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:	2018/62/92422/E
Site Address:	1, Lydgate Drive, Lepton, Huddersfield, HD8 0EN
Description:	Demolition of single storey side extension and garage and erection of single and two storey rear extension and dormer windows to front and rear
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.

Julia Steadman

AUTHORISED OFFICER

Date: 18-Sep-2018

Officer Report

Site Description

The site to which this application relates is no.1 Lydgate Drive, Lepton. It consists of a brick built semi-detached bungalow, a green space to the front, a drive, a hardstanding area, a detached garage and a flat roof single storey extension to the side and a relatively large garden to the rear. The boundary treatment comprises a mix of high hedges, mature trees and garden fences. The site and its surrounding area are purely residential characterised by brick built semi-detached bungalows; some of which already have various extensions. A number of bungalows in this area are situated at a slightly lower ground level than Lydgate Drive.

Description of Proposal

The proposal is for the demolition of the single storey side extension and garage and erection of single storey rear extension and dormer windows to the front and rear. The details of the proposal shall be set out below.

- 3.0m deep x 9.1m wide x 2.8m high (single storey rear extension)
- 2.9m deep x 2.4m high x 8.2m wide (flat roof rear dormer)
- 1.9m deep x 1.6m high x 3.0m wide (flat roof front dormer)
- Rear extension to be constructed in brickwork
- Front and rear dormers to be constructed in hung tiles and grey UPVC cladding respectively

History of negotiations/amendments received

The size of the rear extension and the front dormer were reduced substantially to address the visual amenity concern and to comply with policy BE15 of the UDP and policy PLP24 of the PDLP. The application description was amended accordingly to reflect these changes. The amended drawing was received on 22-Aug-2018.

Relevant Planning History

2018/92587 – Erection of detached dwelling (adj,1 Lydgate Drive) – Pending consideration

2016/90172 – Erection of extensions (18, Lydgate Drive) – Approved

2009/92983 – Erection of dormer extension, conservatory and porch and alterations to vehicular access (10, Lydgate Drive) – Approved

2005/93782 – Erection of dormer extension (3, Lydgate Drive) – Approved

2004/91681 – Erection of single storey rear extension (16, Lydgate Drive) – Approved

95/92018 – Erection of single storey extension and detached single garage (3, Lydgate Drive) – Approved

Representations

This application was advertised by site notices and neighbour letters, which expired on 26-Aug-2018. As a result of the above publicity, no representations have been received.

Kirkburton Parish Council – No comments have been received

Consultation Responses

No consultations are required for this application.

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 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)
- **BE15** – Front dormers
- **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, 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
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 single storey rear extension would be of an appropriate scale as it would be within the parameters set out in policy BE14 of the UDP. It also appear that a rear extension of this scale could be permitted development in any case, subject to it being compliant with the restrictions and the conditions set out in the General Permitted Development Order (GPDO). Furthermore, the application site appears to be large enough to accommodate the rear extension at this scale without unduly compromising the provision of amenity space, even when taking into account the proposal to sub-divide the curtilage in order to accommodate a detached dwelling, which is pending consideration under application no.2018/92587.

Whilst the rear dormer would be large in scale relative to the host property, it would not be inappropriate from a visual amenity perspective when taking into account what could be permitted by the GPDO. Furthermore, given a number of bungalows in this area already have rear dormers of comparable size, to permit the rear dormer as proposed is not considered to cause any harm to the appearance of the existing dwelling over and above what already exist at other sites.

Policy BE15 of the UDP is relevant when assessing the appropriateness of the front dormer. In this case, the width of the front dormer would be less than a third of that of the existing dwelling and the base of which would be separated from the eaves of the dwelling reasonably. For these reasons, it is not considered to be overly prominent when viewed with the host property, complying with policy BE15 of the UDP.

The rear extension would be constructed in brickwork to match the existing building. Concerning the dormers, the front dormer would be constructed in hung tiles and the rear dormer would be faced in grey UPVC cladding.

The materials of construction, though not completely matching those used in the construction of the existing property, are considered to be acceptable in terms of visual amenity when taking into account the mixed use of facing materials within the vicinity. Although the flat roof design of the extension and the dormers are not ideal, it is not considered to be unduly harmful to the appearance and the character of the property at the site and those in immediate vicinity in this particular case as there are already a number of flat roof additions within the application site and at the adjoining sites.

To conclude, due to the location of the site, it is acknowledged that, a present, the rear elevation is prominent from along Wakefield Road however, due to the nature of the proposals and their reduced scale from the originally proposed scheme, the proposals are not considered to result in substantial harm to the wider area. Furthermore, should part of the site be developed for residential purposes, further mitigation would be provided. The front extension, as amended, is now considered relatively small and scale and would appear appropriate within the street scene of Lydgate Drive.

Having considered the above circumstances and on balance, the development proposal can be acceptable in respect of its scale, design and material, thus complying 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 from a visual amenity perspective.

3 – Impact on residential amenity:

The development proposal might potentially affect the amenity of the neighbouring properties at nos.2 and 3 Lydgate Drive by way of overshadowing and overlooking. Nonetheless, the impact of the proposal is likely to be acceptable for the following reasons.

Although the single storey rear extension is shown to be in close proximity to the curtilage of no.3 Lydgate Drive, it is unlikely to overshadow this property and its associated curtilage to a significant degree because there is already a similar sized single store extension located at the back of this property. Furthermore, the extension would be screened from the view of these neighbours by the high hedges at the shared boundary. Concerning the rear dormer, it is not considered to result in any privacy issues on the residents of this property over and above what could otherwise be permitted by the GPDO.

With regard to the front dormer, it would not cause any additional overlooking impact on the occupants of no.2 Lydgate Drive because the dwelling at the application site already has habitable room windows facing toward this direction. Besides, the dormer would be at least 20m from this neighbouring property, which would be an acceptable separation distance.

It is noted that an application is submitted for the erection of a detached dwelling adjacent to no.1 Lydgate, which is pending consideration. The detached dwelling as proposed would not have any habitable room windows in the south (side) elevation facing toward the application site. As such, the development proposal is not considered to cause any substantial harm to the living conditions of the future residents of this dwelling by way of overshadowing and overbearing should planning permission be granted. To grant permission for this application would not jeopardise the potential of the adjacent site to be developed for residential purposes.

To conclude, the development proposal would be acceptable from a residential amenity perspective and it would be consistent with policies D2, BE1 and BE2 of the UDP and policy PLP24 of the PDLP.

4 – Impact on highway safety:

The development proposal would intensify the residential use and it would affect the parking arrangement at the application site. However, there would be sufficient parking provision within the site for the existing and the future occupants of the property at this site. Accordingly, the proposal would not result in any parking issues.

The development is to form part of the existing dwelling and as such is not expected to materially increase the level of traffic. It is not considered to impact on highway safety over and above the existing situation. In summary, the proposal would comply with policies D2, T10 and T19 of the UDP and policies PLP21 and PLP22 of the PDLP.

5 – Other matters:

Procedural matter

The amended drawing received on 22-Aug-2018 was not re-advertised because the amendments as proposed resulted in a smaller scheme than

originally advertised. As such, to determine the application without further publicity is not considered to impact unduly upon surrounding occupants.

There are no other matters considered relevant to the determination of this application.

6 – Representations:

No representations have been received as a result of the publicity.

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: 2018/92422
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, BE14 and BE15 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 of the single storey rear 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 Policies BE1, BE2 and BE13 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and Chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the submitted plans and information, the front dormer hereby approved shall have a hung tile finish to match the roof of existing building.
Reason: In the interest of visual amenity and to mitigate the impact of the front dormer on the amenity of the wider street scene in accordance with Policies BE1, BE2 and BE15 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and Chapter 12 of the National Planning Policy Framework.

5. The rear dormer shall be faced in grey uPVC cladding before it is first brought into use and thereafter retained.
Reason: In the interest of visual amenity and to accord with the aims of Policies BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Floor plans, elevations, site layout, cross section and location plan as existing and	PL01	A	25-Jul-2018

Plan Type	Reference	Version	Date Received
proposed			

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, the applicant was requested to reduce the scale of the front dormer and the rear extensions to address the visual amenity concern. The application description was also amended accordingly.

Report Dated: 17-Sep-2018