
Report of the Head of Strategic Investment**HUDDERSFIELD PLANNING SUB-COMMITTEE****Date: 22-Feb-2018****Subject: Planning Application 2017/94242 Erection of side extensions and dormer windows, raise roof and alterations Crow Wood, 17, Broad Lane, Upperthong, Holmfirth, HD9 3JS****APPLICANT**

C Hudson

DATE VALID

15-Dec-2017

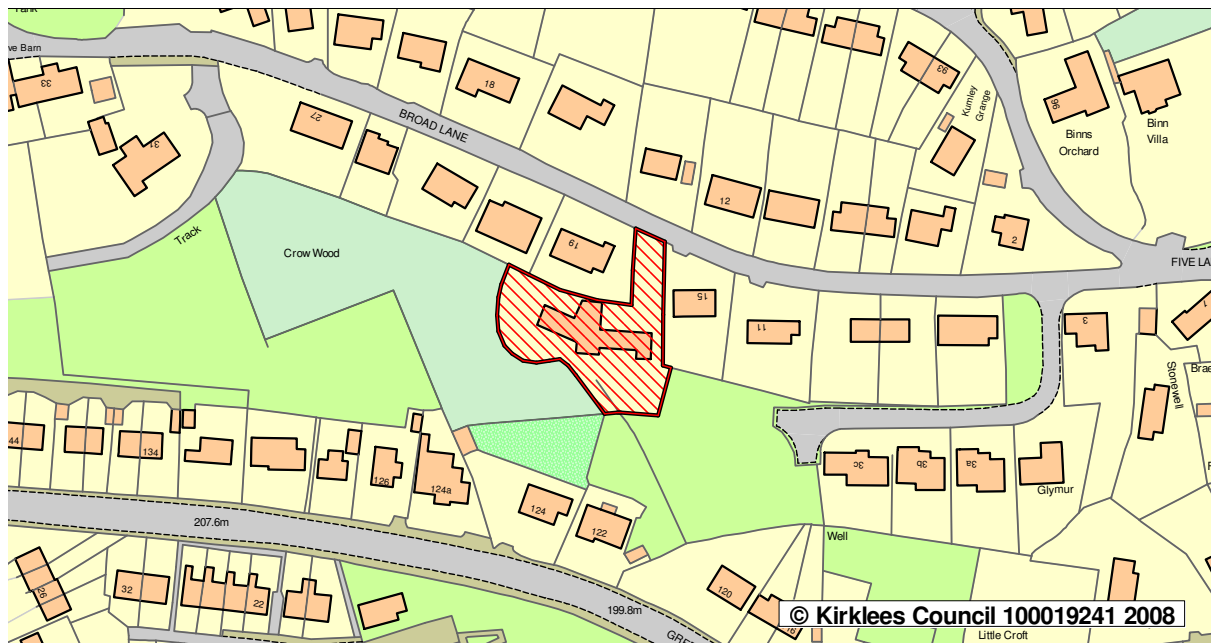
TARGET DATE

09-Feb-2018

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN

Map not to scale – for identification purposes only

Electoral Wards Affected: Holme Valley South

No

Ward Members consulted

RECOMMENDATION: APPROVE

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1 This application is brought to Committee at the request of Cllr Nigel Patrick for the following reason:

'The reason will be as per the complaints, massing and overbearing and loss of light.'

- 1.2 The Chair of Committee has confirmed that Cllr Patrick's reason for making this request is valid having regard to the Councillors' Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 17 Broad Lane 'Crow Wood', is a principally single storey detached dwelling. It is constructed in natural stone with pitched roofs covered in concrete roof tiles. The dwelling is unique in its design, it comprises of a central part with two wings, one to the west and one to the east. The central section includes an upper floor with doors leading to a small balcony to the southern elevation. Above this there is a feature lantern/tower within the roof. The dwelling benefits from good sized gardens to the side and rear. It is set back from the highway, and its neighbouring dwellings, and access to the dwelling is via a private driveway off Broad Lane.
- 2.2 The topography in the local area rises towards the north such that the adjacent properties nos.15 and 19 Broad Lane are set at a higher ground level, as is the adjacent highway. To the west and south of the site is an area of woodland covered by a Tree Protection Order, known as 'Crow Wood'. To the south east of the site is the recently constructed 3D Broad Lane. To the south of the site, at a significantly lower ground level, are nos. 122 and 124 Greenfield Road.

3.0 PROPOSAL:

- 3.1 The proposal is for the erection of two side extensions, two dormer windows, raising the roof and alterations.

3.2 The extensions comprise of:

- An extension to the central part of the dwelling (facing south) with a projection of approx. 3.6m, with the addition of large glazed windows.
- An extension to the side elevation of the 'east wing' (facing south) with a projection of approx. 1.8m and a width of approx. 2.8m to incorporate a new staircase, with the addition of large floor to ceiling windows.
- The extensions will be constructed using stone and concrete roof tiles to match the existing dwelling, with the addition of a small section of cladding to the side elevation of the east wing (facing south), and UPVC windows.

3.3 The alterations/additions to the roof comprise of:

- The raising of the 'east wing' roof by approx. 1.7m to a height of 5.9m.
- The addition of two dormer windows to the side elevation (facing south) which measure approx. 2.2m in width and 2.2m in height, stopping approx. 100mm below the ridge height of the roof.
- The installation of three obscure glazed roof-lights, two to the north elevation west wing, and one to the main body of the dwelling facing west.
- The proposal will include the removal of the roof lantern feature.

3.4 The proposed development would allow the dwelling to have three double bedrooms with en-suites to the first floor, one double bedroom to the ground floor, and an open-plan kitchen and living space to the ground floor.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 None.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 Amendments were requested to the scheme to reduce the ridge height to minimise the impact of the development on the amenities of adjacent properties. The applicant wished the scheme to be considered in its original form and provided further information in support of the proposal; in particular in respect of this upon neighbouring dwellings.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 required 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 the publication draft local plan.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 **BE1** – Design principles
 BE2 - Quality of design
 BE13 – Extensions to dwellings (design principles)
 BE14 – Extensions to dwellings (scale)
 D2 – Unallocated land
 NE9 - Trees

Supplementary Planning Guidance / Documents:

- 6.3 **PLP1** – Presumption in favour of sustainable development
 PLP2 – Place shaping
 PLP24 – Design
 PLP30 – Biodiversity and Geodiversity
 PLP33 - Trees

National Planning Guidance:

- 6.4 **Paragraph 17** – Core planning principles
 Chapter 7 – Requiring good design
 Chapter 11 - Conserving and enhancing the natural environment.

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 Three representations have been received and are all in objection of the proposal. The objections raised can be summarised as follows;
- The house (the applicant dwelling) was originally built 18 inches higher than the approved plans in 1985.
 - The proposed side extension will impinge on a bat colony.
 - The applicant site is close to a Tree Protection Order area.
 - The enlargement of 21 Broad Lane had a planning condition imposed on it, that the roof height remain the same as the existing ridge height.
 - The point of access into the driveway of no.17 is only 5.5m wide and access and egress will be affected at times.
 - Obstruction of sunlight and overshadowing of neighbouring dwellings.
 - The proposal will significantly affect the amenity and outlook of neighbouring dwellings by presenting a clear visible large roof expansion.

8.0 CONSULTATION RESPONSES:

- 8.1 Holme Valley Parish Council – ‘*Object to the application on the grounds of loss of light. Raising the roof would take away light from nearby houses higher up on Broad Lane because of the topography of the site.*’
- 8.2 Kirklees Council – Tree Officer – ‘*In relation to the proposed extensions, I have no objection as they will not impact on the adjacent protected woodland.*’

9.0 MAIN ISSUES

- Principle of development
- Visual amenity
- Residential amenity
- Highway safety
- Other matters
- Representations
- Conclusion

10.0 APPRAISAL

Principle of development

- 10.1 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.
- 10.2 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.

Visual amenity

- 10.3 The proposal seeks planning permission for the erection of two side extensions, two dormer windows, raising the roof and alterations. The proposal would allow the occupiers more habitable space including three double bedrooms with en-suites to the first floor, one double bedroom to the ground floor with family bathroom, and an open-plan kitchen and living space to the ground floor. The extension would be constructed using a stone and concrete roof tiles to match the existing dwelling, which is acceptable.
- 10.4 In the context of the site and surrounding area, the scheme would not create a visually intrusive feature in the local area in terms of size and design, given that the dwelling’s ridge height would still be lower than that of its neighbouring dwellings on Broad Lane, and given the construction materials are to match the existing dwelling. The original dwelling is of a bespoke design set behind properties on Broad Lane. From Broad Lane the only part of the existing dwelling that is immediately apparent is the feature tower; this would be removed as part of the development proposed. Furthermore there is a varied appearance to dwellings along Broad Lane with a mix of scale, materials, age and siting. In this context the proposed development would not be incongruous with the wider character of the area.
- 10.5 The two proposed extensions are to the central and eastern sections of the dwelling, facing south, and are subservient to the existing dwelling. Given the topography of the site and the positioning of the proposed works, the proposal would not over dominate the street scene. As the dwelling is set back from the highway and is set at a lower ground level, it is considered that no material

impact would occur on the wider visual amenity of the area. Although the property is set above Greenfield Road the presence of dwellings between the application site and Greenfield Road, and the sharp increase in land levels, mean that the property would not be an over prominent structure.

- 10.6 Given the above, the proposal is considered to comply 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.

Residential Amenity

- 10.7 The impact of the development on residential amenity needs to be considered in relation to policies D2 and BE14 of the Unitary Development Plan, Policy PLP24 of the Publication Draft Local Plan and core planning principles of the National Planning Policy Framework. The dwellings along Broad Lane are of predominantly detached dwellings of varying sizes. The closest neighbouring dwellings to the applicant site are no.19 to the north, no.15 to the north east and a newly built detached dwelling to the south east.
- 10.8 The proposed extensions are to the side elevation of the dwelling facing south, therefore will not impact upon any neighbouring dwelling in terms of overbearing, overshadowing or loss of outlook. The dwellings to the south of the applicant site are on Greenfield Road, in particular nos. 124 and 122, which are set at a considerably lower ground level and are approx. 40 metres away.
- 10.9 No.19 Broad Lane is a detached dwelling to the north of the applicant site. Although the applicant dwelling is built close to the boundary with this neighbour, there is an approx. 8m distance between the two dwellings. This proposal would not project the applicant dwelling any closer to this neighbouring property. This neighbouring dwelling faces south west at the rear; this proposal includes raising the roof height of the east wing of the dwelling, which is set to the south east of this neighbouring dwelling. The proposal would increase the ridge height of the east wing by approx. 1.7m, which would still remain lower than the existing ridge height of the main part of the dwelling. The proposal also includes the removal of the 'tower' feature which would provide this neighbouring dwelling with more perceived privacy and a greater outlook from the rear of their dwelling. It is considered that no undue overbearing, overshadowing or loss of outlook would occur on this neighbouring dwelling, as it faces south west at the rear therefore benefitting from a good level of direct sunlight, and because the ridge height of the applicant dwelling would be no greater than the existing roof height of the main part of the dwelling, and would still remain lower than no. 19. The neighbouring occupiers may lose some view to the south east, although this is not a material planning consideration, and given that the ridge height is not to exceed the existing, it is considered that a good level of amenity would remain.
- 10.10 No.15 Broad Lane is a detached dwelling to the north east of the applicant site. There is an approx. 7m distance between this neighbouring dwelling and the applicant dwelling. This neighbouring dwelling faces south at the rear, this proposal includes raising the roof of the east wing of the dwelling, which is approx. 7m to the west of this neighbouring dwelling. It is considered that no undue overbearing, overshadowing or loss of outlook would occur on this neighbouring dwelling either, as it faces south at the rear therefore benefitting from a good level of direct sunlight, that the applicant dwelling would still be

lower than this neighbouring dwelling, and given the distance of approx. 7m between the dwellings. The neighbouring occupiers may lose some view to the south west, although this is not a material planning consideration. The increase in roof height would result in more shading of the amenity space (in particular) in mid/late afternoons but this is not considered to be materially harmful. As the applicant dwelling is set to the south -west of this neighbouring dwelling therefore not in a direct view, and given the distance between the dwellings and difference in levels, it is considered that a good level of amenity would remain.

- 10.11 Other dwellings which share a boundary with the application site; nos 3D and 21 Broad Lane and nos. 122 and 124 Greenfield Road, are well separated from the site and it is considered that the proposed development would not cause material harm to the amenities the occupiers of these properties currently enjoy.
- 10.12 For the reasons set out 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 BE2 of the UDP, policy PLP24 of the PDLP and a core planning principle of the NPPF.

Highway issues

- 10.13 The proposed extensions, raising of the roof and alterations will not impact upon the ability to host off road parking, nor will it interfere with the access to the site, therefore the proposal is considered to have no impact upon the highway safety for the site.

Other matters

- 10.14 The Council's GIS system indicates that the property is within a Bat Alert Area. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. As the proposal impacts on an existing roof, a bat survey has been requested. The Minimum Standards for Bat Surveys in West Yorkshire states that bat surveys are required during dawn or dusk between May and August. As the proposal has not been submitted between these times, a day time only inspection survey has been requested. The day time bat survey has been received and states that the proposal has a Low/Moderate bat roost potential. The survey states that it is recommended that a full bat survey during the peak season (May to August) takes place before the proposed works are to commence. This will be conditioned within the decision notice. This would comply with Policy PLP30 of the PDLP and Chapter 11 of the NPPF.
- 10.15 There is an area covered by a Tree Protection Order to the west of the applicant dwelling. There are also a number of mature trees within the applicant site, mainly to the south and west boundaries. It is considered that as the proposed extensions and alterations to the roof would not be built directly underneath the crown spread of any trees, the proposal would not affect the trees viability and would accord with policy NE9 of the Unitary Development Plan and Policy PLP33 of the Publication Draft Local Plan. The Council's Trees Officer concurs with this assessment.

Representations

10.16 Three representations have been received and are all in objection of the proposal. The objections raised are summarised and responded to as follows;

- The house (the applicant dwelling) was originally built 18 inches higher than the approved plans.

Response: The application submitted is to be assessed on its own merits. There are no enforcement cases related to the information provided, and given the dwelling was built in 1985, it would now be immune from enforcement action.

- The proposed side extension will impinge on a bat colony.

Response: Noted. A bat survey has been requested and received.

- The applicant site is close to a Tree Protection Order area.

Response: Noted. The application has no impact upon the TPO area although the comments were passed to the Arboricultural officer regarding works on site. The Arboricultural officer has attended the site and confirmed that no protected trees were removed, therefore no offence has been committed.

- The enlargement of 21 Broad Lane had a planning condition imposed on it, that the roof height remain the same as the existing ridge height.

Response: The application submitted at no.17 Broad Lane is to be assessed on its own merits. It is noted that the applications differ given the difference in levels between no.17 and no.21.

- The point of access into the driveway of no.17 is only 5.5m wide and access and egress will be affected at times.

Response: It is considered that there is sufficient space for the development of the proposal without having a detrimental impact on the local area. It is also noted that drivers of any vehicles should abide by the Highway Code and any obstructions of the highway would be a matter for the Police.

- Obstruction of sunlight and overshadowing of neighbouring dwellings.

Response: This proposal has been carefully considered. Due to the roof being raised no higher than the main part of the existing dwelling, and given that the dwelling is set at a lower ground level than neighbouring dwellings fronting Broad Lane, it is considered that no unacceptable overshadowing would occur. It is also noted that the immediate neighbours to the applicant site are south facing at the rear therefore benefitting from a good level of direct sunlight.

- The proposal will significantly affect the amenity and outlook of neighbouring dwellings by presenting a clear visible large roof expansion.

Response: This proposal has been carefully considered, the expansion of the roof will reach a height no greater than the main part of the existing dwelling and will still remain lower than its immediate neighbours. It will be more visible as it will be higher than the existing roof form but not to the extent that it is considered overbearing. There is potential for loss of view, particularly to neighbours no.15 and no.19, although this is not a material planning consideration. Given the topography of the site and surrounding dwellings, and the orientation facing south at the rear, a good level of amenity would remain.

Most planning approvals are likely to interfere to some extent, with an adjoining occupier's enjoyment of their property. However the test is whether this is proportionate, balancing the competing interests. In this case the impact is considered to be reasonable and that a recommendation to approve the application is proportional.

- 10.17 The application is brought to committee at the request of Cllr Patrick for the following reason: *“the reason will be as per the complaints, massing and overbearing and loss of light.”* These issues have been carefully assessed in the report with the conclusion that the scheme would have an acceptable impact on the amenities of neighbouring dwellings.

11.0 CONCLUSION

- 11.1 The planning application has been assessed against the relevant policies in the Unitary Development Plan, the emerging Publication Draft Local Plan and core planning principles of the NPPF. It has been considered that the application meets the requirements set out within the relevant policies and is therefore recommended approval.
- 11.2 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.

12.0 CONDITIONS

1. Time limit to commence development
2. Development in accordance with the approved plans
3. Full bat survey during the peak season (May to August) to take place before the proposed development commences.

Background Papers

Application web page:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f94242>

Certificate of Ownership – Certificate A signed.