

**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: 2018/62/90752/W

Site Address: 38, Kingsley Avenue, Crosland Moor, Huddersfield,
HD1 3SR

Description: Erection of two storey rear extension and extension of
existing patio

Recommending Officer: Olivia Roberts

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: 30-Apr-2018

Officer Report

Reference: 2018/90752

Location: 38 Kingsley Avenue, Crosland Moor, Huddersfield, HD1 3SR

Proposal: Erection of two storey rear extension and extension of existing patio

Site Description

The application relates to a two storey terraced dwelling in Crosland Moor, 38 Kingsley Avenue. It is constructed in brick which is finished in pebbledash render at first floor level. The ground floor front elevation is stone. The dwelling is designed with a gable roof form which is finished in slate roof tiles. The front of the dwelling is set back from the access road with a double driveway to the front and a garden and amenity space to the rear. Boundary treatment on site comprises fencing which runs along the north eastern and south western boundaries of the site. Fencing and hedging forms the boundary to the rear.

The site is located in a residential area with the vicinity comprising properties of a similar character, style and design to the application site with the predominant material of construction being brick with render at first floor level to the rear. A number of the properties along Kingsley Avenue benefit from single or two storey rear extensions.

Description of Proposal

The application seeks planning permission for the erection of a two storey rear extension to provide additional living accommodation and the extension of the existing raised patio.

The proposed two storey extension will project 3.00 metres from the rear elevation of the host dwelling and will have a width of 4.80 metres. The extension will sit flush with the south western side elevation of the host dwelling and will be set in from the north eastern side elevation by 0.20 metres. It will be constructed in brick and finished with painted render at first floor level to match existing. The extension will be designed with a gable roof form which will be finished in slate roof tiles to match existing. It will have an eaves height of 5.50 metres and a ridge height of 6.90 metres. A window and door are proposed for rear elevation of the extension at ground floor level

whilst two windows are proposed at first floor level. No openings are proposed for the side elevations of the extension. All openings will be finished in white UPVC to match existing.

The proposal includes the extension of the existing raised patio which will be extended slightly to suit the proposed extension. New steps will be introduced to reconcile the level difference between the patio and the rear garden of the property.

History of negotiations/amendments received

The originally submitted planned showed that the existing raised decking would be extended to suit the proposed extension. As an exact projection of the patio was not shown on the submitted plans, there was some concern that the extension of the patio could significantly increase the likelihood of overlooking into the rear amenity space of the adjoining property no. 36 Kingsley Avenue. Clarification was sought from the agent who confirmed that patio will project 1.10 metres from the rear elevation of the proposed extension which is approximately 0.50 metres greater than existing.

Relevant Planning History

No planning history at the site.

At no. 40 Kingsley Avenue –

2017/90770: Erection of first floor rear extension. Conditional Full Permission.

At no. 32 Kingsley Avenue –

2005/93097: Erection of two storey extension. Conditional Full Permission.

97/91727: Erection of single storey kitchen extension. Conditional Full Permission.

Representations

Final publicity date Expires: 26 April 2018.

A site notice was posted and neighbours were notified.

No representations were received.

Parish/Town Council comments: not applicable.

Consultation Responses

No consultations 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 on the 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
- 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.

The general principle of extending and making alterations to a property are assessed against Policies BE1, BE2, BE13 and BE14 of the UDP and advice within Chapter 7 of the National Planning Policy Framework regarding design. These require, in general, balanced considerations of visual and residential amenity, highway safety and other relevant material considerations.

2 –Impact on visual amenity:

The proposed extension will have some impact on the visual amenity of the property. The property, as a result of the proposed extension will be significantly larger than existing. However, it is noted that the extension will be constructed in materials to match existing and will be designed with a gable roof which will be finished in concrete roof tiles. The eaves height of the extension will match the eaves height of the host dwelling. The ridge height of the extension will not exceed the ridge height of the host property. Taking this into consideration, it is not considered that the proposal will have a significant impact on the visual amenity of the host dwelling. The proposed extension will be located to the rear of the property and will therefore not be visible from Kingsley Avenue. Furthermore, it is noted that a number of properties along the street scene benefit from either single or two storey rear extensions. It is therefore not considered that the proposal will have a significant impact on the either the character or appearance of the surrounding area. The proposal is therefore considered to be in line with Policies BE1, BE2, BE13, BE14 and D2 of the UDP, Policy PLP24 of the PDLP, and Chapter 7 of the NPPF.

3 – Impact on residential amenity:

The development will have some impact on residential amenity with the most likely property to be affected being no. 36 Kingsley Avenue. The proposed extension will project 3.00 metres along the boundary shared with the property and could therefore have an overbearing and overshadowing impact. However, due to the extension being set in from the shared boundary by approximately 0.20 metres, the orientation of the rear elevations facing north and the clear gap between no. 36 and no. 34 to the east. it is not considered that this impact will be significantly detrimental. Furthermore, the ridge height of the proposed extension is less than that of the host dwelling which will further reduce the impact on the property. No openings are proposed for the side elevation of the extension which will eliminate the potential for overlooking into the rear of the property. In the interest of residential amenity and privacy and to accord with Policy BE14 of the UDP and PLP24 of the PDLP, it is deemed acceptable to condition that no openings shall be erected in the side elevation of the ground floor level of the extension in the future. It is noted that the extension of the existing patio could increase the likelihood for overlooking into the rear amenity space of the property. As the patio will be extended an additional 0.50 than existing at the same level, it is not considered that this impact will be significantly detrimental to the residential amenity of the occupier of the property. There is inter visibility between various gardens along the terrace.

The proposed extension will project 3.00 metres along the boundary shared with the adjoining property no. 40 Kingsley Avenue. As the property benefits from a two storey rear extension which projects 3.00 from the rear elevation, it is unlikely that the proposed development will have a significant impact on the residential amenity of the occupiers. The location of the existing extension will prevent the development from having an overbearing or overshadowing impact on the property. No openings are proposed for the side elevation of the extension which will eliminate the potential for overlooking into the property. In the interest of residential amenity and privacy and to accord with Policy BE14 of the UDP and PLP24 of the PDLP,, it is deemed acceptable to condition that no openings shall be erected in the side elevation of the ground floor level of the extension in the future.

In this instance, no properties are located to the rear of the application site which will be impacted by the development.

To summarise, the proposals, with the inclusion of conditions, is considered acceptable from a residential amenity perspective and would accord with the aims of policies D2 and BE14 of the UDP, as well as policy PLP24 of the PDLP.

4 – Impact on highway safety:

The proposed extension does not give rise to the requirement for additional parking and would not affect the existing parking and access arrangements on site. Accordingly, it would not raise any highway safety issues and thus complies with Policies D2 and T10 of the UDP and Policy PLP21 of the PDLP.

5 – Other matters:

5.1 Ecology -

The site is located within the Council's GIS bat alert layer however, it is not identified on the map as having bat roots and is not within 200 metres of woodland. In addition, the dwelling is well sealed and unlikely to have any significant bat roost potential. However, a note recommending the advice of licensed bat work to be sought if any bats are found during the development will be relayed on the applicant in the interest of biodiversity and for the proposal to comply with the aims of chapter 11 of the NPPF.

6 – Representations:

No representations were 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: 2018/90752

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, Policy PLP24 of the Kirklees Publication Draft Local Plan, as well as the aims 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 Kirklees Publication Draft Local Plan, as well as the aims of chapter 7 of the National Planning Policy Framework.

4. 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) (England) 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 side elevations of the extension at ground floor level at any time without the prior written approval of the local planning authority.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy BE14 of the Kirklees Unitary Development Plan and Policy PLP24 of the Publication Draft Local Plan.

NOTE: Due to its location, 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.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays
08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing and Proposed Plans, Elevations and Location Plan	AL01	B	26/04/2018

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 originally submitted planned showed that the existing raised decking would be extended to suit the proposed extension. As an exact projection of the patio was not shown on the submitted plans, there was some concern that the extension of the patio could significantly increase the likelihood of overlooking into the rear amenity space of the adjoining property no. 36 Kingsley Avenue. Clarification was sought from the agent who confirmed that patio will project 1.10 metres from the rear elevation of the proposed extension which is approximately 0.50 metres greater than existing.

30/04/2018

Report Dated: dsffsdf