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: 2017/62/93464/W

Site Address: Endways, Rossefield Avenue, Birkby, Huddersfield, HD2 2BR

Description: Erection of detached garage, alterations to convert existing garage to living accommodation, replace main entrance structure and formation of new site access.

Recommending Officer: Sam Jackman

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: 21-Dec-2017

SITE DESCRIPTION - APAS

The application relates to a 1930's detached, two storey property in Birkby. It's a large, stone built property with a generous amenity space to the front and side. The property itself is faced in natural stone, with plain clay tiles, with original glazing and mature planting for the boundary treatment surrounding the site.

There is an existing attached flat roofed large double garage and until recently a conservatory on the front / principal elevation.

The site is designed similarly to its neighbouring properties, the majority of which are also detached two storey properties which are large in scale.

The site adjoins but is not within the Birkby conservation area.

DESCRIPTION OF PROPOSAL

The proposal is to erect a covered entrance/ porch replacing the recently removed conservatory, convert the existing double garage into a kitchen, raising the existing garage roof slightly with new bi-fold doors in the converted garage and east facing elevation, finally a new double garage with new drive.

The front covered entrance would replace the existing conservatory. The entrance would project 2m by 4.3m by 3.5m high including a parapet wall, retaining the quoins to the left hand side of the entrance, built from ashlar faced stone.

The existing garage would be converted into additional accommodation by introducing bi-fold doors in a reduced opening where the garage doors would have been. To provide level access into the new kitchen from the existing home the existing flat roofed garage roof will be raised by 0.5m to accommodate the change in floor level.

The new access would run along the south facing boundary with a set in from the boundary of 1m and turning area and a detached double garage would be 6m in depth by 6.6m wide by 3.6m high.

New bi-folds are proposed in the east facing elevation in the single storey element at the rear of the property, these wouldn't require planning permission.

The extension and garage would be built from materials to match the host property.

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

The application has been amended by removing the first floor extension over the existing double garage, setting the new garage in from the boundary by 1m and the open entrance /porch being set in off the left-hand side quoins.

A request to the agent to lower the garage was requested. The agent submitted a plan to show the fallback position between the proposed garage and a permitted development garage and potential sight line from the neighbours property.

A further request was made to lower the garage roof, which was received.

RELEVANT HISTORY

94/92766 - erection of garage extension – granted

2005/92586 - erection of first floor extension and external staircase – granted not built

2001/93615 - erection of one detached dwelling with integral garage in the grounds of Endways.

2017/90802 - Westways, Rossefield Avenue, Birkby, - adj property single storey rear extension – granted not built

Application details

http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2F90802

Proposed plans

http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2017/90802&file_reference=627708

PUBLIC/MEMBERS RESPONSE

Final publicity date Expires: 24.11.17

2 letters of representation have been received commenting to this application.

A summary of the comments received is set out below:

Distance of the garage from the shared boundary, reduces privacy and amenity
Height of the garage
Length of the drive could be reduced in length
Impact on sweet chestnut
No objection to the garage design

Position of the new access, in relationship to the neighbours drives.
Setting the garage and drive away from the boundary by 3m

CONSULTATION RESPONSES

K.C. Biodiversity – the application site is within a 'Bat Alert' layer on the Council's GIS system. Consultation was undertaken in recognition that the original scheme included alterations to the original roof. This part of the development has now been deleted.

- POLICY
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- The statutory development plan comprises:
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- The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).
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- 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).
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- 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.
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- The site is designated as unallocated on the Unitary Development Plan

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- Kirklees Unitary Development Plan:
- D2 - Unallocated

BE1 – Design principles

- BE2 – Quality of design
- BE13 – Extensions to dwellings (design principles)
- BE14 – Extensions to dwellings (scale)
- T10 – Highways
-
- The site is designated as unallocated on the Local Plan Policies Map

Kirklees Publication Draft Local Plan: Submitted for examination April 2017:

PLP 1 – *Achieving* sustainable development
PLP 2 – Place shaping
PLP 21 – Highway safety and access
PLP 24 – Design
PLP 30 - 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 & enhancing the natural environment

ASSESSMENT

The following matters are considered in the assessment below –
1) Principle of development
2) Impact on visual amenity (including any heritage considerations)
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters – e.g. trees/ecology (e.g. bats)
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 NPPF refocuses the emphasis on good design as being indivisible from good planning and when applied in conjunction with policies BE1 and BE2 of the UDP, which cover general design principles and quality of design, require Local Planning Authorities to consider proposals favourably when sympathetic design and materials suitably reflect the character of the host property and surrounding properties are submitted.

In addition two specific policies relating to extensions to dwellings apply. Policies BE13 and BE14 of the UDP establish that proposals for the extension of existing dwellings should respect the design features of the existing house and adjacent buildings and should not have a detrimental effect upon the visual amenity of the area or adjoining dwellings.

Advice in Chapter 7 of the NPPF regarding design is also a material consideration. At paragraph 56 this states that 'good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people'.

Emerging Policy PLP24 of the PDLP sets out a number of design considerations to take into account in the assessment of applications.

2 – Impact on visual amenity:

Endways is a large detached property where Rossefield Avenue an un-adapted highway a small cul-de-sac which serves 6 properties where the existing boundary treatment is a high mature hedge along the full frontage excluding the existing drive entrance.

The garage conversion

The existing garage will have little change to its appearance, however the existing flat roof will be raised by 0.5m, which given the distance from the road would have little impact on the visual amenity of the street scene. The replacement of the garage doors with floor to ceiling windows, would be in a reduced opening than the existing garage doors, again this would have little impact on the visual amenity of the street scene

New entrance lobby

The new lobby entrance extension would replace a upvc conservatory with ashlar faced stone which will be more in keeping with the appearance of the property than the conservatory. Again this will have little impact on the visual amenity of the street scene.

New drive and double garage

The new access & drive way wouldn't require planning permission as Rossefield Avenue is not a classified road and the new drive would be constructed from a permeable stone block paving.

The new garage would be located in the south east corner of the site and would be over 26m from Rossefield Ave, built from appropriate materials, therefore would be visually acceptable within the street scene.

Therefore it is considered the extensions would relate satisfactorily to the host building and will have an acceptable impact on visual amenity, thereby acceptable and compliant with the requirements of policies D2, BE1, BE2, BE13 and BE14 of the Unitary Development Plan, advice in the NPPF and emerging Policies PLP1, PLP2 & PLP24 of the PDLP.

3 – Impact on residential amenity:

The proposed extension, outbuilding and alterations are assessed upon whether they would have a detrimental effect on visual amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing or overlooking and also in terms of its design, size and visual amenities.

The garage conversion & new entrance lobby

Both the garage alterations and entrance lobby are set in from the shared boundaries with a reasonable distance from the neighbouring properties. Therefore there will be no impact on neighbouring properties in terms of overshadowing or overlooking.

It is accepted that the existing garage will provide additional living accommodation introducing new windows, in the existing door openings however planning permission wouldn't be required for the conversion itself. Furthermore the new windows would overlook Rossefield Avenue with mature planting along the shared boundary with the nearest neighbour.

New drive and double garage

With regard the garage which will be located in the south east corner of the plot, will be within 1m of the shared boundaries with the neighbours boundaries. Both these neighbours are concerned with the proximity to the boundary and have requested the garage be moved further into the plot and away from the shared boundary. The agent has agreed to set it in from the boundary by 1m to provide access and maintenance for the garage. The agent has also reduced the height of the garage, with amended plans received showing the garage at 3.6m high rather than 4.3m as original.

Therefore consideration has to be given to the height and proposed distance from neighbours properties.

The agents additional plan clearly shows that if the neighbours is standing close to the boundary then limited view will be seen of the garage, albeit when

viewed from further within the site the ridge will be seen but the distance will soften the effect. More so now the original height of the structure has been reduced.

It is accepted that the garage is close to both boundaries however there is over 4m from the garage to Westways before being extended and over 10m from the property behind. Given that there are no windows in the garage which could be conditioned; it is considered there would be no issue with regard overlooking.

With regard overshadowing the distance to the adjacent properties is considered acceptable, given the realistic fallback position that if the garage was set in a further 1m it wouldn't require planning permission. Furthermore the garage is located to the north of the neighbours property, therefore the proposed development will not significantly affect the outlook from or cause overshadowing or overbearing of the nearest habitable room windows in the rear elevation of Westways.

The overall scale of the garage, as now reduced, and its relationship with neighbouring properties is acceptable and is unlikely to result in a significant adverse impact on residential amenity, thereby acceptable and compliant with policy D2 of the UDP, advice in the NPPF and emerging Policies PLP1, PLP2 & PLP24 of the PDLP.

4 – Impact on highway safety:

In terms of highway safety the application would result in the loss of the existing garage, however a new detached double garage is proposed, therefore there are no highway issues as the new drive or existing drive if retained can still provide parking for 2 cars, as such would meet the aims of Policy T10 of the Unitary Development Plan with respect to highway safety, emerging Policy PLP22 of the PDLP and advice in Chapter 7 of the NPPF.

5 – Other matters:

Biodiversity the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments were originally requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance and given the amended nature of the proposal.

This is due to the fact the extension would have no impact on the existing roof structure of the host property and is single storey or detached.

As such the development would have little impact on bats and would be in accordance with Chapter 11 of the National Planning Policy Framework and emerging Policy PLP30 of the PDLP.

6 – Representations:

It should be noted that two representations have been received as a result of site publicity.

There comments are as follows
Distance of the garage from the shared boundary, reduces privacy and amenity
Response – the garage is set in by 1m from both boundaries with the neighbours properties being over 4m away from the nearest property, with no windows in the garage, therefore it is considered not to reduce privacy or amenity.

Height of the garage
Response – A request was made to the agent to lower the garage with an additional plan being received to show the height reduced to 3.6m, this has been addressed in the report.

Length of the drive could be reduced in length
Response **–** the drive doesn't require planning permission.

Impact on sweet chestnut
Response – the sweet chestnut is not individually protected but is afforded protection by being with a Conservation Area. The impact has been assessed buit as the branch spread doesn't overhang the boundary it is considered that the proposed development would not affect the long-term viability of this tree.

No objection to the garage design
Response - noted

Position of the new access, in relationship to the neighbours drives.
Response **-** the drive and access doesn't require planning permission

Setting the garage and drive away from the boundary by 3m
Response - the drive doesn't require planning permission and the garage has been set in 1m from the shared boundary, at 2m wouldn't require planning permission if lowered to 4m.

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.

Decision Authorisation - Delegated Powers

Application Number: 2017/93464

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 51 of the Planning and Compulsory Purchase Act 2004.

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, emerging policies PLP1, PLP2 & PLP24 of the Publication Draft Local Plan and advice in the National Planning Policy Framework.

3. The external walls and roofing materials of the extensions 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, emerging policies PLP1, PLP2 & PLP24 of the Publication Draft Local Plan and advice in the National Planning Policy Framework.

4. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking or re-enacting that Order with or without modification no windows or other openings shall be made in the elevations or roof slope of the garage other than those shown on the approved plans, including any time in the future.
Reason: So as not to detract from the amenities of the adjoining property by reason of loss of privacy and to accord with Policy D2 of the Unitary Development Plan and emerging policy PLP24 of the Publication Draft Local Plan.

5. Prior to the development being brought into use, the new driveway and turning area shall be surfaced and drained in accordance with the details shown on the approved plans or 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 as amended or superseded. These areas shall be so retained surfaced and retained thereafter.
Reason**:** In the interests of highway safety, to achieve a satisfactory layout, to minimise flood risk arising from an increase in surface water run-off and to accord with Policies D2 and T10 of the Unitary Development Plan, Policy PLP24 of the Publication Draft Local Plan and advice in Chapter 10 of the National Planning Policy Framework.

Footnote: In respect of condition 5, information on permeable surfacing and the use of soakaways can be obtained in the DCLG/Environment Agency Publication 'Guidance on the permeable surfacing of front gardens'. http://www.communities.gov.uk/documents/planningandbuilding/pdf/pavingfrontgardens.pdf

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan 1:1250	OQ17045 P - 01	A	10.10.17
Existing site Plan 1:200	OQ17045 P - 12		10.10.17
Proposed site Plan 1:200	OQ17045 P - 13	B	29.11.17
Existing ground floor layout	OQ17045 P - 02		10.10.17
Existing first floor layout	OQ17045 P - 03		10.10.17
Existing roof plan	OQ17045 P - 04		10.10.17
Existing elevations	OQ17045 P - 05		10.10.17
Existing elevations (2)	OQ17045 P - 06		10.10.17
Proposed ground floor layout	OQ17045 P - 07	A	16.11.17
Proposed first floor layout	OQ17045 P - 08	A	16.11.17
Proposed roof plan	OQ17045 P - 09	A	16.11.17
Proposed elevation	OQ17045 P - 10	A	16.11.17
Proposed elevations (2)	OQ17045 P - 11	A	16.11.17
Proposed garage elevation & layout	OQ17045 P - 14	A	20.12.17
Design & Access Statement	OQ17045		10.10.17

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.

The Case Officer requested amended plans during the process of the application to seek an amendment which would to reduce the impact of the development on the amenity of nearby residents. This decision is based on the amended/additional documents submitted.

Recommendation and Authorisation Box

Report Dated: 21.12.17

Coal – low risk