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:	2018/62/90483/W
Site Address:	14, The Grove, Fartown, Huddersfield, HD2 1BL
Description:	Erection of two storey rear extension and external ramp
Recommending Officer:	Laura Yeadon

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: 04-Apr-2018

Officer Report

Site Description

14 The Grove is a two storey semi-detached property located within an area defined as Unallocated Land within the Kirklees UDP. The property is constructed from red brick and render with a concrete tiled roof. To the front of the property is a front garden and to the side is a path that leads to the rear garden which is set up from the ground level of the path. Due to the topography of the area, the property is set up slightly from the neighbouring property No. 15. The surrounding area is predominantly residential with the dwellings to the south being predominantly semi-detached and terraced properties.

Description of Proposal

Permission is sought for the erection of a two storey extension and external ramp.

Two storey extension

The proposed two storey extension would be located to the rear of the property lying flush with the existing side elevation and spanning the full width of the rear elevation. The extension would project 4.05 metres at ground floor and 3.03 metres at first floor with an eaves height to match the existing and a roof line which is set down from the existing by 0.6 metres.

It is proposed that the extension would be constructed from render and brick with concrete tiles for the roof and uPVC for the windows and doors.

The resultant accommodation would be a bedroom and bathroom at ground floor and two further bedrooms at first floor.

External ramp

It is proposed that a ramp is constructed which would lead from the gated entrance to the property along the side of the property providing access to the side elevation entrance proposed within the rear extension. The difference in levels is approximately 1 metre.

History of negotiations/amendments received

The Case Officer requested an amendment to the scheme as the original scheme proposed a two storey extension which would be 4 metres at both ground and first floor levels. Following the site visit it was considered that to protect the amenity of the neighbouring property, it was requested that the first floor projection was reduced to a 3 metre projection. Amended plans were received on 27th March 2018.

Relevant Planning History

2017/92968 Prior notification for erection of single storey extension (4 metre projection)

Prior notification not required

Representations

Final publicity date expired 19th March 2018 – no representations received

Parish/Town Council comments – not applicable

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

K.C. Accessible Homes – ground floor layout would benefit from the proposed extension plans as access to a bedroom, lounge, kitchen and bathing facilities are required. Constructing a 1:12 side elevation ramp to access the new extension would be supported by our team.

Policy

The statutory development plan comprises:

The Unitary Development Plan (UDP). This report will refer only to those policies of the UDP 'saved' under the direction of the Secretary of State beyond September 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 Land on the UDP Proposals Map and proposed to be retained as such 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
- **Chapter 11** – Conserving and enhancing the natural environment

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 – e.g. trees/ecology (e.g. bats)
5) Representations
6) Conclusion

<u>1 – Principle of development</u>:

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 National Planning Policy Framework.

2 –Impact on visual amenity:

In terms of visual amenity, the scheme proposes a two storey extension to the rear of the property covering the entire rear elevation. However the extension would be set down from the roof line and would have a pitched roof which would have a roof slope following the line of the existing hipped roof. The extension would also be stepped down from the ridge height of the host dwelling which would clearly denote that the structure is an extension to the existing building. The fenestration details include a central window and roof lights within the ground floor rear elevation, window and door within the side elevation at ground floor and at first floor two windows within the rear elevation which are considered to be acceptable. There are no proposed openings within the first floor side elevations.

The proposed construction materials are proposed to match the existing, being render and brick with the roof being constructed from concrete tiles and uPVC windows and doors. As the properties within the street scene are constructed from similar materials, these are considered to be acceptable.

With regards to the ramp, this would have an incline which is marginally different to the existing levels. No information has been submitted with regards to the construction materials however this would largely replace an existing hardsurface.

It is therefore considered that the proposed development would accord with Policies BE1, BE2 and BE13 of the UDP, Policy PLP24 of the Publication Draft Local Plan and Chapter 7 of the NPPF.

3 – Impact on residential amenity:

With regards to overlooking, the openings within the rear elevation would face the grounds of The Rosary, 390 Bradford Road with the property itself being set at angle to the application site. As the separation distance between the properties would be approximately 22 metres, it is not considered that there would be undue harm from overlooking from the rear elevation openings. Within the side elevation, there are proposed openings at ground floor which comprises of a door and a window to the proposed WC. There are existing openings in the side elevation of the host property and the side elevation of No. 15 and therefore, there is a level of overlooking already. Whilst No. 15 is set on a lower ground level than the application site, as the proposed opening would be for a ground floor WC, it is considered reasonable and necessary for

this opening to be obscurely glazed to protect the privacy of the occupiers of both properties. There are no openings within the side elevation facing No. 13 which would impact on overlooking.

In terms of overshadowing, following amendments, the proposed extension would project 4 metres at ground floor and 3 metres at first floor and therefore would comply with Policy BE14 in principle. There is a conservatory to the rear of the adjoining property which also projects approximately 3.6 metres from the rear of the property. Whilst the conservatory would be impacted by the scale and projection of the solid extension, it is set in from the boundary and projects north which means it does not currently receive a significant level of sunlight. There would still be an open outlook – and potential sunlight to the west in the summer time. On balance it is considered that an acceptable level of amenity would be retained to the conservatory, openings to the rear of no. 13 and its amenity space.

With regards to the impact on No. 15, this property is set on a lower ground level to the application site and hosts a single storey rear extension. There is a first floor side elevation bay window facing the application site which would appear to serve a habitable room. However, light to that window and outlook from that window already is already hampered by the existing property. Whilst the impact would be increased by the extension, given the present relationship this is not considered to be undue. As with the impact on No. 13, the loss of direct sunlight to the rear of no. 15 would be limited, principally impacting on sunlight in the late afternoon.

Taking into account all the above, it is considered that the proposal is acceptable in terms of residential amenity and would accord with Policies D2, BE1, BE2 and BE14 of the UDP, Policy PLP24 of the Publication Draft Local Plan and advice within Chapter 7 of the NPPF.

4 – Impact on highway safety:

There is no off-street parking for the property and none is proposed. As such, the development would not affect the current parking provision within the site nor cause additional harm to highway safety. There are no parking restrictions on The Grove.

5 – Other matters:

Biodiversity – The application site lies within a 'Bat Alert' layer on the Council's GIS system. The West Yorkshire Ecology flow chart has been followed and using its guidance, it is considered that a Bat Survey is not required in this instance. However, as a cautionary measure, and to ensure accordance with the aims of Chapter 11 if the NPPF, a footnote should be attached to the permission setting out that, should any bars be found using the building then works must cease and appropriate advice sought.

There are no other matters for consideration.

6 – Representations:

No representations have been received.

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: 2018/90483

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 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, BE1, BE2, BE13 and BE14 of the Kirklees Unitary Development Plan, Policy PLP24 of the Publication Draft Local Plan and advice within Chapters 7 and 11 of the National Planning Policy Framework.

3. The external walls and roofing materials of the extension 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, Policy PLP24 of the Publication Draft Local Plan and advice within Chapter 7 of the National Planning Policy Framework.

4. The development shall not be occupied until the side elevation ground floor window in the extension hereby approved has been obscure glazed to a

minimum Grade 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing shall thereafter be retained for the lifetime of the development.
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 Unitary Development Plan, Policy PLP24 of the Publication Draft Local Plan and advice within Chapter 7 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Location plan			13th February 2018
Existing elevations and floor plans	1824 – 01		13th February 2018
Proposed elevations and floor plans	1824 – 02A		27th March 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 applicant. The Case Officer considered that to protect the amenity of the neighbouring property, it was requested that the first floor projection was reduced to a 3 metre projection. Amended plans were received on 27th March 2018.

Report Dated: 3rd April 2018