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: 2018/62/90350/W

Site Address: 12, Hillside View, Linthwaite, Huddersfield, HD7 5SZ

Description: Erection of single storey rear extension

Recommending Officer: Neil Bearcroft

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: 22-May-2018

Officer Report

Application: 2018/90350
Site: 12 Hillside View, Linthwaite, Huddersfield HD7 5SZ
Proposal: Erection of single storey rear extension

Site Description
The application site relates to a two storey semi-detached dwelling in Linthwaite, Huddersfield. The dwelling is constructed in brick with a pitched roof covered in concrete roof tiles, and UPVC window/door openings. The dwelling benefits from a single storey front porch extension, and a single attached garage which seems to have been converted into living accommodation. To the front of the dwelling is a driveway suitable for off road parking, and a small garden amenity area. The site falls away to the rear of the dwelling towards the west of the site, therefore the ground floor of the dwelling at the rear is not at ground level. Access from the ground floor into the rear garden amenity area is via timber decking and staircase.

The area surrounding the site is residential in nature. To the south is the adjoining semi-detached dwelling no. 14 Hillside View. To the north of the site is another pair of semi-detached dwellings, set at a lower ground level and set further west than the applicant site. To the rear of the dwelling, built up to the west boundary of the applicant site is no.84a Causeway Side.

Description of Proposal

The application proposes a single storey extension to the rear of the dwelling. The extension will be constructed on top of a brickwork plinth which would build up the ground level of the garden to be level with that of the existing house. A maximum increase in height would be 2.4 metres above the garden ground level with storage provided underneath.

The extension will sit on top of this brickwork structure and project out from the rear elevation of the dwelling by 3.2m and extend in width 5.55m, remaining approx. 0.5m away from the boundary with the adjoining neighbour no.14. The extension will have a lean-to roof reaching a height of 2.1m to the eaves and 3.1m to the ridge.

The extension will be constructed using a UPVC frame with a glazed roof. The UPVC glazing facing the neighbouring dwelling at no.14 will be obscurely glazed.

There will be a small landing area projecting 1m from the rear elevation of the extension and extending 2m in width, giving access from the extension doors to steps that lead down to ground level.

History of negotiations/amendments received
Officers requested amendments to the plans to show what access is proposed from the extension into the rear garden given the topography of the site. Amended plans have also been provided to show the extent of build up required at the site to provide a level area for the extension to be erected.

Relevant Planning History
2018/90215 Prior notification for single storey rear extension – Refused

No.10 Hillside View
2005/93875 Erection of decking and pergola – refused

2006/90229 Erection of decking and pergola – conditional full permission

No.84 Causeway Side
2001/92058 Conversion of outbuilding to granny dwelling and erection of 4 car detached garage – conditional full permission

No.84a Causeway Side
2012/92959 Erection of single storey extension (within a Conservation Area) – conditional full permission

Representations
Final publicity date Expires: **9th April 2018**
Two public representations were received to the initial publicity with a further round publicity receiving 3 further representations. A summary of the comments received is set out below:

- The extensions rear doors will be over 2 metres from the ground, as it is not on a level ground as the plans suggest it is. I am therefore concerned that they may re-use the decking at the rear of the extension, offering them a panoramic view of the garden of no.14 Hillside View.
- The plans show 2 opening windows facing no.14 Hillside View, and two opening windows facing no.10 Hillside View, so any privacy offered by the obscure glass will be compromised by having open windows.

- The extension will make access to the 1st floor and loft windows difficult in the event of a fire, which may result in a fire spreading to no.14 Hillside View, if it cannot be fought successfully from the rear as well as the front.

- The drawings don't clearly reflect the actual ground level at the back of the property. Most of the properties including no.12 are almost three storey at the rear having some under storage space. The extension would effectively be a two storey extension.
- If the applicant intends to build a staircase, or add an additional raised decking area, it would impact on the privacy of surrounding properties. No.10 Hillside View is situated below and effectively overlooked by no.12 at present, therefore privacy is a real concern.
- There is concern that the development is going to form a two storey extension due to the supporting brick work being 2.4 metres high. There is concern that the space below could be used as an extra room.
- The brick support would run the full width of the rear of the property and run across land drains and sewers at the site which could be damaged by the development including those at no. 14.
- The original/previous proposal was refused mainly on the height of the development this scheme is now higher.
- There are no dimensions of the landing so it is difficult to assess the impact of this part of the development. Would the size of this be limited so a platform cannot be formed?
- There should be screening be provided on both the sides the extension for privacy as due to the first floor nature of the development it could lead to overlooking of both sides.

Consultation Responses
No consultations were deemed necessary to this application.

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:
With regards to visual amenity, the application seeks permission for the erection of a conservatory on the rear of the dwelling. To facilitate the development the land to the rear would be raised by 2.4 metres with a brick structure to allow a level area to site the conservatory on. A raised platform/landing with steps would then lead down from the western elevation to the garden of the property. The extension including the under build would have a maximum overall height of 5.5 metres. It is noted that the properties to the west are located within the Linthwaite Conservation Area, however given the separation of the site to the conservation area is not considered to affect its setting.

It is acknowledged that when viewed from the garden area of the application site that the extension would appear two storey in scale and that it is unusual for such extensions to include a conservatory at first floor level. Whilst unusual it is noted that wider views for the site would be limited and the scale of the development is solely dictated by the changes in levels of the site. The land to the rear continues to drop away and it is acknowledged that no living accommodation would be formed in the under build. On balance it is considered that this arrangement is acceptable in design terms and would represent the only practical way in which a conservatory could be erected at the ground floor of the site. In terms of the design of the conservatory itself, this would be typical of conservatories being uPVC and it is considered that this would not create a visually intrusive feature in the local area in terms of its size and design. Furthermore due to the high level of glazing in the extension it would ensure that the conservatory appears as a light weight structure on the rear of the building. The raised platform/landing area and steps would replicate an existing structure and are not in themselves considered to be detrimental to the character or appearance of the host property or local area. The lower ground floor level would be made up of brick work to match existing which can be conditioned.

Given the above, it is considered that the proposal would have no unacceptable impact on the visual amenity of the surrounding area, therefore complies with policies D2, BE1 and BE2 of the Unitary Development Plan, PLP1, PLP2 and PLP24 of the Publication Draft Local Plan and Chapters 7 of the NPPF.

3 – Impact on residential amenity:
A core principle of the National Planning Policy Framework is to seek high quality design and a good standard of amenity for all existing and future occupiers of land and buildings. The impact of the development on residential amenity also needs to be considered in relation to policies D2 and BE14 of the Unitary Development Plan. This is further reiterated in Policy PLP24 of the draft Local Plan.

The proposed extension would project 3.2 metres from the rear of the property which would equate to the same scale as the existing decking area. It is acknowledged that the projection at 3.2 metres would exceed the 3

metres recommended in Policy BE14, therefore careful consideration needs to be taken to the impact on adjacent dwellings.

The closest properties to be potentially affected by the development are no.s10 and 14 Hillside View and no.84a Causeway Side to the west. No. 14 which is to the south would be the closest property to the extension being the adjoined dwelling and which has a patio window located adjacent the proposed side of the conservatory. It is noted that existing boundary treatment exists between the properties which would be retained by the development. Whilst in close proximity to the proposed conservatory, it is located to the south and overshadowing would therefore be limited to only occur in the later evening. It is noted that the side elevation of the conservatory is proposed to be glazed and a condition can be imposed to ensure that this side is obscurely glazed and does not contain any openable windows to prevent any undue overlooking or a sense of overbearing. Given the above it is considered that the proposal would have an acceptable impact on no. 14.

Turning to the impact on no.10, the relationship to the host property is at an oblique angle which limits direct overlooking. It is noted that there is a first floor window in the side elevation of no.10 though this appears to be non-habitable and is currently further obscured by an existing conifer hedge. The proposed extension would however be set off the boundary with no. 10 by approximately 3 metres and the applicant has confirmed that the existing hedge is to be retained though would be lowered slightly. Given the oblique relationship between the two properties combined with the separation from the boundary the impact on no.10 is considered to be acceptable.

Turning to no. 84a to the west, this property is set at a lower level and houses 3 roof lights in the rear elevation, though only 1 would be directed impacted on by the proposal. From reviewing the planning permission for no.84 a 2001/92058, the roof light to be directly affected by the proposal serves a stair/landing space and is therefore non habitable. A separation of approximately 16 metres could be achieved to no.84a which is considered to be acceptable given the room that the window serves. The other roof lights serve a bathroom, with the last a secondary window to a bedroom.

There will be a small landing area projecting 1m from the rear elevation of the extension and extending 2m in width, giving access from the extension doors to steps that lead down to ground level. It is considered that this landing space is sufficient for access only and is not large enough to use as amenity space i.e. for a table and chairs, therefore it is considered to not cause a detrimental loss of privacy for neighbouring dwellings.

On balance, it is considered that the neighbouring dwellings to the applicant site would retain a good level of amenity, therefore it is considered that the proposal complies with the requirements of policies D2, BE13 and BE14 of the Unitary Development Plan, policies PLP1, PLP2, PLP24 of the Publication Draft Local Plan, and core planning principles of the NPPF.

4 – Impact on highway safety:

The proposal is for an extension to the rear of the dwelling, and will not impact upon the site's capability to host off road parking, therefore it is considered to have no impact on the highway safety of the site.

5 – Other matters:
Bats
The site is in the bat alert layer and would lead to the removal of a decked area, it is not considered that this would provide a good habitat for bats, however a note will be attached to the decision notice advising the applicant of the potential presence of bats.

6 – Representations:
Two public representations were received to the initial publicity with a further round publicity receiving 3 further representations. A summary of the comments received is set out below along with a response to the points raised:

- The extensions rear doors will be over 2 metres from the ground, as it is not on a level ground as the plans suggest it is. I am therefore concerned that they may re-use the decking at the rear of the extension, offering them a panoramic view of the garden of no.14 Hillside View.

Response: The decking is not proposed to be reused within this development and amended plans have been provided to indicate the changes in level at the site. The plans do now show that balcony area would be provided for access the impact of which has been assessed above.

- The plans show 2 opening windows facing no.14 Hillside View, and two opening windows facing no.10 Hillside View, so any privacy offered by the obscure glass will be compromised by having open windows.

Response: The windows facing no.14 will be conditioned to be obscurely glazed and non-openable to prevent any unacceptable overlooking. In terms of no.10 to relationship with this property is at an oblique angle with the extension set away from the boundary and as set out above is considered to be acceptable.

- The extension will make access to the 1st floor and loft windows difficult in the event of a fire, which may result in a fire spreading to no.14 Hillside View, if it cannot be fought successfully from the rear as well as the front.

Response: The proposed development would need to accord with building regulations in relation to fire safety.

- The drawings don't clearly reflect the actual ground level at the back of the property. Most of the properties including no.12 are almost three storey at the rear having some under storage space. The extension would effectively be a two storey extension.

Response: Amended plans have been secured to indicate the change in levels at the site, as set out above the impact of the development on residential and visual amenity is considered to be acceptable.

- If the applicant intends to build a staircase, or add an additional raised decking area, it would impact on the privacy of surrounding properties. No.10 Hillside View is situated below and effectively overlooked by no.12 at present, therefore privacy is a real concern.

Response: The application does include a staircase and raised platform area however this would be small in scale and it considered that this would not adversely affect the amenity of adjacent properties.

- There is concern that the development is going to form a two storey extension due to the supporting brick work being 2.4 metres high. There is concern that the space below could be used as an extra room.

Response: The room below the conservatory is proposed to be used for storage associated with the dwellinghouse which would be an acceptable use of the space.

- The brick support would run the full width of the rear of the property and run across land drains and sewers at the site which could be damaged by the development including those at no. 14.

Response: The development would need to accord with building regulations and any existing drains at the site would need to be appropriate addressed in the constructions process.

- The original/previous proposal was refused mainly on the height of the development this scheme is now higher.

Response: The previous scheme was submitted as a larger homes extension proposal which needs to accord with permitted development right restrictions, the scheme failed on the height dimensions due to the changes in levels. This decision does however not influence the determination of this planning application.

- There are no dimensions of the landing so it is difficult to assess the impact of this part of the development. Would the size of this be limited so a platform cannot be formed?

Response: The submitted plans are to a metric scale which confirm that it is small in scale at 1 metre by 2 metres.

- There should be screening be provided on both the sides the extension for privacy as due to the first floor nature of the development it could lead to overlooking of both sides.

Response: The side elevation facing no.14 will be obscurely glazed to prevent any overlooking, this is considered to be sufficient mitigation.

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: 2018/90350
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, policies PLP1, PLP2 and PLP24 of the Kirklees Publication Draft Local Plan.

3. The external walling material of the brick plinth to support the conservatory 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 BE2 of the Kirklees Unitary Development Plan and Policy PLP24 of the Kirklees Publication Draft Local Plan.

4. Notwithstanding the details shown on the approved plans this permission does not include opening lights on the southern side elevation (facing no.14 Hillside View). The development shall not be occupied until the windows in the southern side elevation (facing no.14 Hillside View) of the extension hereby approved have been fitted with obscure glazing, (minimum grade 4) which shall be fixed shut/non-opening. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) the windows shall thereafter be so retained obscure glazed and fixed shut/non-opening.
Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy D2 of the Kirklees Unitary Development Plan and Policy PLP24 of the Kirklees Publication Draft Local Plan.

NOTE: The Council's Environment Officer has commented that 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 Type	Reference	Version	Date Received
Block plan			06/02/2018
Location plan			06/02/2018
Existing front elevation			06/02/2018
Existing first floor plan			06/02/2018
Existing ground floor plan			06/02/2018
Existing southern side elevation			06/02/2018
Existing northern side elevation			06/02/2018
Existing rear elevation			06/02/2018
Proposed ground floor plans			15/03/2018
Proposed Rear elevations			26/3/2018
Proposed north elevation			26/32018
Proposed south elevation			26/3/2018
Proposed roof plan			06/02/2018

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 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 secured amended plans to demonstrate the changes in levels at the site which were considered to be acceptable.

Report Dated: 21/5/2018