

**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: 2018/62/91169/W

Site Address: 5, Southway, Lindley, Huddersfield, HD3 3LN

Description: Erection of extensions and alterations

Recommending Officer: William Simcock

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: 31-May-2018

Officer Report

Site Description

5 Southway is a large dormer bungalow with its front elevation facing east, set within a short cul-de-sac comprising individually designed houses. It is built in a roughly L-shaped form with the angle of the L at the front right-hand side, and incorporating an attached double garage at the front. It has a large rear garden.

Description of Proposal

The proposal is for:

- The erection of a rear extension to form an enlarged kitchen;
- Remodelling of roof over the existing dining room to form a flat roof with a parapet and lantern, and removal of bay;
- First-floor extensions which would raise the roof of the garage slightly, form a front-facing gable for a bedroom window and two side-facing gables to form an en-suite and staircase;
- A first-floor extension over the main part of the building with a new gable formed facing front or east and two gables (the master bedroom and en-suite) facing west, with the overall height of the roof raised by about 1.4m;
- Re-facing of the exterior of the property in part grey timber-effect cladding, part rendering.

History of negotiations/amendments received

The case officer requested additional 3-D visuals and details of materials, which the agent submitted on 24th May.

Relevant Planning History

None.

Representations

Final publicity date Expires: 22-May-2018

One representations received from occupant of 6 Southway:

- Please ensure that the landing window above the garage door, which will overlook my property, will be of frosted glass or similar.

Consultation Responses

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 without designation 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 (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]”. Other UDP Policies of relevance include BE1 and BE2 (development should be visually attractive and contribute to a sense of local identity), BE13 (extensions should respect the design features of the existing building), BE14 (extensions should not have an adverse impact on adjacent properties or land), and T10 (development should not create or materially add to highway safety problems). There are no policies dealing specifically with roof or first-floor extensions.

PLP24 of the Publication Draft Local Plan covers mostly similar concerns to the UDP policies already listed. It attracts a number of unresolved objections but these do not relate to the guidance on extensions that forms part of this policy wording: “Proposals should promote good design by ensuring that . . . extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers”. So this part of the policy can be given at least moderate weight.

2 –Impact on visual amenity: The dwelling is located within a short cul-de-sac in which the existing development shows a diversity of built form, layout, style and materials. Only nos. 1 and 2 are full two-storey dwellings, although no. 4 Southway and 52 Daisy Lea Lane (which borders the application site) have a substantial two-storey element at the rear and no. 3 has dormers in the front-facing roof slope.

The proposal would involve an increase in the built footprint but this would proportionally be very small, and the resulting development would still have a house to plot size ratio comparable to other houses on Southway. The first-floor extensions would result in a substantial increase in overall bulk, although it is noted that the property would still have a fairly large rear garden (about 20m depth) remaining as well as a large setback from the highway boundary at the front. Finally it is noted that other properties have gable ends facing the street. It is considered on balance that the overall scale, bulk, built form and design details of the development are acceptable and would not detract from the visual amenity of the area.

The use of timber or timber-effect boarding as an external facing material is unusual for dwellings within Kirklees. It is noted that there is a lack of uniformity in materials for the other dwellings on Southway, with a roughly equal distribution of brick, stone and rendering. It is considered that the proposed material would result in an acceptable appearance.

In conclusion, it is considered that the proposal would respect the appearance and character of its surroundings and would conserve visual amenity, thereby according with the aims of Policies BE1-2, BE13 and PLP24.

2A – Heritage considerations: The property is just outside the boundary of the Edgerton Conservation Area. It is considered that it would not affect the Conservation Area setting.

3 – Impact on residential amenity: The street-facing bedroom window (bedroom 3) would not give rise to loss of privacy as it would face the nearest opposing window at a distance of about 25m.

The proposal contains a number of side-facing windows. The ground floor dining room window, which would face south, is not considered problematic as it would be some distance from the common boundary. The only side-facing first-floor windows are to an en-suite facility to the south and a stairwell to the north – in the interests of protecting privacy, it can be conditioned that these are obscurely glazed.

None of the rear-facing windows would be close enough to the rear boundary to give rise to an impact on privacy. It is considered that the overall scale of the development would not give rise to an overbearing impact on its neighbours.

In summary, subject to the condition on obscure glazing, the development would not give rise to loss of residential amenity and would accord with the aims of BE14 and D2.

4 – Impact on highway safety: The proposed development would not affect existing parking or access arrangements and it is considered it would have no implications for highway safety.

5 – Other matters:

Biodiversity:

The site is in the bat alert layer. On the basis of an external viewing would appear to have negligible roost potential at most – the roof and eaves seem sound and well-maintained, and in any case the roof space is already inhabited. The standard precautionary note will be added to the decision notice.

6 – Representations: Residential amenity impacts have been examined in the main part of the assessment but are highlighted here with officer responses.

- Please ensure that the landing window above the garage door, which will overlook my property, will be of frosted glass or similar.

Response: The distance from the proposed new window to the northern site boundary would appear to be approximately 10m on the basis of Council GIS plans, but since no. 5 is slightly elevated above no. 6 and it would face this property's main amenity space, it is considered on balance that the use of obscure glazing would be justified as a planning condition.

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: 2018/91169

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.

3. The north- and south-facing windows in the proposed first-floor extension shall be fitted with obscure glazing and in the case of the south-facing window shall be non-opening or top-opening only. 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), windows of this type shall be retained at all times.

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 Unitary Development Plan and Policy PLP24 of the Publication Draft Local Plan.

NOTE: There is the potential for a bat roost to 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
Application form			09-Apr-2018
Location plan as	EX0001		09-Apr-2018

Plan Type	Reference	Version	Date Received
existing			
Plans and elevations as existing	EX0002		09-Apr-2018
Plans and elevations as proposed			09-Apr-2018
3D visuals as proposed			24-May-2018
Supporting information – cladding materials			24-May-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 requested the applicant submit additional 3-D visuals and details of materials so as to assess the impact the proposal would have on visual amenity.

Report Dated: 31-May-2018