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:	2018/62/92122/W
Site Address:	11 , Roman Avenue, Mount, Huddersfield, HD3 3XP
Description:	Demolition of existing garage and erection of side and rear extensions
Recommending Officer:	William Simcock

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: 15-Aug-2018

Officer Report

Site Description

11 Roman Avenue is a two-storey semi-detached house, the left-hand or western half of a pair. It is built in brick with a hipped roof. There is a driveway at the side of the house where an open carport has been built. The site is level and the house has not been previously extended. It is in a row of similar properties.

Description of Proposal

The proposal is for the demolition of the existing garage (which had in fact already been removed by the time of the case officer's site visit) and the erection of single-storey side and rear extensions.

The side extension would project 2.35m to the side and would be set back 5.5m from the main front elevation but project a further 3.5 to the rear. It would have a monopitch roof.

The rear extension would project 3.5m and be almost the full width of the existing rear elevation, linking in with the side extension. It would have a flat roof with a parapet and a glazed lantern on top.

Facing materials are to be predominantly brick with some use of tile hanging and grey-coloured cladding (the architect has confirmed this would be timber-effect) to the rear.

History of negotiations/amendments received

None.

Relevant Planning History

None.

Representations
Final publicity date Expires: 14-Aug-2018

No representations made.

Consultation Responses

None were required.

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 on the UDP Proposals Map and without designation 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)

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 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

Assessment

The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity (including any heritage considerations)

3) Impact on residential amenity
4) Impact on highway safety
5) Other matters – e.g. trees/ecology (e.g. bats)
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.

Other UDP Policies of relevance include BE1 and BE2 (development should be visually attractive and contribute to a sense of local identity), BE13 (extensions should respect the design features of the existing building), BE14 (extensions should not have an adverse impact on adjacent properties or land), and T10 (development should not create or materially add to highway safety problems).

PLP24 of the Publication Draft Local Plan covers mostly similar concerns to the UDP policies already listed. It attracts a number of unresolved objections but these do not relate to the guidance on extensions that forms part of this policy wording: "Proposals should promote good design by ensuring that . . . extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers". So this part of the policy can be given at significant weight.

2 –Impact on visual amenity: It is considered on balance that as the extensions would be single-storey they would not amount to overdevelopment. The development would incorporate some features that are modern and not typical of the area but it is considered that the overall design would be aesthetically pleasing and would conserve visual amenity. In conclusion, subject to brickwork and tiles for the side extension matching the original building, which can be conditioned, the development would support the aims of Policies BE13 and PLP24.

3 – Impact on residential amenity: The rear extension would be 500mm over the recommended projection in BE14. Since the extension to the adjoining property projects a similar distance, the new development would not give rise to an impact on their amenities. To the west, the extension would be very close to the boundary with no. 9 but would be separated from the dwelling itself by the width of the driveway and there is already a high wall on the boundary and a garage on the other side, so it is considered that it would not affect their outlook or light or result in overbearing impact. There would be no risk of loss of privacy with respect to the rear because it would still be a

substantial distance from the rear boundary and the dwellings on the other side are set higher. In conclusion there would be no loss of residential amenity provided that, in the interests of privacy, no windows are formed in the west side elevation. It would therefore accord with the aims of Policies BE14 and PLP24.

4 – Impact on highway safety: The proposals would result in the loss of part of the existing driveway but would involve some compensatory parking provision at the front of the property. The formation of the new parking spaces should be conditioned in the interests of highway safety so as to accord with the aims of Policies T10 and T19, and this should be done using permeable materials so as to prevent run-off contributing to flood risk.

5 – Other matters:

Biodiversity:
The site is in the bat alert layer but on the basis of an external viewing would appear to have no bat roost potential. The standard precautionary note will be added to the decision notice.

6 – Representations: No representations have been made.

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: 2018/92122

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 brickwork and roofing materials of the storage (side) 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 west side wall of the side extension at any time.
Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy D2 of the Unitary Development Plan and Policy PLP24 of the Publication Draft Local Plan.

5. Before the extensions are first brought into use, all areas indicated to be used for the parking of vehicles on the site plan as proposed shall have been 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 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the parking of vehicles.

Reason: To ensure adequate space within the site for parking in the interests of amenity and traffic safety, to avoid an increase in flood risk as a result of surface water run-off in accordance with the aims of Unitary Development Plan Policies T10 and T19, PLP24 of the Publication Draft Local Plan

NOTE: There is the potential for a bat roost to 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			28-Jun-2018
Location plan, site plan, grouped plans and elevations as existing	A(00)-01		28-Jun-2018
Site plan, grouped plans and elevations as proposed	A(10)-01		28-Jun-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. The case officer did not undertake negotiations with the applicant as no amended or additional plans were considered necessary.

Report Dated: 15-Aug-2018