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: 2018/62/90315/W

Site Address: 9, Southlands Drive, Fixby, Huddersfield, HD2 2LT

Description: Erection of single storey rear extension

Recommending Officer: Julie Greatbatch

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: 26-Mar-2018

Officer Report

Application: 2018/90315

Site: 9, Southlands Drive, Fixby, Huddersfield, HD2 2LT

Proposal: Erection of single storey rear extension

Site Description

The application relates to a semi-detached dwellinghouse, located within a residential area of Fixby. The house has previously been extended to the easterly side and roofspace. The house is constructed from red brick, with a concrete tiled roof and white upvc windows and doors.

The ground in and around the application site drops from west to east. The main part of the rear (south) of the house is thus one-and-a-half storeys in height, and the extended part two storeys.

To the rear (south), the main ground floor of the house is approximately 1.2m above the external ground level, accessed by steps. Beneath this floor is a storage space, accessed via a door in the side (east) elevation. There is a paved area to the immediate rear of the property, with a landscaped garden beyond.

The adjoining property to the west (11 Southlands Drive) is on a similar level to, and similar in design to, the application property. The boundary treatment to this property comprises a mixture of walls, fencing and hedges.

To the east of the application property is a larger farmhouse dwelling (Ivy House Farm). This dwelling has a large garage building, extending along the boundary with the application property to approximately 4.0m beyond the rear wall of the application property. There is a notable change in ground level between the two properties, meaning that the only the roof and upper part of the wall of the neighbouring garage is visible from the application property.

Description of Proposal

The proposal is to extend the original dwelling to the rear (south) to provide a white upvc conservatory with a brick-built ‘garden store’ below. The bricks are proposed to match the existing.

The extension would project 3.0m from the rear wall of the existing house, and would be 3.5m wide. The brick built store element would be 1.8m high on its westerly side and 2.5m high on its easterly side, due to the drop in ground level. The store would have a 2.9m wide opening to its front; no door is proposed to this opening.

The glazed conservatory element would sit directly above the brick store. The glazed walls would be 1.7m high, the eaves level aligning with that of the

existing house. The ridge of the glazed conservatory roof would be 0.9m above the eaves.

Relevant Planning History

89/04488: 9 Southlands Drive – Erection of 2 storey extension over garage to form study and bedroom, installation of dormer window. Full conditional permission, implemented.

History of Negotiations/Amendments

No amendments to the submitted plans were considered necessary.

Representations

The original proposal was publicised by site notice and neighbours were notified.

Final publicity date expired: 27th February 2018.

No representations were received.

Consultation Responses

No consultations were required.

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 unallocated in the Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan (UDP)

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

Kirklees Publication Draft Local Plan (PDLP)

- **PLP1** – Achieving sustainable development
- **PLP2** – Place shaping
- **PLP24** – 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.

- **Paragraph 17** – Core planning principles
- **Chapter 7** – Requiring good design

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) Conclusion

<u>1 – Principle of development</u>

The NPPF provides a presumption in favour of sustainable development.

Policy D2 of the UDP requires that new development on unallocated sites does not prejudice the implementation of proposals in the plan; the avoidance

of over-development; the conservation of energy; highway safety; residential amenity; visual amenity; the character of the surroundings; wildlife interests; and the efficient operation of existing and planned infrastructure.

As the proposal comprises alterations to an existing dwelling in an established residential area, it is regarded as sustainable development and is acceptable in principle, subject to appropriately addressing other planning matters.

2 – Impact on visual amenity

The footprint of the new extension would be small in scale in relation to the existing house. Due to the topography of the site, the extension would, however, appear to sit higher above ground level than most standard conservatories. There is another conservatory of a similar 'raised' design to the rear of a nearby property (to the west) and, as such, it is not considered that the form of the current proposal would be out of keeping with the character of the area.

The bricks to be used in the construction of the store are proposed to match the existing, and the white frame of the conservatory would match the detailing of the existing house.

The overall visual impact of the proposed extension is considered acceptable in relation to the application property and neighbouring dwellings. The proposal therefore complies with the requirements of Policies D2, BE1, BE2, BE13 and BE14 of the Kirklees UDP and Policies PLP1, PLP2 and PLP24 of the Kirklees PDLP.

3 – Impact on residential amenity

At its nearest point, the new extension would be approximately 3.3m from the boundary with the neighbour to the east (Ivy House Farm), and would be set at a notably higher ground level. However, given that the neighbour's garage runs along this boundary, it is not considered that there would be any unacceptable overlooking, overbearing or overshadowing impacts on this neighbour.

The new extension would be approximately 3.7m from the boundary with the neighbour to the west (11 Southlands Drive). Given the height of the conservatory above ground level, there is the potential for overlooking and overbearing impacts upon the garden of this neighbour. However, given the distance of the proposed extension from the boundary, it is not considered that these impacts would be unacceptable.

Overall, the impact upon the residential amenity of neighbouring properties is considered acceptable. The proposal is thus deemed to comply with Policies D2 and BE1 of the UDP, Policy PLP24 of the PDLP and Paragraph 17 of the NPPF.

4 – Impact on highway safety

None.

5 – Other matters

Bats

The application site is within a bat alert area; however there is no indication that there is a bat roost on site. Given the scale of the works proposed, a bat survey would not be required in this case. However, a note recommending that the advice of licensed bat work to be sought if any bats are found during the development will be relayed on to the applicant if this application is approved for the proposal, to comply with Chapter 11 of the NPPF.

6 – Representations

No representations were received.

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 it is therefore recommended for approval.

Recommendation: Approve

Application Number: 2018/90315
Decision Authorisation: Delegated Powers
Officer Recommendation: Grant Conditional Permission

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 Kirklees Publication Draft Local Plan.

3. The external brickwork of the extension hereby approved shall in all respects match that 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 Kirklees Publication Draft Local Plan.

NOTE: Due to the location of the application site, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.
If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:

Plan Title	**Reference**	**Version**	**Date Received**
Location Plan	-	-	01/02/2018
Proposed Site Plan	-	-	01/02/2018
Existing Floor Plan	-	-	01/02/2018

Existing Elevations	-	-	01/02/2018
Proposed Floor Plan	-	-	01/02/2018
Proposed Elevations	-	-	01/02/2018

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. No amendments to the submitted plans were deemed necessary.

Report dated: 26/03/2018