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:	2018/62/92663/W
Site Address:	19, Rutland Road, Milnsbridge, Huddersfield, HD3 4RA
Description:	Erection of two storey rear extension
Recommending Officer:	Jason Hammond

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: 09-Oct-2018

Officer Report.

Reference: 2018/92663

Location: 19 Rutland Road, Milnsbridge, Huddersfield, HD3 4RA

Proposal: Erection of two storey rear extension.

Site Description.

19 Rutland Road is a detached two-storey property located in Milnsbridge, Huddersfield. The property is constructed in regular coursed light brown brick with a gabled roofing form that is constructed in concrete roofing tiles. The front of the property benefits from a modest garden, with a driveway to the side and a raised garden to the rear.

The site is located in a residential area, built in the 1970s/80s. Properties in the area share the same design and style, being predominantly of detached gabled dwellings constructed in the same brown brick with some properties set on different orientations and with a few having various extensions to the rear of the properties.

Description of Proposal.

The application is for the erection of a two storey extension to the rear of the property, to allow for an enlarged kitchen and dining room on the ground floor and an enlarged bedroom with en-suite on the first floor. The extension is to project 3.30 metres from the rear of the property, with a length of 5.00 metres and a height to match the existing dwelling with a maximum height of 6.50 metres and eaves of 4.70 metres. The extension is to have a gabled roof form projecting perpendicular to the existing gable. The ground floor is to have new rear facing French doors, and a large rear facing window and a small obscured side window facing the east on the first floor. The extension is to be constructed in matching brick and roofing tiles.

History of Negotiations.

No known changes for this scheme.

Relevant Planning History.

No relevant planning history for this property, although a relevant application was made for the adjacent 17 Rutland Road:

89/02056 – Erection of 2 storey extension to form enlarged lounge, toilet, bedroom and shower room. Granted Permission in 1989. This two storey rear extension is very similar to this proposal.

Representations.

The application was advertised by a site notice and neighbour letters which expired on 05/10/2018. No representations were received from this publicity.

Consultation Responses.

No consultations were deemed necessary for this proposal.

Policy/Legislation.

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 the Kirklees 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:

- **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, 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 12** – Achieving well-designed places

Assessment.

The following matters that will be considered as part of the assessment of the proposal are set below. These considerations will be looked at in detail individually:

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 unallocated within the Kirklees Unitary Development Plan. As such, in accordance with policy D2 in the UDP, development can be granted providing the proposal does not prejudice the avoidance of overdevelopment, highway safety, residential amenity, visual amenity and the character of the surrounding area. These considerations are addressed below.

In terms of extending and making alterations to a property Policies BE1, BE2, BE13 and BE14 of the UDP will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design.

Impact on visual amenity:

The proposal is located on Rutland Road, a residential cul-de-sac with a similar style and design built in the 1970s/80s. The predominant style is of detached two storey properties constructed in light brown brick and concrete roofing tiles.

The application is for the erection of a two storey extension to the rear of the property, to be constructed in matching brick with a perpendicular gabled roof form constructed in matching roof tiles. It is considered that the extension

would not impact upon the visual amenity of the area as the existing materials will be used in the proposal and as such be in keeping of the original character. The extension is to the rear of the property and is matching of the adjacent rear extension of 17 Rutland Road meaning that an extension of this type is appropriate in the area, and would in fact add symmetry to the two properties.

It is noted that the proposal has a projection if 3.3 metres which is 0.3 metres greater than that advised in Policy BE14. However separation of 2.5 metres can be achieved to no.19 and 3.5 metres to no. 21 which is considered to represent good mitigation to allow the additional 0.3 metres beyond Policy BE14.

The proposal is therefore regarded as acceptable for permission in this regard, complying with Policies BE2, BE13 and BE14 of the Kirklees UDP, and PLP 2 and PLP 24 of the Kirklees Draft Local Plan.

Impact on residential amenity:

The site shares its boundary with various properties in the area, and as such any development here will have potential to impact upon these nearby properties. The impacts for each are set out and discussed below:

- *17 Rutland Road* – This property is located to the east of the site, sharing its boundary with the proposed extension. The extension will not project closer to the boundary of this property, but will project from the rear. However, 17 Rutland Road is set away from no.19 and the proposed extension would not project beyond this meaning reducing the impact of the extension. Therefore, the proposal would not overbear into 17 Rutland Road nor result in a significant loss of light.
- *21 Rutland Road* – This property is located to the west of the site, and would have a view of the proposed extension. It is considered that there would be minimal impact upon this property as there is a separation of 3.5 metres is achieved to the shared boundary and a total of 6 metres to the rear elevation of the property. This separation distanced combined with the orientation would mean the proposal would have very little impact upon light levels for this property.

- *98 Royd Street* – This property is located to the north of the site, with the rear on looking to the rear of the proposed extension. A very considerable distance of around 30.00 metres, adequate screening and the visual appearance being assessed as not being impactful meaning any impact would be low.

Other properties affected include 32 and 34 Rutland Road that overlook the site from across the highway. It is considered that this impact would be very minimal due to the considerable distance of over 25.00 metres and lack of direct view of the extension.

Having considered the above factors affecting neighbouring properties and relevant policies, the proposed side and rear extension is not deemed to result in any significant harm upon the residential amenity. The proposal would therefore accord with Policies D2 and BE14 of the UDP and Policy PLP24 of the draft Local Plan.

Impact on highway safety:

The proposed rear extension would result in an enlarged kitchen and dining room on the ground floor and an enlarged bedroom with en-suite on the first floor, which would not result in the need of an increase of car usage or reduce the capacity of car parking spaces. Therefore, the proposal is considered to have no impact on highway safety and as such complies with policies D2, T10 and T19 of the UDP and Policy PLP22 of the Draft Local Plan.

Other matters:

There are no other matters for consideration.

Representations:

No public representations were received for this proposal.

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: 2018/92663

Officer Recommendation:

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 rear extension hereby approved shall in all respects match those used in the construction of the existing dwelling.
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.

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 - 18.30 hours (Mondays to Fridays), 08.00 - 13.00 hours (Saturdays) with no work carried out on 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			17/10/2018
Existing Plans and Elevations	01		17/10/2018
Proposed Plans and Elevations	02		17/10/2018

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.

As submitted plans were considered to be acceptable, no changes were sought.

Report Dated: 08/10/2018