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:	2018/62/90655/W
Site Address:	Beech House, 4, Dingley Road, Edgerton, Huddersfield, HD3 3AY
Description:	Erection of single storey front and rear basement extensions
Recommending Officer:	Sam Jackman

DECISION – Full Conditional 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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 20-Jul-2018

SITE DESCRIPTION

4 Dingley Road, Edgerton is a large modern detached dwelling situated in a small, new development comprising of 4 other similar style dwellings. The building is constructed of natural stone with a pitched concrete tiled roof. There is a large open plan garden to the front and a paved driveway leading to a double integral garage. To the left of the property at the front is a large protected Beech tree. There is a smaller enclosed garden to the rear.

DESCRIPTION OF PROPOSAL

The proposal is to build a single storey front extension to the lounge, with a projection of 3.7m in line with the existing porch by 5.1m with a lean-to roof.

At the rear of the property the existing garden store will be replaced with an underground cinema/games room with a new terrace over. A new staircase will be created in a rear extension attached to the snug room giving access to the games room.

The store will be increased by a maximum of 2.75m in length which tapers following the boundary with the height slightly lower than the existing roof of the store room.

A new 2m fence will provide screening along the boundary with No 4a.

The extensions would be built from materials to match the host property.

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

The proposed front extension was considered to be large, given the previous extensions already built, various discussions have taken place, where the applicant wouldn't reduce the size of the extension, therefore the extension remains the same.

With regard the rear patio and alterations amended plans have been received to show a boundary fence along the boundary with the neighbours property.

An extension of time was requested due to amended plans being submitted and at the agent's request.

RELEVANT HISTORY

2013/91519 – Extension to garage & porch – granted & built

Proposed elevation
http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2013/91519&file_reference=450657

Proposed floor plan
http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2013/91519&file_reference=450656

A single storey rear extension.

2006/92499 - erection of extensions and alterations – withdrawn

Application details
http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2006%2f92499

Proposed layout and elevations
http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2006/92499&file_reference=104750

Existing layout and elevation
http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2006/92499&file_reference=104751

98/92735 – 5 dwellings - approved

PUBLIC/MEMBERS **RESPONSE**

Publicity date Expires: 30.3.18.

A summary of the comments received is set out below:

The proposed front extension would encroach on the outlook from their lounge window and is considered to be too close.
The proximity of the foundation with regard to the large protect beech tree.

A letter from a planning consultant on behalf of the applicant has been received in support of the application.

Following amended plans to introduce a boundary fence along the rear boundary, the neighbours were notified by letter and email which expired on the 18.7.18, with no formal comments received regarding the fence.

Councillor Sokhal requested an update, however this is not his ward and declined to comment.

CONSULTATION RESPONSES

K.C. **Biodiversity** – the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been received 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 extensions would have no impact on the existing roof structure and are single storey.

K.C. Arboricultural officer – I've no objection to this proposal, however I'm a little concerned about accidental damage to the trees through compaction caused by storage of material construction access etc on the grassed are during the building phase. On this basis I'd like to see a condition to restrict construction activity from the grassed area with the trees on.

Suggested condition:
Prior to development commencing protective fencing in accordance with British Standard BS 5837 shall be erected around all protected trees and trees to be retained on the site, this should extend to the edge of the grassed area where the trees are located.
Reason**:** In order to protect visual amenity and the long term viability of the trees and to accord with policy NE9 of the Kirklees Unitary Development Plan.

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.

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- The site is designated as unallocated on the UDP Proposals Map and on the Kirklees Publication Draft Local 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)
NE9 - Trees
T10 – Highways

Kirklees Publication Draft Local Plan: Submitted for examination April 2017:
PLP 1 – Achieving sustainable development
PLP 2 – Place shaping
PLP 24 – Design
PLP 30 - Biodiversity and geodiversity
PLP **33** - Trees

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 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.

The NPPF refocuses the emphasis on good design as being indivisible from good planning and when applied in conjunction with policies BE1 and BE2 of the UDP, which cover general design principles and quality of design, require Local Planning Authorities to consider proposals favourably when sympathetic design and materials suitably reflect the character of the host property and surrounding properties are submitted.

In addition two specific policies relating to extensions to dwellings apply. Policies BE13 and BE14 of the UDP establish that proposals for the extension of existing dwellings should respect the design features of the existing house and adjacent buildings and should not have a detrimental effect upon the visual amenity of the area or adjoining dwellings.

Advice in Chapter 7 of the NPPF regarding design is also a material consideration. At paragraph 56 this states that ‘good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people’.

Emerging Policy PLP24 of the PDLP sets out a number of design considerations to take into account in the assessment of applications.

Policy NE9 refers to developments should normally retain any protected trees within the site and ensure their viability, which is also outlined in the draft policy PLP 33 of the PDLP.

2 – Impact on visual amenity:

The property is part of a new development of 4 dwellings in the grounds of a Listed Building, with 2 properties in the Edgerton Conservation Area. Each of the dwellings is a large individual designed detached property, built from traditional materials. Properties 4 and 4a are set a fair distance from the road due to the large protected Beech tree at the front. Properties 2a and 3 are forward of their neighbouring properties with the garage forward of the main property.

The proposed lounge extension will introduce a single storey extension to the front elevation of the dwelling with a projection of 3.7m in line with the existing

porch, where the extension was considered to be too large and a request to set the extension back in line with the adjoining WC was made to the agent.

UDP Policy BE14 normally permits extensions to the front or main elevations of dwellings should remain “relatively small in scale”.

The front elevation, of the host building is split into three elevation where two elevation have already been extended with single storey extensions both with lean-to roofs. The proposed application would be on the remaining un-altered elevation, the furthest from the road.

The principal behind Policy BE14 for front extension to remain relatively small is to protect the visual amenity of the street scene, and the impact on residential amenities of any affected neighbours. In this case the property is set over 20 metres back from the street, is modern in design and is partially screened by a large protected Beech tree.

To soften the impact within the street scene the proposal has been designed with a lean-to roof with the upper floors retaining their stepped arrangement, and set behind the newly built garage extension. Whilst the proposed set back would further ensure that the front extension is of small scale and subevent, the above points are noted and on balance it is considered that the proposal wouldn’t introduce a visually dominant feature impacting on the street scene, given the distance from the highway, the more visual prominence of the garage which would still be further forward of the principle elevation than the extended dwelling. Thereby acceptable and compliant with the requirements of policies D2, BE1, BE2, BE13 and BE14 of the Unitary Development Plan emerging policies PLP1, PLP2 & PLP24 of the PDLP and advice in the NPPF

The proposal also includes a rear extension and alteration to an existing underground store. These 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 emerging policies PLP1, PLP2 & PLP24 of the PDLP and advice in the NPPF

3 – Impact on residential amenity:

The proposed front extension would project 3.7m from the host property, it would be set in from the boundary by 1.4m with the adjacent neighbours No4a, where their front elevation is level with the host property albeit at a slightly higher level. Furthermore, their lounge bay window is set in slightly from the gable, an overall separation distance of approximately 3m is achieved between the two properties.

It is accepted that 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, in this case I believe the distance between the properties combined with the design with the lean to roof and changes in levels provides sufficient mitigation to prevent any detrimental impact on the amenity occupies of no.4a. Therefore wouldn't create any overlooking or overbearing in line with policy BE14 and advice in the NPPF. To protect the amenity of no.4a pd rights will be withdrawn for the insertion of any windows in the side elevation of the front extension.

The proposal also includes a single storey rear extension providing access into the proposed underground games room, an enlargement of an existing store.

The rear extension would project almost 4m in line with the existing rear extension, where this is a non-habitable room providing little opportunity of overlooking of the neighbours properties.

The newly created games room will be almost completely underground with little impact on neighbours. However the roof would be utilised as a new terrace area where given the distance from both the rear and side boundary could create overlooking at close quarters. To overcome this concern, amended plans have been received to show a 2m fence to be erected from the finished floor level of the decking. This would prevent overlooking of the neighbours at No 4a. The existing screening along the rear boundary if retained would protect the residential amenity of the property to the rear, however if the screening was removed this would be again acceptable given the distance of over 25m to the property at the rear. Therefore wouldn't create any overlooking or overbearing in line with policy BE14 and advice in the NPPF

4 – Impact **on highway safety**:

In terms of highway safety there are no highway issues as the drive is not being affected by the proposal and can still accommodate 2 cars, as such 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:

K.C. Biodiversity – the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been received 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 extension would have no impact on the existing roof structure and is single storey.

K.C. Arboricultural officer – No objection to this proposal, however I'm a little concerned about accidental damage to the trees through compaction caused by storage of material construction access etc on the grassed are during the

building phase. On this basis I'd like to see a condition to restrict construction activity from the grassed area with the trees on.

Suggested condition:
Prior to development commencing protective fencing in accordance with British Standard BS 5837 shall be erected around all protected trees and trees to be retained on the site, this should extend to the edge of the grassed area where the trees are located.
Reason: In order to protect visual amenity and the long term viability of the trees and to accord with policy NE9 of the Kirklees Unitary Development Plan.

6 – Representations:

It should be noted that two representation have been received as a result of site publicity.

A summary of the comments received is set out below:

The proposed front extension would encroach on the outlook from their lounge window and is considered to be too close.
Response: this has been addressed in the report,

The proximity of the foundation with regard to the large protect beech tree.
Response: This can be controlled by condition.

A letter from a planning consultant on behalf of the applicant was received in support of the application,
Response: Their comments have been taken on board.

Councillor Sokhal requested an update, however this is not his ward and declined to comment.

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.

Decision Authorisation - Delegated Powers

Application Number: 2018/906055

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 51 of the Planning and Compulsory Purchase Act 2004.

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, emerging policies PLP01, PLP02 & PLP24 of the Publication Draft Local Plan and advice in 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, emerging policies PLP01, PLP02 & PLP24 of the Publication Draft Local Plan and advice in the National Planning Policy Framework.

4. The fence to be erected along the western boundary of the site with no.4a as shown on the hereby approved plan Dwg. No. 532.01B at 1.8m above the finished floor level of the terrace shall be erected before the terrace is brought into use and shall thereafter be retained.
Reason: So not as to detract from the privacy of the adjoining residential development and to accord with Policy BE13 of the Kirklees Unitary Development Plan, emerging policies PLP01, PLP02 & PLP24 of the Publication Draft Local Plan and advice in the National Planning Policy Framework.

5. Prior to development commencing protective fencing in accordance with British Standard BS 5837 shall be erected around all protected trees and trees to be retained on the site, this should extend to the edge of the grassed area where the trees are located.
Reason: In order to protect visual amenity and the long term viability of the trees and to accord with policy NE9 of the Kirklees Unitary Development Plan and emerging Policy PLP33 of the of the Publication Draft Local Plan.

6. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed in the external walls of the western side elevation of the hereby approved single storey front extension.
Reason**:** So not as to detract from the privacy of the adjoining residential development and to accord with Policy BE13 of the Kirklees Unitary Development Plan, emerging policies PLP01, PLP02 & PLP24 of the Publication Draft Local Plan and advice in the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Location Plan 1:1250	532-00		26.2.18
Existing & proposed layout & elevations	532-01	B	28.6.18

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 requested amendment to the front extension through the course of the application, however the applicant was not agreeable to such an amendments and therefore the decision is based on the submitted plans for the front extension. However amendments were secured for the provision of a fence to the rear of the site.

Recommendation and Authorisation Box

Report Dated: 19.7.18

Coal – low risk