

**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: 2018/62/91831/W

Site Address: 27, Ponyfield Close, Birkby, Huddersfield, HD2 2BF

Description: Erection of single storey rear extension and alterations to convert integral garage to living accommodation (within a Conservation Area)

Recommending Officer: Olivia Roberts

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: 16-Aug-2018

Officer Report

Reference: 2018/91831

Location: 27 Ponyfield Close, Birkby, Huddersfield, HD2 2BF

Proposal: Erection of single storey rear extension and alterations to convert integral garage to living accommodation (with a Conservation Area)

Site Description

27 Ponyfield Close is a two storey detached dwelling in Birkby. It is constructed in stone and is designed with a gable roof form which is finished in roof tiles. The dwelling benefits from an integral garage which is accessed via a driveway that leads off Ponyfield Close. A conservatory is located to the rear. Boundary treatment comprises fencing which forms the boundary to the north east, south east and south west of the site.

The site is located in a residential area with the vicinity comprising properties of a similar character and style to the application site. A number of the properties within the local area benefit from rear extensions of a range of scales. The site is located within the Birkby Conservation Area.

Description of Proposal

The proposal is for the erection of a single storey rear extension and alterations to convert the integral garage to living accommodation. The extension will project 4.50 metres from the rear elevation of the host dwelling and will have a width of 4.10 metres. The extension will be finished in stone to match existing and have a pitched roof.

The integral garage will be converted to living accommodation as part of the proposal. The existing garage door will be replaced with a window and 2 parking spaces shall be provided in front of the property.

History of negotiations/amendments received

Amendments were sought from the agent to reduce the scale and alter the design of the proposed extension. An additional parking space to compensate for the loss of the integral garage was also requested. The agent provided amended plans introducing a pitched roof form to the extension. Although the projection of 4.50 metres has been retained, taking into account the

relationship of the application site with the neighbouring properties, it is considered on balance to be acceptable. The agent has also submitted a site plan which shows that two parking spaces will be provided to the front of the property.

Relevant Planning History

No relevant history at the site.

Representations

Final publicity date Expires: 10 August 2018. The application was published on two occasions including once for the amended plans.

A site notice was posted and neighbours were notified.

As a result of the publicity period, three representations were received. Two representations have been received from the same objector, one prior to and one following the publication of the amended plans.

A summary of the comments received is set out below:

- There are already parking issues on the cul-de-sac. An increase in the number of bedrooms to the property which already benefits from four bedrooms could lead to more occupants and more cars which the area cannot sustain.
- The development when considering the existing conservatory will amount to an overdevelopment of the property which will subsequently be out of proportion with the dwelling along the cul-de-sac which are sympathetic to the conservation area. The flat roof extension will not be in keeping with the surrounding area.
- The garage conversion will reduce parking at the site as the driveway can only accommodate one vehicle. There is no facility for providing additional parking either at the site or by widening the existing driveway and using the guest parking spaces along the cul-de-sac is not an acceptable or long term option.
- The lack of parking will result in the blocking of access to neighbouring properties, limiting line of site and will compromise the safety of pedestrians.
- Garage conversion and rear extension will increase the size of the house which could result in more occupants with multiple cars. A large number of residents already park along the cul-de-sac, more cars will leads to more congestion which will make access difficult.

Parish/Town Council comments: not applicable.

Consultation Responses

No consultations were considered necessary.

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 located in land allocated for housing on the UDP Proposals Map and is unallocated on the Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **H6** – Housing allocation sites
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE5** – Development in a Conservation Area
- **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
- **PLP 24** – Design
- **PLP35** – Historic Environment

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, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial 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
- Chapter 16 – Conserving and enhancing the historic environment

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.

The general principle of extending and making alterations to a property are assessed against Policies BE1, BE2, BE13 and BE14 of the Unitary

Development Plan and advice within Chapter 7 of the National Planning Policy Framework regarding design. These require, in general, balanced considerations of visual and residential amenity, highway safety and other relevant material considerations.

2 –Impact on visual amenity:

The proposed development will be constructed in materials to match existing and will be in keeping with the host dwelling in terms of its style and design. Although it is noted that the extension is relatively large in scale, due to the size of existing dwelling and its curtilage, it is not considered that the development would look out of place on the rear elevation. Due to the location of the extension, the development will not be visible from Ponyfield Close. The works to convert the garage are minimal and are not considered to harm visual amenity.

It is therefore not considered, on balance, that the development will have a significant impact on the appearance of either the host dwelling or the surrounding area. Subject to materials matching the existing house, which can be conditioned, the development would conserve visual amenity and comply with the aims of Policy BE1-2, BE13 and PLP24.

Impact on the Conservation Area –

The proposed development will have some impact on the Conservation Area.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities shall pay special attention to the desirability of preserving or enhancing the appearance of buildings or land within a Conservation Area.

In this context preservation means not harming the interests of the building as opposed to keeping it unchanged.

Policy BE5 of the Kirklees Unitary Development Plan states that new development and extensions within Conservation Areas should aim to preserve or enhance the character of the area and respect the architectural quality of the surrounding buildings.

Although the development would have an impact on the rear elevation of the dwelling, it is noted that it will be finished in materials to match existing. The proposed extension by virtue of its design, will not have a significant impact on the character of the host dwelling and would not look out of place on the

rear elevation. The works to convert the garage are considered to be minimal and would be in keeping with the appearance of the host building.

It is therefore deemed that this proposal would cause less than substantial harm to the Conservation Area - through the change in appearance of the host dwelling – but that this is outweighed by the public benefit of additional living space being introduced to the property. It is therefore considered that the development would have a neutral impact on the character and appearance of this part of the Conservation Area.

It is considered that the proposed development would preserve the character of the existing dwelling and wider character and appearance of this section of the Conservation Area. This would comply with the duties set out in Section 72 of the Listed Buildings Act and Policies within Chapter 16 of the NPPF. It is therefore considered that the proposed development adheres to the guidelines set by Policies PLP 1, 2, 24 and 35 of the PDL in addition to Chapter 16 of the NPPF.

3 – Impact on residential amenity:

The proposed extension will project 4.50 metres from the rear of the host dwelling. It is noted that guidance set out within policy BE14 of the UDP states that extensions with a projection greater than 3.00 metres from the rear elevation would not usually be supported. However, due to the site being set back in relation to the neighbouring property, it is noted that the extension will project only 2.70 metres beyond the rear of no. 25 Ponyfield Close. It is therefore not considered that the development will have a significant overbearing or overshadowing impact due to its single storey nature. Although a window is proposed for the side elevation of the extension, due to property being set back from the neighbouring property, it is not considered that it will offer a significant amount of overlooking. However, in the interest of residential amenity and privacy and to accord with Policy BE14 of the UDP, it is deemed acceptable to condition that no openings shall be erected in the side elevation of the extension in the future.

It is noted that the proposed extension will project the property closer to the housing development which is currently being constructed to the rear of the site. Due to the orientation of the properties, the extension will face towards the rear amenity space of one of one of the new properties. Due to the property sitting at a lower level than the application site due to the topography of the area, it is considered that the development could have an impact on the residential amenity of the occupiers. However, it is noted that the extension will project an additional 0.50 metres from the property than what could be constructed under permitted development. Due to the single storey nature of

the proposal along with the location of the site to the north of the property, it is not considered that this additional 0.50 metre projection will have a significant overbearing or overshadowing impact on the property. The fact that the property sits at a lower level to the application site, along with the distance that will be retained between the extension and the boundary of the site, will prevent overlooking into the rear amenity space of the property.

Due to the location of the existing conservatory, the development is unlikely to have a significant impact on the neighbouring property, no. 29 Ponyfield Close. It is considered, on balance, that the development would not cause any loss of residential amenity and would accord with the aims of Policies D2 and BE14 and emerging Policy PLP24.

4 – Impact on highway safety:

Although it is noted that the integral garage will be lost as part of the proposal, due to its internal width of 2.70 metres, it does not currently meet recommended parking standards. Although the current parking arrangements will not be impacted by the development, the agent has provided a site plan to show that the existing driveway will be widened to accommodate an extra parking space. Accordingly, the proposed development would not raise any highway safety issues and thus complies with Policies D2 and T10 of the UDP.

5 – Other matters:

5.1 Ecology -

The site is located within the Council's GIS bat alert layer however, it is not identified on the map as having bat roosts and is not within 200 metres of woodland. In addition, the dwelling is well sealed and unlikely to have any significant bat roost potential. Furthermore, the proposed extension will not involve work on the original roof form. However, a note recommending the advice of licensed bat work to be sought if any bats are found during the development will be relayed on the applicant in the interest of biodiversity and for the proposal to comply with the aims of chapter 11 of the NPPF.

6 – Representations:

As a result of the publicity period, three representations were received. Two representations have been received from the same objector, one prior to and one following the publication of the amended plans.

A summary of the comments received along with a response is set out below:

- There are already parking issues on the cul-de-sac. An increase in the number of bedrooms to the property which already benefits from four bedrooms could lead to more occupants and more cars which the area cannot sustain.

Response: Although it is noted that the integral garage will be lost as part of the proposal, due to its internal width of 2.70 metres, it does not currently meet recommended parking standards. Despite this, to compensate for the loss of the garage, a site plan has been provided by the agent to show that the existing driveway will be extended to accommodate an additional parking space. It is therefore considered that sufficient parking will be provided at the site following development.

- The development when considering the existing conservatory will amount to an overdevelopment of the property which will subsequently be out of proportion with the dwelling along the cul-de-sac which are sympathetic to the conservation area. The flat roof extension will not be in keeping with the surrounding area.

Response: Amended plans have been sought and received from the agent which replace the original flat roof form with a pitched roof form to reduce the impact on the development on the property. It is noted that the extension will be relatively large in scale, however, due to the size of the existing dwelling and its curtilage, it is not considered to have a significant impact on the appearance of the site. Due to the location of the extension to the rear, it will not be visible from Ponyfield Close which will reduce its impact on the character of the surrounding area. It is noted that a number of properties along Ponyfield Close benefit from rear extensions that are of a range of scales.

- The garage conversion will reduce parking at the site as the driveway can only accommodate one vehicle. There is no facility for providing additional parking either at the site or by widening the existing driveway and using the guest parking spaces along the cul-de-sac is not an acceptable or long term option.

Response: Although it is noted that the integral garage will be lost as part of the proposal, due to its internal width of 2.70 metres, it does not currently meet recommended parking standards. Despite this, to compensate for the loss of the garage, a site plan has been provided by the agent to show that the existing driveway will be extended to accommodate an additional parking

space. It is therefore considered that sufficient parking will be provided at the site following the development to prevent any significant highways issues.

- The lack of parking will result in the blocking of access to neighbouring properties, limiting line of sight and will compromise the safety of pedestrians.

Response: Due to additional parking space being provided to the front of the property which will compensate for the loss of the existing integral garage, it is not considered that the development will result in any highways safety issues and would thus comply with policies D2 and T10 of the UDP and policy PLP21 of the PDLP.

- Garage conversion and rear extension will increase the size of the house which could result in more occupants with multiple cars. A large number of residents already park along the cul-de-sac, more cars will lead to more congestion which will make access difficult.

Response: Although it is noted that the integral garage will be lost as part of the proposal, due to its internal width of 2.70 metres, it does not currently meet recommended parking standards. Despite this, to compensate for the loss of the garage, a site plan has been provided by the agent to show that the existing driveway will be extended to accommodate an additional parking space. It is therefore considered that sufficient parking will be provided at the site following the development to prevent any significant highways issues.

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: 2018/91831

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.

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 external walls of the north eastern side elevation of the extension at any time without the prior written approval of the Local Planning Authority.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy BE14 of the Kirklees Unitary Development Plan and Policy PLP24 of the Publication Draft Local Plan.

5. In accordance with the submitted plans and information (drawing ref: CF01/05A), two off-street parking spaces shall be provided before the garage conversion hereby approved is first brought into use and thereafter retained. The spaces will be laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN9781409804864) as amended or any successor guidance; Notwithstanding the provision of the Town and Country

Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) this shall be so retained.

Reason: In the interest of amenity of traffic safety, to ensure adequate space within the site for vehicle movement and parking, and in accordance with Policy T10 of the Kirklees Unitary Development Plan and Policy PLP21 of the Publication Draft Local Plan.

NOTE: Due to its location, a bat roost may 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.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays
08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	CF01/01		05/06/2018
Plans as Existing	CF01/02		05/06/2018
Plans as Proposed	CF01/03	A	30/07/2018
Site Plan	CF01/05	A	30/07/2018

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.

Amendments were received from the agent which introduce a pitched roof form to the extension which will be more in keeping with both the host dwelling and surrounding Conservation Area. A site plan has been provided which introduces an additional parking space to the property to compensate for the loss of the existing integral garage.

Report Dated:

13/08/2018
