

**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: 2018/62/93007/E

Site Address: 190, Leeds Road, Heckmondwike, WF16 9BJ

Description: Erection of two storey side extension and two storey and single storey rear extension

Recommending Officer: Jennifer Booth

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: 12-Nov-2018

OFFICER REPORT

Site Description

190 Leeds Road, Heckmondwike is a brick built semi-detached two storey dwelling with a garden to the front, drive to the side and larger enclosed garden to the rear of the dwelling. The property is set down from the level of the main road and has a detached outbuilding to the rear.

The property faces onto Leeds Road which is a busy main road with open fields on the opposite side. There are similarly aged residential properties to the sides and rear with the properties to the south west side facing the same direction as the host property. The properties to the north east side face the opposite direction (Houldsworth Avenue) which also has a perpendicular row of red brick terraces which run across part of the rear garden of the host property and the dwellings to the rear on Old Leeds Road occupy positions some 55m from the host property.

Description of Proposal

The applicant is seeking permission for the erection of single and two storey extensions to the side and rear of the dwelling.

The extension to the side would project 2.4m and would extend out past the front elevation on the ground floor to align with the existing bay window. The extension would be set back 0.4m at first floor level and would extend out 4.5m beyond the rear elevation wrapping around 1.7m across the rear elevation. The roof form over the ground floor to the front would be lean to with a set down hipped roof over the side extension.

The rear extension would extend across the width of the dwelling with a projection of 5m on the ground floor reducing to 3m at first floor with a hipped roof over the first floor and a flat roof with a parapet and lantern for the single storey element.

The walls of the extension are proposed to be constructed using brick with tiles for the roof coverings.

Relevant Planning History

None

Representations

The application was advertised by site notices and neighbour letters, which expired on 13/10/2018

As a result of the above publicity, one representation has been received which questioned whether there would need to be a gap between the extension and

the shared boundary as the neighbour had to leave a gap when they built their extension.

Consultation Responses

None

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 within the PDLP.

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)
- **T10** – Highway Safety
- **T19** – Parking

Kirklees Publication Draft Local Plan Policies

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **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
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Negotiations
- 7) Conditions
- 8) Conclusion

1 – Principle of development:

The site is unallocated within the Unitary Development Plan. As such, development can be supported providing the proposal does not prejudice the avoidance of overdevelopment, highway safety, residential amenity, visual amenity and the character of the surrounding area in line with the requirements of policy D2 (specific policy for development on unallocated land).

These issues along with other policy considerations will be addressed below.

2 –Impact on visual amenity:

The properties on this stretch of Leeds Road are similarly aged properties. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

The proposal under consideration consists of two distinct elements which shall be addressed below.

Side Extension

The host property has a sufficient curtilage to support the proposed extension without amounting to overdevelopment. The design includes a setback at first floor with a corresponding set down which allows the extension to be regarded as subservient to the host property. Given the layout of the neighbouring properties together with the design of the extension, the proposal would not cause an undesirable terracing effect. The materials

proposed would be to match the main house and the detailing can be considered to form an appropriate relationship with the host property. As such, the proposed side extension is considered to be acceptable in terms of visual amenity.

Rear Extension

The host property and its associated curtilage, in particular the long rear garden, is such that the proposal will not amount to overdevelopment of the site and a very reasonable degree of amenity space would be retained. The materials proposed would be to match the main house and the detailing is considered to form an appropriate relationship with the host property. It is noted that the single storey element to the rear is proposed to have a flat roof form which would not generally be considered to represent good design. However, the single storey element with the parapet wall and the use of the lantern appears to form a contemporary design which would result in an appropriate relationship with the host property. Furthermore, this element of the scheme is single storey with limited views given the siting to the rear. As such, the proposed rear extension can be considered to be acceptable in terms of visual amenity.

Having taken the above into account, the proposed extensions to the side and rear would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policies D2, BE1, BE13 and BE14 of the UDP, Policy PLP24 of the PDLP and the aims of chapter 12 of the NPPF.

3 – Impact on residential amenity:

Impact on 188 Leeds Road

The side extension would be located on the opposite side of the dwelling to the neighbour and as such would have no impact upon the amenities of the occupier of 188 Leeds Road.

The rear extension would be constructed along the common boundary and given the position of the extension to the north east of the neighbour there would be potential for an overbearing impact to occur. However, the neighbour has their own extensions to the rear with a conservatory on the ground floor with a projection of approximately 5m and a first floor extension with a projection of 3m. As such, the proposed extension to the rear of the host property would have no impact upon the amenities of the occupiers of the adjoining 188 Leeds Road.

Impact on 32 Houldsworth Avenue

The 12m separation between the host property and the existing side extension to the adjacent neighbour is such that the proposed extensions to the side and rear of the host property would have limited impact upon the amenities of the occupiers of the neighbouring 32 Houldsworth Avenue.

Impact on 34 - 38 Houldsworth Avenue

These neighbouring properties have their rear elevations and associated gardens facing towards the northern side boundary of the application site. However, the position of the host property and the proposed extensions would not align with the neighbouring properties and as such would have no significant impact upon the amenities of the occupiers of the neighbouring 34-38 Houldsworth Avenue.

Impact on 197 Old Leeds Road

The very substantial separation of 55m between the host property and the neighbour to the rear would ensure that the proposed extensions to the side and rear of the host property would cause no harm to the amenities of the occupiers of the neighbouring 197 Old Leeds Road.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with policies D2, BE1 and BE14 of the UDP as well as policy PLP24 of the PDLP.

4 – Impact on highway safety:

The proposals will result in some intensification of the domestic use and it is appreciated that the dwelling does have only space for one vehicle off road on the existing drive. It is also noted that Leeds Road is a busy main road. However there is some limited on street parking available which with the single off road parking space is considered to represent a sufficient provision. The scheme would not represent any additional harm in terms of highway safety and as such complies with policies D2, T10 and T19 of the UDP and Policy PLP22 of the PDLP.

5– Other matters:

There are no other matters for consideration.

6 – Representations:

One representation has been received which questioned whether there would need to be a gap between the extension and the shared boundary as the neighbour had to leave a gap when they built their extension. **Response: -** *There is a no requirement within Planning Policy relating to space between an extension and any shared boundary. Furthermore, due to the position of the dwelling and significant separation distance that would be retained with no.32 Houldsworth Avenue, there would be no undue terracing impact created as a result of the proposed extension; an issue that would likely have occurred with a number of other properties within the immediate vicinity.*

7 – Negotiations:

None

8 – Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Matching materials to ensure that the extensions harmonise with the host property as using alternative materials would look out of place within the street scene.

9 – Conclusion:

This application to erect single and two storey extensions to the side and rear of 190 Leeds Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be acceptable.

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.

As set out above, 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:** 2018/93007**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, BE13 and T10 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the extensions 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 D2, BE1 and BE13 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.

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	Web ID	Date Received
Location plan	-	710482	18/09/2018
Block plan	-	710478	18/09/2018
Existing plans	-	710474	18/09/2018
Proposed plans	-	710476	18/09/2018

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

Report Dated 09/11/2018