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:	2018/62/91664/W
Site Address:	7, Millfield Close, Oakes, Huddersfield, HD3 4DJ
Description:	Erection of two storey rear extension (modified proposal)
Recommending Officer:	Josh Kwok

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: 24-Jul-2018

Officer Report

Site Description

The site to which this application relates is no.7 Millfield Close, Oakes, Huddersfield. It consists of a two storey brick built semi-detached property, a small green space to the front, a driveway to the side and a reasonable sized garden to the rear. The site is enclosed by hedges to the front, the side and the rear. The site and its surrounding area are purely residential characterised by two storey semi-detached properties with various extensions to the rear. The land level drop gradually from the north-east to the south west of the site. The property at the application site sits at a higher level than those to the back of the site.

Description of Proposal

The application site already has permission for the erection of a two storey rear extension. This application seeks to modify the design of the approved proposal by creating a two storey rear extension adjacent to it. The details of this extension shall be set out below.

- 3m deep x 4.1m wide x 6.5m high
- External walls to be constructed in bricks
- Roofing materials to match existing

The erection of a two storey rear extension at the application site is already accepted as being appropriate in the previous application. Therefore, this report only assess the additional impact associated with the two storey rear extension adjacent to the approved two storey rear extension (i.e. 2017/93790).

History of negotiations/amendments received

No amendments have been requested during the course of this application.

Relevant Planning History

2017/93790 – Erection of two storey rear extension (7, Millfield Close) – Approved

Representations

The application was advertised by site notices and neighbour letters, which expired on 06-Jul-2018. As a result of the above publicity, no representations have been received.

Consultation Responses

No consultations are required for this application.

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 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, 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 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)
- **T10** – Highway safety
- **T19** – Parking

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP 21** – Highway safety
- **PLP 22** – Parking
- **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 24th 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
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.

2 –Impact on visual amenity:

The two storey rear extension when combined with the extension approved previously would significantly increase the bulk and massing of the existing property, but it would not result in an unreasonable addition to the property as the projection of which would be consistent with the policy requirement in the UDP and would remain subservient to the original dwelling . The application site does have a reasonable sized back garden, which is sufficient to accommodate the development proposal without causing the overdevelopment of the site. For the above reasons, the scale of development as proposed can be acceptable from a visual amenity perspective.

The proposal would be constructed in materials to match the existing property. As such, it would harmonise with the property in respect of its appearance and character. Concerning the design, it is acknowledged that the modified proposal is likely to complicate the roof of the existing property and is likely to adversely impact on the character of the property to certain extent. This is principally because the two extensions are of different width and projection and a dual gable is proposed. However, the cumulative impact on the visual amenity of this property and its surrounding area is not deemed to be unduly detrimental when taking into account the siting of the proposed development, proposed materials, roof pitch and details of fenestration. There would be minimal impact on the street scene because the proposal would not be visible from public viewpoints.

In summary, the proposal is not considered to cause any adverse impact on the visual amenity of the host property and the wider street scene significantly over and above the existing situation. Therefore, it is not taken to be in conflict with the aim of policies D2, BE1, BE2, BE13 and BE14 of the UDP, policy PLP24 of the PDLP and chapter 12 of the NPPF.

3 – Impact on residential amenity:

The additional two storey rear extension to the approved proposal would mainly affect the residential amenity of no.5 Millfield Close as it would be fairly close to the shared boundary. However, given the two storey rear extension would not exceed 3m in depth nor would it have any openings in the south-east (side) elevation facing toward this neighbouring property and its associated curtilage, and is located to the north west of this property there would be no significant harm to the amenity of these neighbouring occupants by way of overshadowing and overlooking. A condition shall be added to the decision notice to remove the permitted development rights of any openings in the south-east (side) elevation of the two storey rear extension to protect the amenity of these neighbours in the future.

There are considered to be no additional harm to the amenity of no.8 Raynor Close and nos.9 and 11 Millfield Close because the development would be situated at a reasonable distance from these neighbouring properties. There is also appropriate boundary treatment at the application site to somewhat mitigate any major residential amenity concerns. To summarise, the proposal as amended would not give rise to any unacceptable impact on the amenity of any neighbouring occupants and as such would not conflict with policies D2, BE1 and BE2 of the UDP and policy PLP24 of the PDLP.

4 – Impact on highway safety:

The proposal would intensify the residential use by adding two bedrooms to the existing property. However it would not affect the existing parking arrangement at the application site. There is a hardstanding area to the side of the property, which can accommodate three standard sized domestic vehicles, in line with the parking standard and policy T19 of the UDP. The development proposal would not cause any highway safety issues, thus complying with policies D2 and T10 of the UDP and policies PLP21 and PLP22 of the PDLP.

5 – Other matters:

There are no matters considered relevant to this application.

6 – Representations:

As a result of the publicity, 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: 2018/91664
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, BE2, BE13 and BE14 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and Chapter 12 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 BE13 of the Kirklees Unitary Development Plan and Policy PLP24 of the Kirklees Publication Draft Local Plan.

4. 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) no new door or window openings other than those expressly authorised by this permission shall be constructed in the south-east (side) elevation of the two storey rear extension hereby approved at any time without the prior written approval of the local planning authority.
Reason: So as not to detract from the amenities of the occupants of the adjoining property on no.5 Millfield Close by reason of loss of privacy and to accord with Policies D2 and BE14 of the Kirklees Unitary Development Plan and Policy PLP24 of the Kirklees Publication Draft Local Plan

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed side elevation	1762.6A		01-Jun-2018
Proposed side and rear elevations	1762.5A		01-Jun-2018
Location plan	1762.1A		01-Jun-2018
Existing floor plans	1762.2		01-Jun-2018
Proposed floor plans	1762.3A		01-Jun-2018
Existing side and rear	1762.4		01-Jun-2018

Plan Type	Reference	Version	Date Received
elevations			

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. In this case, no amendments are deemed necessary as the development proposal is acceptable in its original form.

Report Dated: 24-Jul-2018