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:	2017/62/94039/W
Site Address:	14, Howard Avenue, Lindley, Huddersfield, HD3 3DJ
Description:	Erection of two storey side, single storey rear extensions and dormer to side
Recommending Officer:	Sam Jackman

DECISION – Refused

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Neil Bearcroft

AUTHORISED OFFICER

Date: 05-Feb-2018

SITE DESCRIPTION

14 Howard Avenue, Lindley is a semi-detached property constructed of brick with a concrete pantile roof, located within a residential area of similar properties. There is an existing timber attached single garage and a small glazed front porch. The rear garden is flat, long and narrow.

DESCRIPTION OF PROPOSAL

The proposal is for a modified scheme to build an 'L' shaped extension comprising of a 2-storey side extension, a single storey rear extension and the addition of a side dormer.

Previous approved scheme

The side extension would project from the gable by 2.4m by 10m, including 3m from the rear elevation by 7.7m high with a hipped roof. The extension would be set back 0.9m from the front elevation with the ridge set down respectively. The extension would be set in from the shared boundary with No 12a by 0.6m. The accommodation created would be a store, shower room and kitchen, with a new bedroom, bathroom and enlarged front bedroom above.

The single storey rear extension would project 3m by the full width of the rear elevation, linking into the side extension with a lean-to roof, creating a larger living area.

The extension would be built from brick with a concrete tiled roof.

Additional dormer.

The proposed dormer would be within the new roof space for the side extension located on the side elevation. The dormer would be 1.8m by 2m with a small hipped roof, with the ridge running through from the extension roof, providing a new staircase to the loft conversion. Two new roof lights would be created on the rear roof slope.

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

The application is a modified proposal for an approved scheme, to include a side dormer to allow access into the loft conversion. No negotiations have

taken place for this application, however there were extensive negotiation on the previous application.

The previous negotiations included the following:

> *The original plans for the previous application showed a larger side extension with the front elevation flush at first floor and a small projection at ground floor. The side extension included the main roof changing from a hip to a gable and introducing 4 new dormers to the front and rear elevations. These elements were deleted, with the amended plans including a new first floor extension at the rear and the side extension set back and reverting back to a hipped roof.*

RELEVANT HISTORY

2017/92609 - Erection of two storey side and single storey rear extensions – Granted

PUBLIC/MEMBERS RESPONSE

The Council has advertised the application by site notice /neighbour letters/ which expired on 28.12.2017.

1 letter of representation has been received objecting to this application, from the neighbours representative at no 12A.

There are concerns regarding the design, impact & appearance of the street

- Introducing a side dormer will unbalance the pair of semi's
- Dormers incongruous feature
- Windows in the side elevation should be obscurely glazed

The letter also refers to the fact that if the application would be recommended for approval, the neighbour would like the opportunity to contact their local ward councillors.

CONSULTATION RESPONSES

Biodiversity – the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance.

This is due to the fact the property is well maintained with limited foraging within the area, however a cautionary footnote should be added if the application is approved.

POLICY

The statutory development plan comprises:

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 designated as unallocated on the Unitary Development Plan

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 22 - Parking
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 unallocated on the Kirklees Unitary Development Plan (UDP) proposals map and as such Policy D2 applies and does indicate that permission will normally be granted provided it would not have any prejudicial impact upon, for example, visual and / or residential amenity or result in the overdevelopment of a site.

2 – Impact on visual amenity:

The proposal will introduce the addition of a dormer to an approved scheme for a two-storey side and single storey rear extension to the existing semi-detached dwelling.

The side extension will be set back by 0.9m from the front elevation with the hipped roof stepped down accordingly and would be constructed of materials to match those of the existing building. It will remain subordinate to the host dwelling and will be well related in terms of its design and appearance. The proposed development will have a minimal impact on visually amenity, thereby acceptable and compliant with the requirements of policies D2, BE1, BE2, BE13 and BE14 of the Unitary Development Plan (UDP), Policies PLP1 and PLP24 of the publication draft Local Plan (PDLP) and advice in chapter 7 of the National Planning Policy Framework (NPPF).

The proposal also includes a single storey rear extension where the proposed works will not be visible from the highway and therefore will not harm the appearance of the street scene. The extension will be constructed of materials to match those of the existing building and will remain subordinate to the host

building. The extension is considered to 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 (UDP), Policies PLP1 and PLP24 of the publication draft Local Plan (PDLP) and advice in chapter 7 of the National Planning Policy Framework (NPPF).

Finally the proposal includes a side dormer within the hipped roof of the side extension. The previous application incorporated a new gable to the side extension which was deleted through negotiations with the agent.

It was considered that a new gable would

- Unbalance the appearance of the pair of semi-detached properties.
- Would dominate the appearance of the property and its neighbour, given its relationship with them, due to the host property being built forward of the neighbour's property No 12a.
- Finally due to the host property being forward of No 12a, the gable would be very prominent within the street scene when travelling along Howard Avenue from the North.

The concerns raised previously still stand for the design of the dormer window now proposed. Whilst the current dormer is smaller in scale than the scheme previously proposed and amended under application 2017/92609 the scheme of the current proposal would still carry the ridge of the extension through over the dormer, the dormer would be set in from the gutter by 0.5m, however would still introduce a vertical form to the front of the building which is considered to represent an incongruous feature within the street scene and the character of the wider local.

Such a feature is considered to be detrimental to visual amenity and would be contrary to policies D2, BE1 & BE2 of the Kirklees UDP, emerging policy PLP24 of the PDLP. Paragraph 64 in Chapter 7 of the NPPF advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and it is considered that this would be the case for the proposed dormer window.

3 – Impact on residential amenity:

Impact on residential amenity with regard Overlooking

The proposed dormer window is to a landing within the staircase, therefore is not a habitable room window, however to overcome any concerns with regard potential overlooking, this could be conditioned to be obscurely glazed. Therefore there would be no overlooking issues from the dormer window.

With regard the extension already approved, there would be no overlooking as there are no windows in the side elevations of the 2 storey side extension apart form a bathroom window which will be obscurely glazed. This window

will be in a similar position to the neighbours bathroom window, resulting in them both been almost opposite one another.

The front elevation windows would be set back from the front elevation so no additional overlooking given the current relationship with the neighbours.

The rear elevation windows would overlook the rear garden and would be 26m from the rear elevation of the property behind once extended, this is considered to be an acceptable distance. Therefore wouldn't create any overlooking in line with policy BE14, emerging policy PLP24 of the PDLP and advice in the NPPF.

Impact on residential amenity with Overshadowing

The proposed dormer is small in scale and is within the confines of the hipped roof, albeit it would add additional bulk to the roof, it is considered due to the size would not create any overbearing effect to the detriment of the neighbouring properties.

With regards the approved extensions, the front elevation, of the host property faces due East, with the adjacent property most affected by the proposal located to the North. The neighbours property no 12A is greater in depth than the host property by 4m and is set further back within the plot, resulting in the host property projecting forward of No 12A by 2m.

The set back of 1 metre further helps to reduce concerns of overshadowing to adjacent properties given that there will already be some overshadowing given the current orientation of the properties.

At the rear of the property the extension would project 3m albeit 2-storey along the boundary with No 12A, however this additional projection will bring the building in line with the neighbours property creating no additional overshadowing. However there is a landing window in the neighbours property located centrally to the side elevation, to help light within the hallway which is not a habitable room window, the neighbour has requested this elevation to be painted white or a light reflective service. Given the mix styles and material pallet within the area the side elevation can be conditioned to be a light stone colour.

With regard No 16 this is located to the south of the host property where the first floor element is to the side of no 14 and the rear extension is only single storey against their shared boundary.

Therefore, it is considered the extension as amended wouldn't create any undue overshadowing and meets the aims of policies D2 & BE14 of the Unitary Development Plan, emerging policy PLP24 of the PDLP and advice in Chapter 7 of the National Planning Policy Framework

4 – Impact on highway safety:

Whilst this application would result in the loss of the garage and some driveway to the side of the property, there are no highway issues as the drive is being altered to provide 2 off-street parking spaces. These space can be conditioned to be provided before the development is brought into use.

Therefore the proposal would meet the aims of Policy T10 of the Unitary Development Plan with respect to highway safety 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 have not requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance.

This is due to the fact the property is well maintained with limited foraging within the area, however a cautionary footnote should be added.

6 – Representations:

It should be noted that one letter of representations has been received as a result of site publicity, from the neighbours representative.

Their initial concerns regarding the design, impact & appearance of the street

- Introducing a gable will unbalance the pair of semi's.

Response: comments noted

- Dormers incongruous feature.

Response: comments noted

- Windows in the side elevation should be obscurely glazed.

Response: The additional dormer window could be conditioned to be so.

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 proposals do not accord with the development plan and/or the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

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Decision Authorisation - Delegated Powers

Application Number: 2017/94039

Officer Recommendation: REFUSE

1. The proposed dormer, by reason of its design and location, would appear incongruous in relation to the host building, the street scene and would be detrimental to the visual amenities of the area and would therefore be contrary to Policies BE1 (i) & (ii), BE2 (i) and D2 (vi) & (vii) of the Kirklees Unitary Development Plan and Policy PLP24 (c) of the Kirklees Publication Draft Local Plan and advice in Chapter 7 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan 1:1250	1740.1		1.12.17
Existing layout	1740.2		1.12.17
Proposed ground floor layout	1740.3	A	1.12.17
Proposed first floor layout	1740.4	B	1.12.17
Proposed second floor layout	1740.5		1.12.17
Existing front & rear elevations	1740.6		1.12.17
Proposed front & rear elevations	1740.7	B	1.12.17
Proposed side elevation	1740.8	B	1.12.17
Proposed side elevation	1740.9		1.12.17

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 did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Recommendation and Authorisation Box

Report Dated: 1.2.18

Coal – low risk