

**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: 2018/62/90804/W

Site Address: 5, Cedar Avenue, Edgerton, Huddersfield, HD1 5QH

Description: Erection of single storey rear extension

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: 18-May-2018

Officer Report

Reference: 2018/90804

Location: 5 Cedar Avenue, Edgerton, Huddersfield, HD1 5QH

Proposal: Erection of single storey rear extension

Site Description

The application relates to a detached bungalow in Edgerton, 5 Cedar Avenue which currently serves a residential care home. The property is constructed in stone and render and is designed with hipped and gable roof forms which are finished in slate roof tiles. The front of the dwelling is set back from the access road with a large driveway to the front and a large garden and amenity space to the rear. Boundary treatment comprises fencing which runs along the north eastern, southern western and rear boundaries of the site.

The site is located in a residential area which comprises properties of a range of characters, styles and designs. The properties immediately to the south west of the property are detached bungalows which are similar in appearance to the application site.

Description of Proposal

The application seeks planning permission for the erection of a single storey rear extension. The extension will project 4.00 metres from the rear elevation of the existing communal lounge and will have a width of 5.10 metres. The extension will serve as an extended lounge at the property. The extension will be set in from the south western side elevation of the property by 4.80 metres and the north eastern side elevation by 6.90 metres. It will be constructed in natural stone and render and will be designed with a gable roof form which will be finished in slate to match existing. The eaves and ridge height of the proposed extension will match the existing gable roof form at the property. Windows are proposed for the rear and north eastern side elevation of the extension. Patio doors which will provide access into the existing rear garden are proposed for the south western side elevation. All openings will be finished in timber and UPVC to match existing.

History of negotiations/amendments received

No amendments were sought or received during the process of the application.

Relevant Planning History

90/04501: Erection of bungalow with integral garage. Conditional Full Permission.

Representations

Final publicity date Expires: 15 May 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
- **G6** - contamination

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP 24** – Design
- **PLP52** – contamination

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 general design Policies BE1, BE2 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 development will have some impact on the visual amenity of the property. The proposed extension will be finished in materials to match existing and will be designed with a roof form which will correspond well with existing. The proposal, by virtue of its style and design will be in keeping with the host property. It is therefore not considered that the development will have a significant impact on the appearance of the property. Furthermore, it is noted that due to its location to the rear, the extension will not be visible from the street scene. It is therefore not considered that the development will have a significantly detrimental impact on the character or appearance of the surrounding area. The proposal is therefore considered to be in line with Policies BE1, BE2 and D2 of the UDP, Policy PLP24 of the PDLF, and Chapter 7 of the NPPF.

3 – Impact on residential amenity:

The development will have some impact on residential amenity with the most likely properties to be effected being no. 1-3 & 9 Cedar Avenue. The proposed extension will project 4.00 metres from the rear elevation of the host property but not project any closer to the neighbouring properties than the existing communal lounge element of the property which projects 1.00 beyond the main rear elevation. The extension will be set in from the south western side elevation of the property by 4.80 metres and the north eastern boundary by 6.80 metres. Taking the above into consideration, the proposed extension is considered acceptable in this instance. Sufficient distance will be retained between the development and the two neighbouring properties to prevent the extension from having an overbearing or overshadowing impact. Furthermore,

the distance retained along with current boundary treatment, will eliminate the potential for overlooking.

No properties are located to the rear of the application site which will be impacted by the development in this instance.

To summarise, the proposal is considered acceptable from a residential amenity perspective and would accord with the aims of policies D2 and BE1 of the UDP, as well as policy PLP24 of the PDL.

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 PDL.

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 roosts 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.

5.2 – contamination

The site is within a high risk coal area which could be affected by issues related to coal mining legacy. This would normally require the submission of a Coal Mining Risk Assessment. However, in this instance given the small footprint of the extension proposed this is considered to be disproportionate. The Coal Authority do advise that in certain instances the LPA can use its discretion in deciding whether to require a CMRA or not. In this case I consider it would not be reasonable and that matters arising from coal mining could be addressed through the allied application for building regulations approval.

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: 2018/90804

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, BE1 and BE2 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 BE1 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.

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
Location Plan	18/322/01		27/03/2018
Block Plan	18/322/02		27/03/2018
Existing Plan & Elevations	18/322/03		27/03/2018
Proposed Floor Plan	18/322/04		27/03/2018
Proposed Elevations	18/322/05		27/03/2018

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.

As submitted plans were considered to be acceptable, no changes were sought.

Report Dated: 17/05/2018

