

**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: 2017/62/93419/E
Site Address: 6, Hurstville Avenue, East Bierley, BD4 6PX
Description: Erection of single storey extension to side and rear
Recommending Officer: Olivia Roberts

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 04-Dec-2017

Officer Report

Reference: 2017/93419

Location: 6 Hurstville Avenue, East Bierley, BD4 6PX

Proposal: Erection of single storey extension to side and rear

Site Description

The application relates to a two storey semi-detached dwelling in East Bierley, 6 Hurstville Avenue. It is constructed in brick and is designed with a hipped roof that is finished in clay roof tiles. The dwelling features a bay window and front porch which project forward of the front elevation of the host dwelling. They are designed with a lean-to roof which is finished in clay roof tiles to match existing. The front of the dwelling is set back from the access road with a small garden to the front, a driveway to the side and a larger garden to the rear. Boundary treatment onsite comprises of a brick wall which runs along the front elevation of the site. Fencing forms the boundary treatment on the western, northern and eastern boundaries.

The site is located in a residential area with the immediate vicinity comprising of properties of a similar character, style and design to the application site with the predominant material of construction being brick and clay roof tiles. Although the site itself is unallocated on the Kirklees Unitary Development Plan, the Green Belt is located to the east, south and west of the site.

Description of Proposal

The application seeks planning permission for the erection of a single storey extension to the side and rear of the host dwelling to create additional living space.

The proposed single storey side extension will project approximately 2.40 metres from the side elevation of the host dwelling and will have a length of 3.5 metres. It will serve a WC, a store and a lobby area. The extension will be constructed in brick to match existing. The side extension will be designed with a hipped roof that will be finished in a roof covering that will match that of the host dwelling. A door and window are proposed for the front elevation of the side extension. The window will serve the proposed WC and will therefore be obscurely glazed. No openings are proposed for the side elevation of the extension. All openings will be finished in UPVC to match existing.

The rear extension will project 3.50 metres from the rear elevation of the host dwelling and to the rear of the side extension. The extension will serve a dining room and third bedroom. The extension will be constructed in brick to the front and rear elevations to match existing and off white render to the rear; and designed with a roof that features a combination of a pitched and flat roof form which will be finished in a metal standing seam roof covering. Patio doors and three full length windows are proposed for the rear elevation of the extension. These will be finished in aluminium. Four roof lights are proposed for the rear extension. No openings are proposed for the side elevation of the rear extension.

History of negotiations/amendments received

Amendments were secured to reduce the projection of the rear extension to reduce the impact on the residential amenity on the adjoining property and to comply with policy BE14 of the Kirklees Unitary Development Plan and PLP24 of the Publication Draft Local Plan. The whole extension was pulled back to project 3.50 metres from the rear elevation of the host dwelling and has been set in from the boundary shared with the adjoining property by 0.50 metres. The materials of the extension have been changed so that off-white polymer render features only on the rear elevation of the extension to reduce the impacts on visual amenity. A roof overhang of 0.50 metres has been introduced to the rear elevation to compensate for the loss of the previous 'L' shaped design.

Relevant Planning History

No planning history on site.

At no. 4 Hurstville Avenue –

96/92347: Erection of conservatory. Conditional Full Permission.

At no. 2 Hurstville Avenue –

2017/93129: Erection of single storey side and rear extension. Conditional Full Permission.

Representations

Final publicity date Expires: 29 November 2017

A site notice has been posted and neighbours have been notified.

No representations were received.

Parish/Town Council comments: not applicable.

Consultation Responses

K.C. Highways Development Management – Informal discussion, regarding the suitability of the parking provision stated in the plans, no concerns were raised.

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 on the Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **T10** – Highway Safety
- **BE1** – Design principles

- **BE2** – Quality of design
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)

Kirklees Publication Draft Local Plan (PDLP):

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

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.

The general principle of extending and making alterations to a property are assessed against Policies BE1, BE2, BE13 and BE14 of the UDP and advice within Chapter 7 of the National Planning Policy Framework regarding design. These require, in general, balanced considerations of visual and residential amenity, highway safety and other relevant material considerations.

2 – Impact on visual amenity:

The proposed development would have some impact on visual amenity. It is noted however that the extension will be single storey in scale and the proposed side extension will not extend the full length of the original dwelling. The proposed side extension will be constructed in brick and designed with a hipped roof which will be finished in clay roof tiles to match existing. The rear extension will also be constructed in brick with the rear elevation finished in off-white polymer render. The rear extension will be designed with a roof that features a combination of a pitched and flat roof form which will be finished in a metal standing seam roof covering. Although the rear elevation of the extension will be modern in comparison to the traditional nature of the original dwelling in terms of design and the materials of construction, it is deemed acceptable for the rear elevation of the dwelling. The overall visual impact of the proposed extension is acceptable. The proposal is therefore considered to be in line with Policies BE1, BE2, BE13, BE14 and D2 of the UDP, Policy PLP24 of the PDL, and Chapter 7 of the NPPF.

3 – Impact on residential amenity:

The proposed development may have some impact on residential amenity with the most likely property to be affected being no. 8 Hurstville Avenue. The proposed rear extension will project 3.50 metres from the rear elevation of the dwelling and will be set in from the boundary shared with the property by 0.50 metres to reduce the impacts on residential amenity, therefore having no greater impact than an extension of 3.0m projection on the boundary. Given that the proposal is single storey in nature and will be located to the east of the property it is unlikely that the development will have a significant overbearing or overshadowing impact. No windows are proposed for the side elevation of the extension which will eliminate the potential for overlooking. In the interest of residential amenity and privacy and to accord with Policy BE14 of the UDP and PLP24 of the PDL, it is deemed acceptable to condition that no openings shall be erected in the side elevation of the extension in the future.

The proposed rear extension will project 3.50 metres from the rear elevation of the dwelling and will project up to the boundary shared with no. 4 Hurstville Avenue. It is noted guidance set out within Policy BE14 of the UDP advises

that rear extensions with a projection greater than 3.00 metres would not normally be supported. However it is noted that the property benefits from a garage which is located to the rear of the site. It is considered that this would mitigate the impacts that the additional 0.50 metre projection would have on the residential amenity of the property. In this instance, the additional 0.50 metre projection of the proposed rear extension is deemed acceptable. The single storey nature of the proposal along with the fact that the side extension will not project the full length of the dwelling will prevent the extension from having a significant overbearing or overshadowing impact on the property. No windows are proposed for the side elevation of the extension which will prevent overlooking. For the reasons mentioned above, it is deemed acceptable to condition that no openings shall be erected in the side elevation of the extension in the future.

The proposed side extension will be set back from the front elevation of the dwelling and will therefore not project any closer to no. 3 & 5 Hurstville Avenue than the existing bay window and porch. It is therefore unlikely that the development will have a significantly detrimental impact on the properties.

To summarise, the proposals, with the inclusion of conditions, is considered acceptable from a residential amenity perspective and would accord with the aims of policies D2 and BE14 of the UDP, as well as policy PLP24 of the PDLP.

4 – Impact on highway safety:

Due to the proposals including the loss of a section of the existing driveway due to the extension being located at the side of the property, there is the potential that the development could have an impact on highway safety. The plans include the removal of the brick wall which forms the boundary treatment on the front elevation of the dwelling to create an extension of existing driveway which will allow the relocation of the off-street parking space that will be lost as a result of the development. K.C. Highways and Development Management have been informally consulted over the suitability of the proposals. As two off-street parking spaces on the site will be retained after the development, no concerns were raised over the proposals. Taking the above into account, it is considered that the proposals would not result in any undue highway safety implications and would accord with the aims of policies T10 and T19 of the UDP.

5 – Other matters:

No other matters.

6 – Representations:

No representations 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: 2017/93419

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 of the front and side elevations of the extension hereby approved shall be faced in materials that shall in all respects match those used in the construction of the existing building. The rear elevation of the extension only shall be faced in off-white polymer render as indicated on the submitted plans.

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 roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building with the exception of the rear element of the roof which will be finished in a grey metal standing seam roof cover as indicated on the submitted plans.

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.

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 side elevations of the extension at any time without the prior written approval of the local planning authority.

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 Kirklees Unitary Development Plan and Policy PLP24 of the Publication Draft Local Plan.

6. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with Policy T10 of the Kirklees Unitary Development Plan.

7. Nothing shall be permitted to be planted or erected within a strip of land 2.0m deep measured from the carriageway edge of Hurstville Avenue along the full frontage of the site which exceeds 1.0m in height above the level of the adjoining highway.

Reason: To ensure adequate visibility in the interests of highway safety and to accord with Policy T10 of the Kirklees Unitary Development Plan.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

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 13.00hours, Saturdays

With no working 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 Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed Side & Rear Extension	A101 - PG		12/10/2017
Proposed Elevations	A102 - PG	A	19/11/2017
Proposed Plans, Sections, 3D	A103 - PG	A	19/11/2017
Location Plan	A104 - PG		12/10/2017

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 sought amendments to reduce the projection of the rear extension to reduce the impacts on the residential amenity on the adjoining property and to comply with Policy BE14 of the Kirklees Unitary Development Plan and PLP24 of the Publication Draft Local Plan. Amendments were also sought to change the proposed materials for the extension to reduce the impact that the proposal would have on visual amenity.

Report Dated:

04/12/2017
