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:	2018/62/91386/W
Site Address:	14, Howard Avenue, Lindley, Huddersfield, HD3 3DJ
Description:	Erection of two storey and single storey extensions
Recommending Officer:	Sam Jackman

DECISION - REFUSED

I hereby authorise the refusal 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-Jul-2018

SITE DESCRIPTION

14 Howard Avenue, Lindley is a semi-detached property constructed of brick and concrete pantile roof, located within a residential area of similar properties. There is an existing timber attached single garage and a small glazed front porch. The rear garden is a flat, long and narrow.

DESCRIPTION OF PROPOSAL

The proposal is for a modified scheme to build an 'L' shaped extension comprising of a 2-storey side extension, a single storey rear extension and the addition of a gable to the main roof with a half hipped gable. This previously approved scheme was as follows:

The side extension would project from the gable by 2.4m by 10m, including 3m from the rear elevation by 7.7m high with a hipped roof. The extension would be set back 0.9m from the front elevation with the ridge set down respectively. The extension would be set in from the shared boundary with No 12a by 0.6m. The accommodation created would be a store, shower room and kitchen, with a new bedroom, bathroom and enlarged front bedroom above.

The single storey rear extension would project 3m by the full width of the rear elevation, linking into the side extension with a lean-to roof, creating a larger living area. A new first floor rear extension was added in response to losing the loft conversion.

The extension would be built from brick with a concrete tiled roof.

The proposal now shows a half hip over the extension, with the ridge running through at the same height into the extension as the main roof, providing a new staircase to the loft conversion. Two new roof lights would be created on the rear roof slope.

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

The amended scheme initially showed a full gable to the side extension, an identical scheme to that originally application on 2017/92609 which was amended.

Following a request from the agent to meet the applicant, amended plans have been submitted to show a half hip. The agent has also submitted other examples where the side extension is shown as a gable and has argued the permitted development rights allowed for roof alterations.

An extension of time was requested to allow the amended plans to be advertised which has been agreed by the agent.

RELEVANT HISTORY

2017/92609 - Erection of two storey side and single storey rear extensions – Granted

2017/94039 - Erection of two storey side and single storey rear extensions with side dormer – refused.

PUBLIC/MEMBERS RESPONSE

Final publicity date Expires: 31.5.18

1 letter of representation has been received objecting to the original plans. A summary of the comments received is set out below:

- Introducing a gable would imbalance the symmetry of the pair of semi's, contrary to policy BE1
- Overdevelopment – the original scheme added the first floor rear extension after the loft conversion was removed.

The letter also refers to the fact that if the application would be recommended for approval, the neighbour would like the opportunity to contact their local ward councillors.

The neighbour's agent was notified of the amended plans which expired on the 26th July a chase up email also sent on the 26th July to the neighbour's agent.

Further comments made by the neighbour's agent. - Whilst we appreciate the applicant's attempts to deal with our concerns, the plans do not provide a full hipped roof and the imbalance with the adjoining semi remain. If anything it amplifies the bulk and massing of the proposed extension which is out of keeping with the character of the area and street scene. The development of both a two storey side extension AND a two storey rear extension represent an overdevelopment of this semi-detached property and should be refused.

CONSULTATION RESPONSES

Biodiversity – the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested 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 property is well maintained with limited foraging within the area, however a cautionary footnote should be added if the application is approved.

POLICY

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). 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 48 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 (2018), 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 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)
T10 – Highways

Kirklees Publication Draft Local Plan: Submitted for examination April 2017:
PLP 1 – Achieving sustainable development
PLP 2 – Place shaping
PLP 21 – Highway safety and access
PLP 22 - Parking

PLP 24 – Design
PLP 30 - Biodiversity and geodiversity

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 24th of July, 2018, 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 12** – Achieving well-designed places
- **Chapter 15** – 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 (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 unallocated on the Kirklees Unitary Development Plan (UDP) proposals map and as such Policy D2 applies and does indicate that permission will normally be granted provided it would not have any prejudicial impact upon, for example, visual and / or residential amenity or result in the overdevelopment of a site.

2 – Impact on visual amenity:

The proposal will introduce a half hipped gable to an approved scheme for a two-storey side/rear and single storey rear extension to the existing semi-detached dwelling.

The proposal includes a single storey rear extension with a first floor bedroom over part, where the proposed 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. This part of 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 (UDP), Policies PLP1 and PLP24 of the publication draft

Local Plan (PDLP) and advice in chapter 12 of the National Planning Policy Framework (NPPF). This part of the application is unchanged from the previously approved scheme.

The side extension will be set back by 0.9m from the front elevation as approved, however where the roof was stepped down, the ridge now carries through into the altered roof and over the side extension which has a half hipped gabled roof. The previous application incorporated a new gable to the side extension which was deleted through negotiations with the agent.

It is considered that a new half hipped gable would

- Unbalance the appearance of the pair of semi-detached properties.
- Would dominate the appearance of the property and its neighbour, given its relationship with them, due to the host property being built forward of the neighbour's property No 12a.
- Finally due to the host property being forward of No 12a, the gable would be very prominent within the street scene when travelling along Howard Avenue from the North even with the set back of 0.9m.

The concerns raised previously still stand for the design of the half hipped gable now proposed. Whilst the current proposal is slightly smaller in scale than the scheme previously proposed and amended under application 2017/92609 the scheme of the current proposal would still carry the ridge of the extension through over the side extension which is considered to represent an incongruous feature within the street scene and the character of the wider locality.

Such a feature is considered to be detrimental to visual amenity and would be contrary to policies D2, BE1 & BE2 of the Kirklees UDP, emerging policy PLP24 of the PDLP. Paragraph 130 of Chapter 12 of the NPPF advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. In addition para 130 goes on that 'local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to a permitted scheme'. This would be the case here. The permitted scheme was considered acceptable whereas this revised scheme is not.

3 – Impact on residential amenity:

The proposed extended gable wouldn't create any additional windows in the side elevation, therefore there would be no overlooking issues from the amended roof.

With regard the extension already approved, there would be no overlooking as there are no windows in the side elevations of the 2 storey side extension apart form a bathroom window which will be obscurely glazed. This window will be in a similar position to the neighbours bathroom window, resulting in them both been almost opposite one another.

The front elevation windows would be set back from the front elevation so no additional overlooking given the current relationship with the neighbours.

The rear elevation windows would overlook the rear garden and would be 26m from the rear elevation of the property behind once extended, this is considered to be an acceptable distance. Therefore wouldn't create any overlooking in line with policy BE14, emerging policy PLP24 of the PDLP and advice in the NPPF.

The proposed roof alterations would add additional bulk to the roof, furthermore the first floor rear extension which was added due to the loss of the loft conversion (in the previous scheme) has been retained, which would also add to the bulk of the extension, it is considered due to the size would create an overbearing effect to the detriment of the neighbouring property.

With regards the approved extensions, the front elevation, of the host property faces due East, with the adjacent property most affected by the proposal located to the North. The neighbours property no 12A is greater in depth than the host property by 4m and is set further back within the plot, resulting in the host property projecting forward of No 12A by 2m.

The set back of 1 metre helps to reduce concerns of overshadowing to adjacent properties, although the raising the gable and raising the eaves on the side elevation would add a degree of overshadowing to the front elevation of no. 12A.

At the rear of the property the extension would project 3m albeit 2-storey along the boundary with No 12A, however this additional projection will bring the building in line with the neighbours property creating no additional overshadowing. However there is a landing window in the neighbours property located centrally to the side elevation, to help light within the hallway which is not a habitable room window, the neighbour has requested this elevation to be painted white or a light reflective service. Given the mix styles and material pallet within the area the side elevation can be conditioned to be a light stone colour. Given the form and function of this window it is considered that no undue overshadowing impact would occur.

With regard No 16 this is located to the south of the host property where the first floor element is to the side of no 14 and the rear extension is only single storey against their shared boundary.

To conclude, the amended scheme – by virtue of the undue overbearing impact of the revised scheme on the adjacent no. 12A- would fail to retain a high standard of amenity for existing occupiers of this neighbouring property contrary to para 127 f) of the NPPF, Policy D2 (v) of the UDP and PLP24 (b) of the Publication Draft Local Plan.

4 – Impact on highway safety:

Whilst this application would result in the loss of the garage and some driveway to the side of the property, there are no highway issues as the drive is being altered to provide 2 off-street parking spaces. These space can be conditioned to be provided before the development is brought into use.

Therefore the proposal would meet the aims of Policy T10 of the Unitary Development Plan with respect to highway safety, PLP21 of the PDLP and advice in the NPPF.

5 – Other matters:

Biodiversity – the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not requested 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 property is well maintained with limited foraging within the area, however a cautionary footnote should be added.

Permitted development rights

The agent has argued that the property could create a gable to the existing property under their permitted development rights, therefore the half -hip would work well over the side extension providing access into the loft.

It is accepted that a gable could be created under permitted development rights (to the original dwelling which would not include the side extension), however no certificate of lawfulness application has been submitted to confirm this and it would be unlikely that this would be built before the side extension, due to the expense and practicality of the alterations. If this was one building operation then the totality of the scheme would need to be taken into account. Therefore this is given little weight as a viable solution to consider the application as amended to be acceptable.

6 – Representations:

1 letter of representation has been received objecting to this application. A summary of the comments received is set out below:

- Introducing a gable would imbalance the symmetry of the pair of semi's, contray to policy BE1
- Overdevelopment – the original scheme added the first floor rear extension after the loft conversion was removed.

The letter also refers to the fact that if the application would be recommended for approval, the neighbour would like the opportunity to contact their local ward councillors.

These comments have been reiterated in their comments with regard the latest amended plans.

The issues raised by the neighbours have been considered and taken on board within the report.

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 proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

Decision Authorisation - Delegated Powers

Application Number: 2018/91386

Officer Recommendation: REFUSE

1.The proposed development, by reason of the roof design of the two storey side extension, would appear incongruous in relation to the host building and would unbalance the symmetry of the pair of semi-detached properties of which it forms part. This would be detrimental to visual amenity, including that of the wider street scene. the wider street its relationship with the adjoining no. the street scene and would be detrimental to the visual amenities of the area and would therefore be contrary to Policies BE1 (ii), BE2 (i) and D2 (vi) & (vii) of the Kirklees Unitary Development Plan and Policy PLP24 (c) of the Kirklees Publication Draft Local Plan and advice in Chapter 12 of the National Planning Policy Framework.

2. The proposed development would result in a significant overbearing impact on the occupants of Nos 12A Howard Avenue due to the scale and design of the roof of the two-storey side extension. The proposal would not accord with Policy D2(v) of the Kirklees Unitary Development Plan, Policy PLP24 (b) of the Kirklees Publication Draft Local Plan or paragraph 127 (f) of the National Planning Policy Framework which promotes health and well-being with a high standard of amenity for existing users of land.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan 1:1250	1740.1		26.4.18
Existing layout	1740.2		26.4.18
Proposed ground floor layout	1740.3	A	26.4.18

Proposed first floor layout	1740.4	B	26.4.18
Proposed second floor layout	1740.5	A	26.4.18
Existing front & rear elevations	1740.6		26.4.18
Proposed front & rear elevations	1740.7	D	12.7.18
Proposed side elevation	1740.8	D	12.7.18
Proposed side elevation	1740.9		26.4.18

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 amended plans during the process of the application to seek an amendment which would to reduce the impact of the development on the amenity of nearby residents and the streetscene. However the amendments received did not overcome the initial concerns raised. This decision is based on the amended/additional documents submitted.

Recommendation and Authorisation Box

Report Dated: 31.7.18

Coal – low risk