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: 2018/62/91873/W

Site Address: 21, The Ghyll, Fixby, Huddersfield, HD2 2FE

Description: Erection of single storey and first floor extensions

Recommending Officer: Francis Davies

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: 26-Jul-2018

Officer Report

Reference: 2018/91873

Proposal: Erection of single storey and first floor extensions

Location: 21 The Ghyll, Fixby, Huddersfield, HD2 2FE

Site Description

The application relates to a detached bungalow built in the Fixby area of Huddersfield. The existing house is built with stone and the pitched roof is covered in tiles. The property is set slightly lower than the road level. To the front of the house there is a small grassed area, as well as off-road parking provision for one or two vehicles. The rear garden is a moderate size at approximately 135m2. While the property has a pitched roof, there is also a front facing gable which projects 3.4m further than the rest of the house

Within the close vicinity of the host property the properties all appear to be detached, although they all vary in size. There is a mixture between bungalows and two-storey properties. The houses are all set within similar sized plots and have been designed to reflect the topography of the area.

Description of Proposal

It is advised that this application is subsequent to an extant planning permission, 2017/90799. Under the 2017 application, planning permission was conditionally granted from the erection of a first floor extension, converting the existing bungalow to a two storey house with an attached single storey garage. The above would therefore result in an eaves height of 5.1m and an overall ridge height of 7.3m.

The current application, in addition to the above also seeks permission for the construction of a single storey rear extension. The rear extension would project from the rear elevation of the original dwelling by approximately 2.7m and have a total length of approximately 8.9m. The extension would have a lean-to roof and as such an eaves height and ridge height of approximately 2.8m and 3.7m respectively. It is also noted that the most recent application also seeks to convert the attached garage to living space, forming a play room. While it would appear that the up and over garage door would be

retailed it is advised that floor to ceiling glazed panels and a personal door would be inserted into the rear elevation of the garage.

Other alterations to the dwelling include the installation of rooflights and windows at the first floor level and some changes to the internal layout of the dwelling. It is noted from the submitted application form that the extension would be constructed from materials which match those of the host dwelling.

History of negotiations

No negotiations were undertaken regarding this application.

Relevant Planning History

2017/90799 – Erection of first floor extension (Conditional Full Permission)

Representations

Final publicity date Expires: 04th July 2018

A summary of the comments received is set out below:

- The proposed development would overlook the house and garden space of neighbouring property no.38 to such a degree as to materially impact residential amenity.
- The scale of the proposed development would serve to overbear on neighbouring property no.38, having an unacceptable impact on the enjoyment of this neighbouring dwelling and wellbeing of its occupants.
- Should the scheme be granted planning permission the resulting scale would create an incongruous feature in the streetscene, particularly given the modest scale of the application plot.
- The formation of a two storey dwelling would obstruct the view from neighbouring property no.22 and limit the amount of sunlight received by this neighbouring property.
- Neighbouring property no.22 would suffer an unacceptable loss of privacy, harming the residential amenity currently enjoyed by the occupants of this dwelling.

Consultation Responses

No consultations were sought regarding 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. 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 remains unallocated on Kirklees Publication Draft Local Plan.

- Access considerations - None

Kirklees Unitary Development Plan:

- D2 – Unallocated Land
- BE1 – Design Principles
- BE2 – Quality of Design
- BE12 – Space about dwellings
- BE13 – Extensions to Dwellings (Design Principles)
- BE14 – Extensions to Dwellings (Scale)
- T10 – Highway Safety

Kirklees Publication Draft Local Plan (PDLP):

- PLP1 – Achieving Sustainable Development
- PLP21 – Highway Safety and Parking
- PLP24 - 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 2 – Achieving Sustainable Development
- Chapter 4 – Decision Making
- Chapter 12 – Achieving well-design 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

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.

Impact on Visual Amenity

It is advised that the application site benefits from an extant permission (2017/90799) for the erection of a first floor extension, converting the existing dwelling from a bungalow to a two storey property. By way of justification the previous permission identified that while the application introduced an additional storey it did not increase the overall footprint of the dwelling, thereby negating concerns of overdevelopment.

Equally, the eaves height and ridge height of the resulting dwelling were identified as being acceptable in the context of neighbouring properties and streetscene overall. Upon completion the application dwelling would have an eaves height and ridge height of approximately 2.6m and 4.m at the tallest point. In relation to neighbouring properties no.19 and no.23 The Ghyll, the resulting dwelling would sit circa 1.8m and 0.8m higher, respectively. Given the topography of the area which slopes downwards in a south-easterly direction, such a small variation in height is considered acceptable. Furthermore it is noted that other properties within close proximity to the application dwelling, namely no.26 and no.28 The Ghyll present as large, two storey detached dwellings. Consequently, the resulting dwelling would not look out of place overall.

However, it is noted that this revised application seeks to further extend the application dwelling beyond that which was approved under permission 2017/90799. This application seeks the addition of a single storey rear extension, which would project from the rear elevation of the host dwelling by approximately 2.7m and have a total ridge height of approximately 3.7m. While a further addition, it is noted that the single storey extension is to the

rear of the dwelling and as such would not be visible in the streetscene. Additionally, where views are available it is advised that the extension would be constructed from materials which match those of the host building therefore appearing as part of the original dwelling. Consequently, this addition is not believed to harm the streetscene or appear as incongruous development.

The application also proposes to convert the existing attached garage to habitable living space and make other changes to the layout of the dwelling. However, it is suggested on the submitted plans that the existing up and over garage door would be retained. As such this aspect of the proposal is not considered to appear materially different from the existing, thereby being acceptable. The changes to the internal layout would not be detrimental to visual amenity and do not propose to add or change the size of windows.

Given the above, the scheme is considered, on-balance to be acceptable in terms of visual amenity. The application is therefore deemed to adhere to policies D2, BE1, BE2 and BE13 of the Unitary Development Plan, Policies PLP1 and PLP24 of the publication draft Local Plan and guidance contained within Chapter 2 and Chapter 12 of the National Planning Policy Framework (NPPF).

Impact on Residential Amenity

Given the scale of the proposed extensions, and overall increase in height, it is anticipated that the proposed will to varying degrees impact surrounding properties. In this regard Policy BE12 of the Unitary Development Plan sets out acceptable space between neighbouring dwellings and provides an appropriate guide in this instance. Policy BE12 sets out that a distance of 21 metres should be achieved between habitable room windows, and 12 metres between non-habitable room windows. The impact on each neighbouring property is considered in detail below:

Impact on no.22 The Ghyll

No. 22 is located to the northeast of the application dwelling and benefits from a separating distance of approximately 21m. The proposed development would not serve to reduce this separating distance thereby according with Policy BE12 of the Unitary Development Plan. While it is proposed that the addition of a first floor extension my over shadow this dwelling it is noted that no. 19 The Ghyll shares a similar relationship with no.22 and that this dwelling is currently a two storey property. The changes to the internal layout of the dwelling would not have an adverse impact on no.22.

Impact on no.38 The Fairway

No.38 The Fairway presents as a bungalow and is located to the rear (south) of the application dwelling. Consequently, as the application dwelling is located to the north it is not anticipated that the scheme would cause any overshadowing in the direction of no.36.

However, notwithstanding the above it is advised that the addition of a single storey rear extension would serve to reduce existing separating distances from approximately 19m to 16.3m. Given that both the rear elevation of the application dwelling and rear elevation of no.38 contain habitable room windows it is advised that resulting separating distances fail to achieve those set out in Policy BE12 of the UDP. In respect of this it is noted that the extant permission required that the rear facing first floor windows, including the both bathroom windows and the secondary bedroom windows be obscurely glazed and top opening only to prevent overlooking. Should planning permission be granted in this instance such conditions would be re-issued. With regard to the single storey extension whilst reducing the separating distances

However, regardless of the above mitigation the occupier of no.38 has made representations objecting the considered scheme. In particular the occupier highlighted concerns in regard of the overall bulk and massing of the resultant building which would afford overbearing impacts. Despite this it is noted by planning officers that the proposed addition is single storey and that substantial boundary treatment, including mature vegetation and a closed boarded timber fence exist to shield views and limit the overbearing and overlooking potential. It is advised that that the comments from this neighbour are valid and as such any further extension to the application could have unacceptable impacts. Consequently, a condition removing permitted development rights from the application dwelling, present on the extant permission, will be re-issued. The changes to the internal layout of the dwelling would not have an adverse impact on no.38.

Impact on no.23 The Ghyll

No.23 The Ghyll is a bungalow built on higher land to the west of the host property. No.23 is adjacent to the single storey garage of no.21 which is to remain as existing, providing some separation between the new development and no.23. There are no windows in the side elevation of no.23 facing no.21, and similar can be said for that of no.21, facing no.23, although there will be one new window inserted in the side elevation of the first floor extension. The new window would serve a bedroom, a habitable room, although this is not expected to be harmful giving there are no windows to be overlooked. Furthermore, considering the existing boundary treatment, it is unlikely that the proposed window would overlook the rear garden of no.23. It is noted that no.23 is to the west of the host property and therefore may experience a degree of overshadowing, however, as with no.19, the extension would not result in a loss of direct sunlight into habitable room windows. The changes to the internal layout of the dwelling would not have an adverse impact on no.23.

Conclusion on Amenity

In conclusion, it is considered, while there will be some impact experienced by neighbouring properties if the extension were to be built, although in considering all of the above, the resulting impact is not considered to be sufficient grounds to warrant a refusal in this case.

It is noted that under Article 8(1) of the Human Rights Act 1998 everyone has a right to respect for his private and family life, his house and correspondence and under Article 1 of the First Protocol - Protection of Property every natural or legal person is entitled to the peaceful enjoyment of his possessions. Most planning approvals are likely to interfere to some extent, with an adjoining occupier's enjoyment of their property. However the test is whether this is proportionate. In this case, it is considered that the interference is slight, and therefore, on balance, the proposal is acceptable in terms of residential amenity. The development is not expected to be contrary to Policy D2, BE1, BE2, BE13 or BE14 of the UDP, Policies PLP1 or PLP24 of the publication draft Local Plan or guidance in the NPPF.

Impact on Highway Safety

While it is noted that the application would result in the loss of an attached garage it is advised that the existing driveway is capable of accommodating at least two vehicles. Furthermore, it is noted that access arrangements would remain unchanged and that the property is located on a quiet residential street and as such there is not believed to be an impact on highway safety. The application is therefore assessed as complying with Policy T10 of the Unitary Development Plan and Policy PLP21 of the publication draft Local Plan.

Other Matters

Biodiversity and Ecology

Although the application site is located within a bat alert area, it is not identified on the maps as having a bat roost. The dwelling is also well sealed and unlikely to have any significant bat roost potential. Notwithstanding this, a note recommending that the advice of licensed bat work should be sought if any bats are found during the development. If this application is approved this note would be relayed on the applicant via the decision notice, for the proposal to comply with the guidance contained within the NPPF.

Representations

Two separate public representations, objecting to the proposed scheme were received. Comments made in the representations received are individually considered below:

- The visual impact of changing a bungalow to a two storey house in the location of the applicants materially changes the character of the neighbourhood in terms of its visual impact.

Comment: It is noted that dwellings in the surrounding area have differing architectural styles presenting as both bungalows and large detached dwellings. As such the proposed is not anticipated to create an incongruous feature. Furthermore it is also noted that the application dwelling has extant permission for the first floor extension.

- To change the application bungalow to a two storey dwelling will restrict views from no.22 The Ghyll and amount of sunlight received by no.22 The Ghyll.

Comment: A separating distance of approximately 21m exists between the two dwellings which is considered to be an acceptable separation so as to prevent any overshadowing. Rights to a view are not considered to be a material planning consideration.

- Loss of privacy to no. 22 The Ghyll

Comment: A separating distance of approximately 21m would exist between the two dwellings. This is considered sufficient so as to overcome concerns of an overlooking nature.

- The proposed development would seem bulky and out of character with the segment of the Ghyll upon which we (no.22 and the application dwelling) are both situated.

Comment: The concerns is addressed above.

- Loss of Privacy and Overlooking (No.38 The Fairway)

Comment: While it is noted that the proposed would introduce a first floor extension it is advised that mitigation is offered in the form of obscurely glazed windows and substantial boundary treatment. In any case it is advised that the application dwelling benefits from extant permission to construct the first floor extension. With regard to the single storey rear extension, owing to prevailing topography and substantial boundary treatment, this aspect of the development is not believed to contribute any overlooking concerns.

- Overbearing nature and detrimental impact on visual amenity

Comment: It is advised that the proposed first floor extension could be constructed under the extant permission 2017/90799. This application would contribute a single storey rear extension. As a single storey development the proposed is not anticipated to cause concerns of an overbearing nature. This advised in light of substantial boundary treatment.

- Overdevelopment of the plot and Visual Amenity

Comment: The application has been assessed in respect of overdevelopment. It is advised that on completion the resulting dwelling would occupy approximately 32% of the application plot. As such the proposal is not considered to result in overdevelopment. With regard to visual amenity when viewed in the principal elevation it is advised that the dwelling is among housing of differing types including bungalows and detached two storey dwellings.

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: 2018/91873

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, Policies PLP1 and PLP24 of the publication draft Local Plan and guidance contained within 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, Policy PLP24 of the publication draft Local Plan and guidance contained within Chapter 12 of the National Planning Policy Framework.

4. The two bathroom windows in the southern rear elevation of the first floor extension hereby approved shall be non-opening or top-opening only and shall be fitted with obscure glazing minimum grade 4, before the development is first brought into use. 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), windows of this type shall be retained at all times.
Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policies D2 and BE13 of the Kirklees Unitary Development Plan, Policies PLP1 and PLP24 of the publication draft Local Plan and guidance contained within the National Planning Policy Framework.

5. The development shall not be occupied until the secondary bedroom window in the southern rear elevation of the first floor extension hereby approved has been fitted with non-opening obscure glazing, minimum grade 4. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and

Country Planning Act 1990 and the Town the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) windows of this type shall be retained at all times.
Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policies D2 and BE13 of the Kirklees Unitary Development Plan, Policies PLP1 and PLP24 of the publication draft Local Plan and guidance contained within the National Planning Policy Framework.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the external walls of the first floor extension hereby approved.
Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policies D2 and BE13 of the Kirklees Unitary Development Plan, Policies PLP1 and PLP24 of the publication draft Local Plan and guidance contained within the National Planning Policy Framework.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Class B of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent 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 Policies D2 and BE13 of the Kirklees Unitary Development Plan, Policies PLP1 and PLP24 of the Publication draft Local Plan and guidance contained within the National Planning Policy Framework.

NOTE: The development site is located within the councils bat alert area. 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
Location Plan	1710.1	-	08th June 2018
Existing Ground Floor	1710.2	-	08th June 2018
Proposed First Floor	1710.4	A	08th June 2018

Plan Type	Reference	Version	Date Received
Proposed Ground Floor	1710.3	A	08th June 2018
Proposed front elevation & Proposed rear elevation	1710.8	C	08th June 2018
Existing side Elevation	1710.6	-	08th June 2018
Proposed Side Elevation	1710.9	B	08th June 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 (2018), 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 were held regarding this application. The scheme was considered acceptable as originally submitted.

Report Dated: 24/07/2018