8 8EP
Description:	Demolition of existing extension and erection of single storey rear 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: 16-Nov-2017

Officer Report

Site Description

No. 16 Abbey Road, Shepley is a mid-terrace two storey dwelling constructed of natural stone for the external walls, stone slate for the roof and timber for the openings. The site has reasonable areas of amenity space to the front and rear of the site.

Surrounding the site is predominantly residential to the north, east and south with an area of open space to the rear. No. 18 Abbey Road which adjoins the application property has been extended to the rear (2016/92734) on the boundary with this neighbouring dwelling.
Although these two neighbouring dwellings are similar in appearance, there is a variety of dwellings in terms of appearance and character in the area.

The site is unallocated on the Kirklees Unitary Development Plan proposals map and is not located in a conservation area.

Description of Proposal

Planning permission is sought for the erection of a single storey extension. The proposal also includes the demolition of an existing extension.

The rear extension will project 8.7 metres from the rear of the site, will be 4.8 metres in width, and will be 4.2 metres in overall height (2.3 metres to the eaves).

The extension will be constructed from natural stone for the external walls, stone slate for the roof and timber for the openings.

History of negotiations/amendments received

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

Relevant Planning History

2016/92734 – Demolition of outbuilding extension and erection of single storey rear extension APPROVED (no. 16)

2004/92876 – Erection of single storey extension and alterations to existing conservatory to form sun lounge APPROVED (no. 12)

2015/91714 – Demolition of existing conservatory and porch and erection of single storey extension APPROVED (no. 14)

Representations
Final publicity date Expires: 19.10.2017

No representations have been received.

Kirkburton Parish Council – Confirmed “no comment”

Consultation Responses

No consultation responses are required.

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 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

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping

- **PLP21** – Highway safety and access
- **PLP22** - Parking
- **PLP 24** – Design
- **PLP30** – 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 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 assessed in this report.

Local Plan

The Local Plan reiterates the UDP and the National Planning Policy Framework in its key ideas relating to design (house extensions) and residential amenity.

2 –Impact on visual amenity:

The impact on visual amenity is acceptable. Although the extension is larger than what is usually supported under UDP policy BE14, in this case the proposal is considered acceptable. This is because of the circumstances of

the site and its surroundings – in which there is an existing extension which projects 8.2 metres from the rear of the site and the neighbouring property, no. 16 Abbey Road, has a large extension currently being constructed.

The extension is located at the rear of the property and therefore will not impact on the streetscene. There are several extensions at the rear of the neighbouring properties, all of which have a contemporary appearance with large amounts of glazing. The character of the area will therefore not be harmed by the proposed extension. The extension, albeit large in scale, is sympathetic in appearance and character and will complement the character of the host dwelling by virtue of its matching materials, roof form, and openings which add a modern element to the proposal and is considered to enhance the appearance of the existing dwelling.

The extensions will not overly dominate the site or represent overdevelopment – there is a large area of amenity space to the rear.

Overall

The proposal is in accordance with UDP policies D2, BE1, BE2, BE13 and BE14 of the Kirklees Unitary Development Plan, Policy PLP24 of the PDLP, and will not cause harm on the visual amenity of the host dwelling or the area. The proposal will also comply with the aims of chapter 7 of the NPPF.

3 – Impact on residential amenity:

The impact on residential amenity is acceptable. No objections have been received.

No. 18 Abbey Road

Although the extension projects a significant distance from the rear of the host dwelling on the boundary with no. 18, the extension is at single storey and is replacing an existing structure with a large projection. Although it is acknowledged that the height of the proposed extension is more than the existing extension on site, the extension that has been approved at no. 18 will project 8.4 metres from the rear of the host dwelling and is 4.3 metres in overall height. Given this neighbouring extension of a similar scale, there will be no overbearing impact. Additionally, the roof is hipped away from the boundary, further reducing the impact.

In terms of overlooking/loss of privacy, there will be no openings facing this site given that the extension adjoins this neighbouring property.

No. 14 Abbey Road

Given the distance between the single storey extension and the neighbouring dwelling, along with the fact that the neighbouring dwelling has a projection of 4.2 metres serving a kitchen (no windows in the side elevation) and a further 4.5 metre extension serving a garden room, there will be no overbearing

impact. Additionally, the proposed extension has a roof that is hipped away from this property which further reduces its impact.

In terms of overlooking/loss of privacy, there are several openings in the side elevation facing this site. These openings serve a non-habitable room and a habitable dining room. From research into planning application 2015/91714 and a site visit, there is an opening serving a habitable garden room in the side elevation of this extension. Given the location of the proposed dining room window, there may be a degree of overlooking. However, given the projection of the proposed extension and the location of the dining room window at the far end of the extension, any overlooking would be into the rear amenity space of this dwelling rather than the garden room itself – a condition has been recommended to retain the boundary fence.

Impact on surrounding properties

Given the small scale of the extensions and the distance to neighbouring properties to the northwest and southeast of the site, there will be no impact on residential amenity.

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 highway safety is acceptable. The proposed extensions will not facilitate an increase in the number of bedrooms and will not be erected on land currently used for parking. Given that the proposed extension will only project very slightly further to the rear than the existing extension, the existing parking provision and turning area at the rear of the site will remain. For this reason, the proposal will not compromise highway safety and efficiency, complying with UDP policies T10 and T19.

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.

There are no other matters considered relevant to the determination of this application.

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: 2017/92973
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, as well as the aims 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 Publication Draft Local Plan, as well as the aims of chapter 7 of the National Planning Policy Framework.

4. The existing fence boundary treatment located along the north eastern boundary of the
application site shall be retained. Should an alternative boundary treatment be required, it shall be constructed from close-boarded fencing measuring 1.8 m in height from the finished ground level. 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 fencing shall thereafter be retained and when necessary replaced like for like.
Reason: So as not to detract from the amenities of the adjoining neighbouring occupants
by reason of loss of privacy and to accord with Policies D2 and BE14 of the Kirklees Unitary Development Plan.

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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
General arrangement	101	-	18.09.2017
Location plan	100	-	18.09.2017

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

Report Dated: 16.11.2017