

**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:** 2017/62/93430/W

**Site Address:** 11, Foster Avenue, Crosland Moor, Huddersfield, HD4 5LN

**Description:** Erection of single storey rear extension and detached double garage

**Recommending Officer:** Aimee Procter

**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.**

Teresa Harlow

***AUTHORISED OFFICER***

**Date: 01-Dec-2017**

## Officer Report

Application: 2017/62/93430/W

**Site:** 11 Foster Avenue, Crosland Moor, Huddersfield HD4 5LN

**Proposal:** Erection of single storey rear extension and detached double garage

### Site Description

The application relates to a semi-detached bungalow dwelling in Crosland Moor. The dwelling is constructed in red brick with a stone facing to the front elevation; the dwelling has a pitched roof covered in natural blue slate. To the front of the dwelling is a small garden area and a driveway running down the west side elevation to the rear of the dwelling. The driveway is elevated above the floor level of the dwelling to compensate for the change in ground levels, land slopes down from north to south. To the rear of the dwelling is a large open garden covered in lawn, the dwelling also benefits from an existing outrigger to the rear elevation. To the north east of the applicant site is the adjoining dwelling of no.9 Foster Avenue, these neighbouring dwellings are separated at the rear by timber fence panels approximately 1.2m high. To the south west of the applicant site is the adjacent dwelling of no.13 Foster Avenue, this neighbouring dwelling is set at a higher level than the applicant site and the dwellings are separated by the driveways of the sites with a timber fence panel boundary of approximately 1m in height.

The area surrounding the site is residential in nature. The dwellings in the immediate vicinity to the applicant site are detached and semi-detached dwellings of similar size, style and architectural design. The site is located in close proximity to Foster Avenue recreation ground and Moor End Academy.

### Description of Proposal

The proposal submitted seeks approval for the erection of a single storey rear extension and detached double garage.

The single storey extension will follow the same floor space as the existing outrigger though it will project approximately 1.4m closer to the adjoining dwelling of no.9 Foster Avenue. The proposed rear extension will have a pitched hip roof reaching approximately 2.5m to the eaves and 4.2m to the ridge. The proposed extension will include the addition of bi-folding doors to south east rear elevation. The extension is proposed to be constructed in matching materials to the existing dwelling with red brick and blue slate roof tiles.

Following excavation of the existing elevated driveway it is proposed to regrade the land to more closely follow original ground levels and provide a new driveway. This would require a retaining wall to the south west of the site adjacent to no. 13. This would lead to a proposed detached double garage which would be situated to the south west of the host dwelling. The detached double garage will be approximately 7.08m in length and 6.05m in width. The proposed garage will have a pitched roof reaching a height of approximately 2.2m to the eaves and 4.6m to the ridge. The proposed detached double garage will be constructed in matching materials to the existing dwelling with red brick and blue slate roof tiles.

**History of negotiations/amendments received**

Amendments were secured to significantly reduce the size of the detached double garage and to remove the bi-folding doors in the rear extension facing towards the neighbouring dwelling. These amendments reduce the impact on visual amenity with regards to the street scene and the impact on residential amenity in particular the amenity of the adjoining dwelling no.9 Foster Avenue.

**Relevant Planning History**

None

**Representations**

The final publicity date expired: 23rd November 2017.

Three public representations were received from two addresses

One representation in the form of an objection, was received from the adjoining neighbour to the applicant site. The neighbour raised the following issues with regards to the proposed single storey rear extension, summarised below.

- The structure and materials proposed for this extension will have impact on my residential amenities; loss of light/ overshadowing my property/garden, loss of privacy/ direct overlooking of my property/garden, and creating an oppressive / overbearing environment next to my property/garden.

One comment was received from an adjacent neighbour to the applicant site. The neighbour raised the following issues with regards to the proposal, summarised below.

- These plans show a brick wall behind where the rear end of the garage will be sited which is number 24's boundary. There is also a trellis fence which is our boundary with number 11 Foster Avenue. Our only concern is therefore about the siting of the garage and the effect of the building work on our fence as the back of the garage appears to be very close to this. We would however have no objection to them replacing the fence with a wall of similar height to the one at number 24.

**Consultation Responses**

No consultations were deemed necessary for this proposal.

**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 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)

**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.

Furthermore the site is without notation on the Publication Draft Local Plan. Policy PLP1 states that when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. The assessment below takes into account the aims of PLP1.

## 2 –Impact on visual amenity:

The proposal seeks planning permission for the erection of a single storey rear extension to the south elevation of the dwelling and a detached double garage to the south west of the host dwelling, this would include revised access arrangements into the site and the regrading of land. The proposed new build developments will be constructed using stone, red brick and blue slate roof tiles to match the existing dwelling, which is acceptable.

As the proposed single storey extension is to the rear elevation of the dwelling, and set in a large spacious garden, it will not over dominate the street scene. The extension will not create a visually intrusive feature in the local area in terms of its size and design, given the fact that the extension will only project a further 1.4m than the existing floor space, and will match the design and materials of the existing dwelling.

Although large in scale, the detached double garage will be viewed from the street scene although it will be set at a lower level than the highway therefore would not be viewed as a visually intrusive feature in the local area. The detached double garage roof height will also be set at lower height than the detached garage of the adjacent site no.13 Foster Avenue and would not exceed the ridge height of the host dwelling.

It is considered that the proposed extension and detached double garage will not represent overdevelopment of the site due to the spacious site the dwelling is situated within. The retaining wall to the south west to the new driveway should be faced in red brick to harmonise with the dwelling. Subject to this, the proposal complies with policies D2, BE1, BE13 and BE14 of the Unitary Development Plan, policies PLP1, PLP2 and PLP24 of the Publication Draft Local Plan, and chapter 7 of the NPPF.

## 3 – Impact on residential amenity:

### No.13 Foster Avenue

To the south west of the applicant site is the adjacent dwelling of no.13 Foster Avenue. The boundary feature of these neighbouring dwellings consists of the driveways of each site and a timber fence panel boundary of approximately 1m in height. It is considered that there will be no unacceptable impact upon the neighbouring occupiers’ residential amenity due to the neighbouring dwellings being set at different levels. The proposed rear extension will not be

viewed from the neighbour's site, the proposed detached double garage, as now amended will act as a further boundary feature and part of the garage will be obscured by the detached garage located within the neighbouring site.

The revisions to the driveway and access to the site will be undertaken on or close to a party wall and will involve the construction of a retaining wall to a maximum height of around 1.1m. Plans submitted show that the drive would include drainage channels and gently slope down towards the floor level of the new garage. In accordance with paragraph 120 of the NPPF it will be the landowners/developers responsibility for securing the safe development of the site. If a party wall is affected then this would be a private legal matter between the neighbouring properties to resolve through the Party Wall Act.

#### *No.9 Foster Avenue*

To the north east of the applicant site is the adjoining dwelling of no.9 Foster Avenue. The boundary feature of these neighbouring dwellings consists of timber fence panels approximately 1.2m in height. The proposed rear extension will project approximately 1.4m towards the neighbouring dwelling and will include a blank elevation wall facing this neighbour. It is considered that no unacceptable overbearing, overshadowing or loss of outlook would occur on the neighbouring occupants through this proposal, due to the small projection of 1.4 leaving a space of approximately 5.3m between the side elevation wall of the extension and the boundary with the adjoining neighbour, and the blank elevation wall meaning no overlooking can occur on the neighbours private amenity space. The boundary feature of an approx. 1.2m high timber fence panel retains an open aspect between the properties.

These dwellings benefit from south east facing gardens, the neighbouring dwelling of no.9 Foster Avenue will already see some early morning shading from its own detached garage/outbuilding and outrigger. The proposed rear extension and detached double garage may result in some limited evening shade, although no.11 and no.9 Foster Avenue will already experience this shading from the dwelling at no.13 Foster Avenue and its detached garage being set at a higher level.

#### *No. 24 and No.26 Longden Avenue*

To the south of the applicant site are the adjacent dwellings of no.24 and no.26 Longden Avenue, both of which share a boundary with the applicant site. It is considered that there will be no impact upon these neighbouring dwellings residential amenity due to the distance between the proposed new build development and the boundary features of stone walling and wire/timber fence panels, this is on the basis of the amended plans which have significantly reduced the length of the detached garage moved it away from the boundaries with these properties.

Given the above, it is considered that the overall impact of the proposal on residential amenity is acceptable, and as such, complies with the requirements of policies D2, BE1 and BE14 of the Unitary Development Plan, policy PLP24 of the Publication Draft Local Plan and core planning principles of the NPPF.

#### 4 – Impact on highway safety:

The proposal includes new build development built in the existing garden space to the rear elevation of the dwelling and a replacement driveway and garage. It will not, therefore, adversely affect highway safety.

#### 5 – Other matters:

None

#### 6 – Representations:

The final publicity date expired: 23rd November 2017.

3 public representations were received

One representation in the form of an objection was received from the adjoining neighbour to the applicant site. The neighbour raised the following issues with regards to the proposed single storey rear extension, summarised below.

- The structure and materials proposed for this extension will have impact on my residential amenities; loss of light/ overshadowing my property/garden, loss of privacy/ direct overlooking of my property/garden, and creating an oppressive / overbearing environment next to my property/garden.

**Response:** Amendments have been sought to change the proposed bi-folding doors on the side elevation to a blank elevation wall to prevent any overlooking of no.9 Foster Avenues' private amenity space.

The materials proposed are to match the existing dwelling therefore will not create a visually intrusive feature in the local area in terms of its design or materials.

The proposed rear extension will project approximately 1.4m closer to the neighbouring dwelling of no.9 Foster Avenue. It is considered that no unacceptable overbearing, overshadowing or loss of outlook would occur on the neighbouring occupants through this proposal, due to the small projection of 1.4 which leaves a distance of approximately 5.3m between the side elevation wall of the extension and the boundary with no.9 Foster Avenue. These dwellings benefit from south east facing gardens, the neighbouring dwelling of no.9 Foster Avenue will already see some early morning shading from its own detached garage/outbuilding and outrigger. The proposed rear extension and detached double garage, as amended, may result in some limited evening shade, although no.11 and no.9 Foster Avenue will already experience this shading from the dwelling at no.13 Foster Avenue and its detached garage being set at a higher level. The significant reductions to the scale of the garage are considered to overcome the undue impact the original proposal would have caused.

One comment was received from an adjacent neighbour to the applicant site. The neighbour raised the following issues with regards to the proposal, summarised below.

- These plans show a brick wall behind where the rear end of the garage will be sited which is number 24's boundary. There is also a trellis fence which is our boundary with number 11 Foster Avenue. Our only concern is therefore about the siting of the garage and the effect of the

building work on our fence as the back of the garage appears to be very close to this. We would however have no objection to them replacing the fence with a wall of similar height to the one at number 24.

**Response:** Amendments have been sought to reduce the scale of the proposed detached double garage. The amendments mean that the garage would no longer be built close to the boundary with no.26 or no. 24 therefore the building works would not have any impact on the boundary trellis fence.

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:** 2017/62/93430/W

**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 and Policy PLP24 of the Publication Draft Local Plan.

3. The external walls and roofing materials of the extension and detached garage 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 Policy PLP24 of the Publication Draft Local Plan.

4. The new retaining wall to the driveway shall be faced in red brick to harmonise with that used in the host dwelling before the driveway is first brought into use. It shall thereafter be retained faced in red brick.

**Reason:** In the interests of visual amenity and to accord with Policy BE13 of the Kirklees Unitary Development Plan and Policy PLP24 of the Publication Draft Local Plan.

### Plans and specifications schedule:-

| Plan Type                       | Reference | Version | Date Received |
|---------------------------------|-----------|---------|---------------|
| Existing site / block layout    | KJB PD01  |         | 09/10/2017    |
| Location plan                   | KJB PD02  |         | 09/10/2017    |
| Existing floor plans            | KJB PD04  |         | 09/10/2017    |
| Existing elevations             | KJB PD05  |         | 09/10/2017    |
| Proposed site / block layout    | KJB PD08  |         | 09/10/2017    |
| Site plans as proposed          | KJB PD03  | Rev A   | 29/11/2017    |
| Floor plan of proposed dwelling | KJB PD06  | Rev A   | 29/11/2017    |
| Floor plan of proposed garage   | KJB PD07  | Rev A   | 29/11/2017    |
| Elevations of proposed dwelling | KJB PD10  | Rev A   | 29/11/2017    |
| Elevations of proposed garage   | KJB PD11  | Rev A   | 29/11/2017    |
| Elevations of proposed garage   | KJB PD12  | Rev A   | 29/11/2017    |

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 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 undertook negotiations with the applicant to achieve a suitable proposal. Planning permission is based on the amended plans the applicant submitted.

**Report Dated:** 01/12/2017