

**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: 2018/62/91388/W

Site Address: 33, Woodlea Avenue, Marsh, Huddersfield, HD3 4EF

Description: Erection of first floor extension and internal alterations to convert part of garage to living accommodation

Recommending Officer: William Simcock

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: 21-Jun-2018

Officer Report

Site Description

33 Woodlea Avenue is a two-storey detached dwelling with a lean-to structure on one side (part of the original building) forming a garage and lounge. It is part of a small modern estate of similar dwellings. It is built on a narrow plot but has a large rear garden.

Description of Proposal

The proposal is for the erection of a first floor extension and for internal alterations to convert part of the garage to living accommodation. The extension would be above the existing garage and dining room, 2.5m wide and with a gable roof joining the existing roof at right-angles. It is to be built in stone and concrete tiles to match the host building. The garage is to become a store and utility, with the existing garage door retained. A side-facing window is to be formed to serve the utility room.

History of negotiations/amendments received

None.

Relevant Planning History

None.

Representations

Final publicity date Expires: 14-Jun-2018

No representations received.

Consultation Responses

No consultations were deemed necessary on this occasion.

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 allocated for housing 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).

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: It is considered that the proposal would be an appropriate addition in terms of scale and design and that it would respect the character of its surroundings. Subject to materials matching, which can be conditioned, it would conserve visual amenity and accord with the aims of Policies BE1-2, BE13 and PLP24.

3 – Impact on residential amenity: It is considered that the proposed extension would not have a detrimental impact on any neighbouring property or land. There is an additional window in the side elevation to serve the utility room. This is not considered to be intrusive as it would not overlook the main part of the 35 Woodlea Avenue’s amenity space or their habitable room windows, but mainly towards the side wall of their garage.

4 – Impact on highway safety: The property has a double-width driveway which is a minimum of 5m in length. This means that two cars can safely be parked outside the property. For a house with 4 or more bedrooms, the provision of 3 parking spaces is often considered desirable in planning terms as there is a greater likelihood of the house being occupied by a 2- or 3-car family, but in this case this is not a serious concern. Even if the development led to a further vehicle being parked on the highway, this is unlikely to present a safety hazard given the width of the carriageway and the level of traffic. It is

considered that it would have no negative impact on highway safety and would accord with the aims of Policies T10 and T19.

5 – Other matters:

Biodiversity:

The site is in the bat alert layer but on the basis of an external viewing would appear to have no bat roost potential. The standard precautionary note will be added to the decision notice.

Landfill gas:

The site is in close proximity to a former landfill site. As the scheme does not involve new foundations it is considered that it would not create any new landfill gas risks for future occupants and there is no need in the circumstances to undertake consultations or impose conditions.

6 – Representations: No representations have been made.

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: 2018/91388

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 and Policy PLP24 of the Kirklees Publication Draft Local Plan.

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 and Policy PLP24 of the Kirklees 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			27-Apr-2018
Location plan			27-Apr-2018
Existing plans and elevations	SK1		27-Apr-2018
Proposed floor plans	03		27-Apr-2018
Proposed elevations	04		27-Apr-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 did not undertake negotiations with the applicant as no amended plans or additional information were considered necessary.

Report Dated:

21/6/2018