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:	2018/62/91688/W
Site Address:	91, Arthur Street, Golcar, Huddersfield, HD7 4DJ
Description:	Erection of single storey extensions and alterations to convert garage to living accommodation
Recommending Officer:	Laura Yeadon

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: 18-Jul-2018

Officer Report

Site Description

91 Arthur Street is a detached property linked to the neighbour by garages located within a residential area. The property is 2 storeys in height with a garden and driveway to the front of the property a bin storage area to the side of the property facing the roadside and a patio and pebbled garden to the rear. The property is constructed from facing brickwork with a tiled roof.

Access to the property is off a short cul-de-sac of Arthur Street with the property sitting at right angles with it and the main Arthur Street. The boundary between the side elevation of the property and the roadside is a high wall. The wider area is predominantly residential.

Description of Proposal

Permission is sought for the erection of single storey extensions and alterations to convert the garage to living accommodation.

Single storey extensions

Two single storey extensions are proposed, one to the rear of the garage and one to the side of the building adjacent to the road

The proposed extension to the garage would project at total of 7 metres which would be 3 metres off the rear elevation of the original house lying flush with the side elevations of the garage. The roof is proposed to be flat at a total height of 2.5 metres with two light lanterns above. The garage would be converted to habitable accommodation with this and the extension forming a bedroom with en suite, kitchenette and lounge. As such this could be uses as an annex to the main dwelling.

The proposed side extension would be located on the side elevation facing Arthur Street and would be set back from the front elevation by 5 metres projecting the side of the property by 1.75 metres being a depth of 3.4 metres lying flush with the rear elevation of the property. The design of the roof would be lean-to with an eaves height of 2 metres rising to 2.8 metres to the ridge. This is proposed to form a garden store.

The proposed construction materials would be facing brick for the walls, tiles for the lean-to roof and EPDM for the flat roof covering with white uPVC for the windows and doors. The flat roof of the larger extension would contain 2 no. lantern rooflights.

History of negotiations/amendments received

No negotiations have taken place nor have any amended plans been received. Following initial concerns regarding parking provision from the

property raised by a formal consultation from Highways Development Management, the Agent has provided further information and further discussion have taken place with the Highways Officer.

Relevant Planning History

No history

Representations

Final publicity date expired 4th July – 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 – initial concerns that only one parking space would be provided – updated response – garage dimensions substandard and therefore no loss of parking provision – no objection

Policy

The statutory development plan comprises:

The Unitary Development Plan (UDP). This report will refer only to those policies of the UDP 'saved' under the direction of the Secretary of State beyond September 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 Land on the UDP Proposals Map and proposed to be retained as such 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)

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP21** – Highway safety and access
- **PLP22** – 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 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
1) Impact on visual amenity (including any heritage considerations)
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters – e.g. trees/ecology (e.g. bats)
5) Representations
6) Conclusion

<u>1 – Principle of development</u>:

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 proposed extensions and alterations would be constructed from matching materials and would be subservient to the host building by being single storey on a two storey property, therefore not out of keeping. The fenestration details are considered to be acceptable with no adverse impact on the host building or the wider street scene. The extension to the rear of the garage would be set within and project out from the void between the main building and the side boundary fence and would not result in an overdevelopment of the site. Although it would be partially constructed with a flat roof, this would reduce the bulk of the extension, which would also be somewhat obscured from public view by its position in the rear garden and the wall to Arthur Street.

As such, the proposed extensions and alterations would comply with both local and national policies.

3 – Impact on residential amenity:

With regard to residential amenity, the garage extension would be located adjacent to the boundary with the neighbouring property No. 89. The extension would be to the south of the neighbour and therefore some element of shadowing will occur. However, this is mitigated as far as practicable by limiting the height of the extension to 2.5 metres with a projection off the rear elevation of the main body of the house by 3 metres. As the extension would face the void behind the garage between the boundary and the main dwelling to the neighbouring property, it is not considered that the harm would be so great that there would be significant harm caused from overshadowing or being overbearing. The proposed store would face Arthur Street and would not cause undue harm.

With regards to overlooking, the proposed alterations to the front elevation of the garage would face the side elevation of No 79 which causes no concerns. The proposed openings within the extensions would be within the rear elevations and the side elevation of the garage extension. The openings within the side elevation of the garage extension would face into the garden area with the window within the rear elevation facing the side elevation of No. 19 which hosts a non-habitable first floor window which is considered acceptable. The door within the rear elevation of the store would not decrease any established separation distances and therefore, there are no concerns.

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

4 – Impact on highway safety:

Initial concerns were raised by Highways Development Management regarding the property not providing two off-street parking spaces. However, given that the garage is substandard in terms of internal dimensions, it could be argued that there is no loss in parking provision and therefore, on reflection, Highways Development Management offer no objection to the proposal.

5 – Other matters:

The accommodation provided within the larger extension would form an annex capable of independent occupation. The proposed layout of the property clearly retains access between this and the existing dwelling and occupants of the property would share the garden, parking space and 1st flood accommodation. I am therefore satisfied that the property would be retained as a single planning unit.

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: 2018/91688

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 and BE14 of the Kirklees Unitary Development Plan, Policies PLP21, PLP22 and PLP24 of the Publication Draft Local Plan and advice within Chapter 7 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan			31st May 2018
Existing floor plans	ASG/2018 01 – Rev: A		31st May 2018
Existing elevations	ASG/2018/02 – Rev: A		31st May 2018
Proposed floor plans	ASG/2018/03 – Rev: A		31st May 2018
Proposed elevations	ASG/2018/04 – Rev: B		31st 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. No negotiations have taken place as it was considered that the plans were acceptable in the submitted format.

Report Dated: 17th July 2018