

**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: 2017/62/93270/E

Site Address: 7, Quarryside Road, Mirfield, WF14 9QG

Description: Demolition of existing garage and erection of two storey and single storey extensions to side and rear

Recommending Officer: Josh Kwok

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

The application site is no.7, Quarryside Road, Mirfield. It consists of a two storey detached property, a small amenity space and a driveway to the front, a detached single garage to the side and a reasonable sized garden to the rear. The external walls of the house are constructed with red bricks and the roof with clay pantiles. The detached garage is made of pebble dash render and zinc roofing sheet. The existing boundary treatment is characterised by dense evergreen hedges.

The application site and its surrounding area are wholly residential characterised by two storey detached houses with reasonable sized garden. The properties in immediate vicinity are built in different materials and architectural style. There is a significant change in land level with the house at the application site being set at a higher level than its back garden and those properties to the rear of the application site, on the opposite side of Bankfield Court.

Description of Proposal

The proposal is for demolition of existing garage and erection of two storey and single storey extensions to the side and the rear. The proposal under consideration comprises three elements, which are as follows:

Two storey side and rear extension

It is to project from the west elevation of the existing house by 3.4 metres and is to be 7.5 metres in depth. It is to be built on land, which is currently occupied by a detached single garage. The roof form is to be a cross gable roof with one gable end facing the side elevation and the other one facing the rear elevation. The height of this extension is to be the same as the existing house. The proposed materials are bricks and clay pantiles to match those of the host property. There are to be a garage and a utility room on the ground floor and a bedroom and a washroom on the first floor.

Two storey rear extension

This extension is to project off the back wall of the existing house by 3 metres and it is to be 3.4 metre wide. It is to have a gable roof at a maximum height of 7 metres. The materials are to match the host property. There are to be a lounge on the ground floor and a bedroom on the first floor.

Single storey rear extension

This extension is to be 6.4 metre wide and 3.8 metre long. It is to have a lean to roof with three Velux windows above. The maximum height and the eaves height are to be 3.9 metres and 2.6 metres respectively. A bi-fold door system is to be presented on the rear elevation.

History of negotiations/amendments received

No amendments have been requested during the course of this application.

Relevant Planning History

No record of any planning application existing at the site in the last 10 years, but applications of similar nature have been presented in close vicinity e.g.

2013/91993 - Erection of two storey extension (2, Quarryside Road) – Approved

2012/91176 – Erection of 3 storey extension to rear and extension to existing garage (6, Quarryside Road) – Approved

2011/92446 – Erection of 2 storey extension & formation of living accommodation (6, Quarryside Road) – Approved

2003/90147 – Erection of extensions (13, Quarryside Road) – Approved

Representations

This application was advertised by site notices and neighbour letters, which expired on 30/10/2017. As a result of the above publicity, one representation has been received from a neighbour, who expressed the following concerns:

- Blocking the view from the house
- Reducing the property value
- Traffic disruption during the construction period

Mirfield Town Council – No comments have been received

Consultation Responses

No consultations are required for this application

Policy

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007). 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 and 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 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP21** – Highway and access
- **PLP22** – 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 – Meeting the challenge of climate change, flooding and coastal change

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]”. All these considerations are addressed later in this assessment.

2 –Impact on visual amenity:

The proposal under consideration comprises three elements which shall be assessed below:

Two storey side and rear extension

This extension would inevitably result in a significant increase in bulk and massing of the existing house but is not considered to have a major detrimental impact by reason of being visually overbearing because a number of properties in close vicinity already have extensions of comparable size and the development as proposed is unlikely to present any harm over and above what has already been approved at other sites on Quarryside Road. It is considered to be subservient relative to the host property and its associated curtilage.

The proposed materials and design would be sympathetic to the host property and the properties in immediate vicinity, thus not representing any material harm to the existing character of the area. The ridge of this extension whilst being set at the same level as the existing house is not considered to present any undue terracing effect because of the separation distance that would be retained with the neighbouring property at no.9 Quarryside Road. Furthermore, this extension would be set at a lower land level than the adjacent property and it would be set back from the side boundary by approximately 1 metre. Taking into account the above circumstances, it is not taken to be in conflict with the aims of Policy BE14 of the UDP.

Two storey and single storey rear extension

The projection of the single storey rear extension, whilst being in excess of the recommended distance in Policy BE14 of the UDP, can be acceptable in this case because the house is set within a relatively large curtilage with minimal built forms to the back, thus not representing a closely spaced property for the purpose of Policy BE14. The single storey rear extension and the two storey rear extension would be reasonable in size relative to the existing house and its associated curtilage.

The two storey extension with a projecting gable to the rear would seem to mirror the existing roof of the house as well as the two storey side and rear extension on the other side of the house. The symmetrical design as shown on the submitted drawings would be acceptable from a visual amenity perspective. The roof design of the single storey extension would not strictly match the roof of the existing house, but it is not considered unacceptable in this instance because it would be situated at the back of the house and that no.5 Quarryside Road already have a rear extension of similar design. The proposed materials would match those used during the construction of the existing house.

In summary, the development as proposed would not result in any major detrimental impact on visual amenity. It would form an appropriate relationship with the host property and its surrounding area through the satisfactory design and sympathetic materials. Therefore, it would accord with the aims of policies D2, BE1, BE2, BE13, and BE14 of the UDP, PLP 24 of the Publication Draft Local Plan, as well as chapter 7 of the NPPF.

3 – Impact on residential amenity:

In relation to no.9 Quarryside Road

This neighbouring property is a two storey semi-detached house adjoining the side boundary of the application site. This house is set at a higher level than the application site. There are two single detached garages and a small garden in between this property and the house at the application site. There are windows in the gable facing towards this proposed extension

The two storey side and rear extension is likely to result in some overshadowing over and above the existing situation as the height of which would be significantly greater than that of the existing single storey detached garage. It could potentially limit the amount of light coming through windows on the east elevation of this neighbouring property (with a least one window at first floor level appearing to serve a habitable room). However, the submitted drawings show that the proposed extension would be set at a lower level than no.9. It would also be set back from the east elevation of no.9 by 9.8 metres, which would be comparable to the gap between no.11 and no.13 Quarryside Road. Having considered the above circumstances, the overshadowing impact is unlikely to be so significant to warrant refusal of the application.

There would be no windows on the west elevation of this extension. As such, the privacy of these neighbouring occupants would have been unaffected. A condition can be added to remove the permitted development rights of new windows on the west elevation to safeguard the privacy of these neighbours in the future.

The two storey and single storey rear extensions would be situated on the opposite side of the house at the application site, thus not representing any harm to the residential amenity of these occupants.

In relation to no.5 Quarryside Road

This neighbouring property is a two storey detached house to the east of the application site. This property already has single storey and two storey extensions. There is at least one window in this gable elevation at first floor level, this looks to serve a landing and is therefore non-habitable.

The two storey and single storey rear extension would project from the back wall of the existing house by 4 metres and it would more or less align with the back wall of this neighbouring property. Therefore, it is unlikely to result in any overshadowing impact over and above the existing situation. The proposed extensions would have no windows on the side elevation facing this property. They would not therefore prejudice the privacy of these neighbouring occupants. A condition can be added to remove the permitted development rights of new windows on the east elevation to safeguard the privacy of these neighbours in the future.

The two storey side and rear extension would be located on the other side of the house at the application site and is not therefore considered to cause any adverse effect on the amenity of these neighbouring occupiers.

In relation to no.6 & 8 Quarryside Road

These neighbouring properties are two storey detached houses to the opposite side of Quarryside Road.

The two storey side and rear extension would introduce two additional windows on the front elevation facing these properties. Nevertheless, taking into account the non-habitable nature of these windows, there would not be any unacceptable harm to the occupants of this dwelling by reason of overlooking. This extension is not considered to present any overshadowing impact on these properties and their associated curtilage as they are located on the opposite of the road.

No other properties are considered affected either positively or negatively by the proposed development.

In all, this application is acceptable from a residential amenity perspective and would accord with the aims of policies D2, BE1 and BE2 of the UDP as well as PLP24 of the Publication Draft Local plan.

4 – Impact on highway safety:

The proposal is likely to result in some intensification of the residential use existing at the site but it would not affect the existing parking arrangement. The proposed integral garage would be 3 metres by 5 metres and whilst being slightly in short of the minimum space standard of a single garage could be acceptable on this occasion because it would be materially larger than the existing garage and it would not present any highway safety issues over and above the existing situation.

With reference to the site plan as amended, a hard surface is to be provided on part of the existing front garden to make room for an additional off street parking space. With this in mind, there would be three parking spaces available within the application site to meet the needs of the occupants, in line with Policy T19 of the UDP, which sets out suggested minimum parking standards. A condition shall be imposed to setting out that three off-street car parking spaces shall be provided before the extensions are first brought into use. The condition shall also state that the parking spaces shall be appropriately drained, in accordance with the aims of Chapter 10 of the NPPF.

Subject to the above condition, the proposal would not represent any unacceptable harm to highway safety and efficiency and would be in general conformity with Policy T10 of the UDP and Policy PLP21 of the PDLP.

5 – Other matters:

No other material planning matters are considered relevant to the determination of this application.

6 – Representations:

One representation has been received from a neighbour, who expressed the concerns below:

- Blocking the view from the house
Response: The impact on view is not a material planning consideration.
- Reducing the property value
Response: The loss of property value is not a material planning consideration.
- Traffic disruption during the construction period
Response: The proposal would inevitably result in some traffic disruption but the impact of which would be temporary, thus not representing any harm to highway safety and efficiency in long terms. The responsibility is on the applicant to manage the construction traffic in such a way that minimise any adverse impact on highway safety and efficiency.

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: 2017/93270

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, BE1, BE2, BE13 and BE14 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan, and Chapter 7 of the National Planning Policy Framework.

3. The external walls and roofing materials of the extensions 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 chapter 7 of the National Planning Policy Framework.

4. The development shall not be brought into use until all areas indicated to be used for parking on the approved plan(s) 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 as amended (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for the use(s) specified on the submitted/listed plan(s).

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle parking, and to ensure that any hard standing areas within the site are appropriately drained, in accordance with Policies D2, T10 and T19 of the Kirklees Unitary Development Plan, Policy PLP21 and PLP22 of the Kirklees Publication Draft Local Plan, and Chapter 10 of the National Planning Policy Framework.

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 west elevation of the two storey side and rear extension and in the east

elevation of the two storey rear extension at any time without the prior written approval of the local planning authority.

Reason: So as not to detract from the amenities of the occupants of the adjoining property by reason of loss of privacy and to accord with Policy BE14 of the Kirklees Unitary Development Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed elevations, floor plans & site plan	(17539)2_Scheme as proposed	A	23/10/2017
Existing elevations, floor plans & location plan	(17539)1_Scheme as existing		21/09/2017
Supporting statement			21/09/2017

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 have been requested during the course of this application as it is considered acceptable in its submitted form.

Report Dated: 13/11/2017