

**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: 2018/62/91621/W

Site Address: 35, Holly Road, Thornton Lodge, Huddersfield, HD1 3SE

Description: Erection single and two storey rear extension, front and rear dormers and front porch

Recommending Officer: Laura Yeadon

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: 14-Dec-2018

Officer Report

Site Description

35 Holly Road is a brick constructed mid-terraced property located within a predominantly residential area. Holly Road itself slopes gently upwards from east to west with the properties being grouped into terraced rows being a variety of construction materials and some of which have been extended. The application site is the middle dwelling within a group of 3 and is set slightly up and set back from the roadside, separated by a paved front garden. The property has not been extended to the front and to the rear is a small single storey extension which projects into the rear yard area for the property. Both neighbouring properties have been extended to the side and rear.

Description of Proposal

Permission is sought for the erection of a single and two storey rear extension, front and rear dormers and front porch.

Single and two storey rear extension

The proposed single and two storey location would be located on the rear elevation of the property. The single storey element would span the full width of the rear elevation being set in from each side boundary by 0.15 metres and projecting 3.3 metres from the rear elevation of the property. The eaves height would be 2.5 metres rising to 3.5 metres to the ridge of the lean-to roof. It is also proposed that an additional 1.3 metre by 1.2 metre porch is added to the rear of the extension which would have a cat slide roof. The proposed first floor element would project from the rear elevation by 1 metre and would be a width of 2.2 metres and would have a roofline which is lean-to in design, sloping towards No. 35 Holly Road.

The proposed construction materials would be brickwork for the walls, tiles for the roof and uPVC for the windows to match the existing.

Front dormer extension

The proposed front dormer extension would be centrally located within the roof slope being flat roofed, a total width of 2.7 metres in width, 1.7 metres in height with a 3 metre projection from just below the ridge of the roof. The dormer would be set up from the gutter line by 1 metres and set down from the roof ridge by 0.2 metres. The submitted plans suggest that the front elevation of the dormer would be tile hung.

Rear dormer extension

The dormer extension to the rear of the building would be located within the rear roof slope and would also be flat roofed. The dormer would have a total width of 4.4 metres in width, 2.4 metres in height with a 3.1 metre projection from the roof slope. The dormer would be set up from the gutter line by 0.4

metres and set down from the roof ridge by 0.2 metres. The dormer would be clad in grey uPVC.

Front porch

There is a proposed porch on the front elevation of the property. The porch would be located adjacent to the boundary with No. 37 and would project 1.3 metres from the front elevation of the building being a total width of 1.7 metres with an eaves height of 2.3 metres rising to 3 metre to the ridge of the lean-to roof. The construction materials would be brick for the walls, tiles for the roof with natural stone coping stones.

History of negotiations/amendments received

Following the site visit, concerns were raised in relation to a number of elements of the scheme and it was requested that the dormer extensions were reduced in size, especially the front dormer to ensure it would comply with current policy; the two storey extension to be amended to add either a shallow pitch or a cat slide roof to prevent the flat roof appearance; and it was also suggested that the rear extension be reduced to 3 metres to comply with current policy. Following these issues being raised, the scheme was altered to reflect the suggestions and amended plans submitted. The amended plans were received on 15th October 2018. The amended plans were not re-advertised as the proposals were smaller than originally submitted.

Relevant Planning History

No history

Representations

Final publicity date expired 4th July 2018 – no representations received

Parish/Town Council comments – not applicable

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

K.C. Highways Development Management – prior to the submission of amended plans a swept path analysis for the access and egress of a large car from both proposed parking spaces was required. Following the submission of amended plans and the parking spaces omitted, given that the proposal is not dramatically greater than the dimensions of an extension allowed through permitted development, no objection.

Policy

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 (2018). 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 Unallocated Land 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)
- **BE15** – Dormer extensions

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 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

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) 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.

Furthermore, the site is without notation on the Publication Draft Local Plan. Policy PLP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

2 –Impact on visual amenity:

In terms of visual amenity, the dormer extension to the front of the building is a fairly uncommon feature within the Holly Road street scene with 2 small pitched roof dormers within the front roof slope of No. 66 Holly Road and with flat roof dormers located within the front elevation of 3 no. terraced properties within Moorbottom Road to the west of the application site. The proposed dormer would be centrally located no more than 50% of the width of the property and would ensure that the original roof is retained as the dominant feature and is clearly read as such. The plans suggest that the front dormer would be tile hung however this is not listed on the proposed construction materials. Therefore, to ensure that the dormer is in keeping with the host property, this can be conditioned be tile hung to minimise its impact. The rear elevation would be larger than the proposed front dormer and would be uPVC clad with a grey finish which is considered to be acceptable due to being at the rear of the property. Whilst the front dormer would not be strictly compliant with Policy BE15 in terms of the dormer not being set down from the ridge of the dwelling by 0.5 metres it is considered that the dormers are acceptable for the reasons given above.

The proposed single storey rear extension would project 3.3 metres from the rear elevation of the extension and would be single storey in height with a lean-to roof which would be subservient to the host property and clearly read as an addition to the property with matching construction materials. The first floor element of the extension would be part-width and would have a limited

projection of 1 metre and is therefore also considered to be acceptable. The proposed rear porch is also single storey in height being part-width of the single storey extension with a cat-slide roof which ties into the roofline of the single storey extension.

With regards to the front elevation porch, this would have a limited projection of 1.3 metres and width of 1.7 which would visually small in scale and would also have matching construction materials to the host dwelling, therefore considered acceptable.

The proposed fenestration details throughout the extensions are also considered to be acceptable.

The property currently benefits from full Permitted Development Rights however given the size of the rear single storey extension, taking into account that there are no other extensions that could be constructed by exercising these rights, it is considered reasonable and necessary to remove Permitted Development Rights for the construction of outbuildings within the site boundary to prevent overdevelopment.

Taking into account all the above, it is considered that the proposal is acceptable in terms of visual amenity.

3 – Impact on residential amenity:

With regards to residential amenity and overshadowing, the proposed single storey rear extension would span the full width of the rear elevation projecting 3.3 metres on the elevation facing No. 37 and 4.6 metres on the elevation facing No. 33 with the extension projecting to the south. Both neighbouring properties have single storey rear extensions with No. 33 having an extension that projects approximately 3.8 metres and No. 37 having an extension that projects approximately 3.4 metres. The main impact of the scheme would be on No. 37 and the proposed extension would project 1.2 metres beyond the rear elevation of that neighbouring extension which, due to the existing screening is considered to be acceptable in this instance. The first floor element of the scheme would have projection limited to 1 metre and it therefore it is not anticipated that these would cause undue harm from overshadowing and the dormer windows would be contained within the roof slopes and are therefore considered to be acceptable.

With regards to overlooking, openings are proposed within the front and rear dormer and at ground and first floor level within the rear extensions. Given the separation distance between the proposed rear elevation and the closest property to the rear would be approximately 18 metre at ground floor level, this is considered to be acceptable. With regards to the dormer openings, as these are set back from the front and rear elevations, no separation distance would be reduced and therefore, these elements are not considered to cause undue harm. The proposed porch openings are to non-habitable accommodation and is therefore considered to be acceptable. There are no

proposed openings within the side elevations of the extensions and therefore, there are no concerns from these elements of the scheme.

Taking into account all the above, the proposed development is acceptable in terms of residential amenity and would accord with local, national and emerging policies.

4 – Impact on highway safety:

Prior to the submission of amended plans, parking spaces were proposed to the front and rear of the property. Highways Development Management raised concerns regarding the spaces and the dimensions not being of sufficient size to manoeuvre into either space without encroaching onto third party land, if at all possible. Therefore, a swept path analysis was required to be submitted. Included within the amended plans is the omission of the parking spaces. The accompanying email to the amendments cites that the applicant has requested that the introduction of the new driveway access from Holly Road be omitted from the proposal and the rear yard can accommodate 1 no vehicle as per the existing on-site parking provision. Highways Development Management were re-consulted on the proposed amendments and whilst the dwelling would still have under the recommended level of parking provision, given that the proposal is not dramatically greater than the dimensions of an extension allowed under permitted development, they do not wish to object to the proposed scheme. As such, there are no concerns and no conditions deemed necessary for the development.

5 – Other matters:

There are no other matters for consideration.

6 – Representations:

No representations have been 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: 2018/91621

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 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, BE2, BE13, BE14 and BE15 of the Kirklees Unitary Development Plan, Policy PLP24 of the Publication Draft Local Plan and advice within the National Planning Policy Framework.

3. The external walls and roofing materials of the extensions 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 Publication Draft Local Plan and advice within the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification)) no development included within Class E of Part 1 of Schedule 2 to that Order shall be erected within the red line boundary of the application site shown on the approved plans at any time.

Reason: In the interests of visual and residential amenity and to prevent overdevelopment of the site in accordance with Policies BE1, BE2 and BE13 of the Unitary Development Plan, Policy PLP24 of the Publication Draft Local Plan and advice within the National Planning Policy Framework.

5. The front dormer hereby approved shall be tile hung to the front & cheeks to harmonise with the roof of the host property.

Reason: In the interests of visual amenity and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Publication Draft Local Plan and advice within the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
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Plan Type	Reference	Version	Date Received
Location plan	01 – Rev: A		24th May 2018
Existing and proposed floor plans	02 – Rev: A		15th October 2018
Existing elevations	03		24th May 2018
Proposed elevations	04 – Rev: A		15th October 2018
Existing and proposed site plans	05 – Rev: A		15th October 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. Following concerns raised regarding visual amenity, residential amenity and highway safety, suggestions were made to the Agent to amend the scheme. Amended plans were subsequently submitted and received by the Local Planning Authority on 15th October 2018

Report Dated: 14th December 2018