

**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: 2018/62/93088/W
Site Address: 1A, Brendon Drive, Birkby, Huddersfield, HD2 2DF
Description: Erection of first floor side extension and front balcony
Recommending Officer: Jason Hammond

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: 13-Nov-2018

Officer Report.

Reference: 2018/93088

Location: 1A Brendon Drive, Birkby, Huddersfield, HD2 2DF

Proposal: Erection of first floor side extension and front balcony.

Site Description.

1A Brendon Drive is a detached two storey property located in Birkby, Huddersfield. The property benefits from a large garden surrounding the building, with a grassed driveway to the front. There are numerous trees on the site, with a Tree Protection Order area covering the east and south of the site. The property benefits from an attached garage to the side, large extension to the rear and small porch to the front. The main roof is hipped with the extension, garage and porch all having gabled roof forms. The property is constructed in red brick and concrete roofing tiles with white uPVC framing and doors.

The site is located on a residential cul-de-sac street, on the corner with the main highway of Birkby Road. The properties in the area share a similar design and style, although the properties take various forms and with various alterations and extensions being common. The predominant style is of detached dwellings constructed in brick with cladding and render being used, with some benefitting from balconies and extensions. The properties on this street were built at the same time in the 1960s, with 1A Brendon Drive being solely built in the late 1990s.

Description of Proposal.

The application is for the erection of a first floor side extension above the ground floor garage, allowing for the enlargement of two of the bedrooms. The application also involves the erection of a balcony to the front of the property, positioned west from the extension. The extension is to have the same footprint as the garage with a length of 12.00 metres and width of 3.90 metres. The roof is to have front and rear facing gabled features, with the roof being hipped to the main roof. The gabled roof is to have a height of 4.40 metres and eaves of 2.00 metres from the garage, with a total height of 6.50 metres and eaves of 4.70 metres from the ground. The hipped roof is to be of the existing house with a height of 5.50 metres from the garage and 8.00 metres from the ground. The extension is to be constructed in matching brick and roofing tiles. The balcony is to have a projection of 2.20 metres (matching the extension) and a width of 2.80 metres. The balcony is to be constructed

with a glass balustrade, with a height of 1.10 metres to the front and 1.80 metres to the side.

History of Negotiations.

No known changes to this proposal.

Relevant Planning History.

Numerous planning applications have been made for this site:

2004/91990 – Erection of single storey. *Refused in June 2004.*

2004/93273 – Erection of single storey. *Granted in September 2004.*

2006/95152 – Erection of two storey and single storey extension with front and rear dormers and balcony to front. *Refused in January 2007.*

2007/92923 – Erection of attached [two-storey] garage. *Granted in July 2007.*

In addition, a similar application has been made at the neighbouring 1 Brendon Drive:

2004/95148 – Erection of two storey extension and balcony. *Granted in 2004.*

A recent application has also been made for 2 Brendon Drive:

2016/91868 – Conversion and alterations to integral garage to form living accommodation, external alterations and erection of canopy to front elevation. *Granted in 2016.*

Representations.

The application was advertised by a site notice and neighbour letters which expired on 06/11/2018. 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 Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- **D2** – Unallocated Land
- **NE9** – Development Proposals Affecting Trees
- **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
- **PLP 33** – Trees

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
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters

- 5) Representations
- 6) 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 PLP24 and Chapter 12 of the National Planning Policy Framework regarding design.

Impact on visual amenity:

The proposal is located on Brendon Drive, a residential cul-de-sac just off from Birkby Road. The property is located on a prominent corner location, visible from Birkby Road and upon accessing the cul-de-sac. Properties in the area are of various forms and styles with varying extensions, although all share a similar design of being large detached dwellings with gabled roofs constructed in buff brick. More traditionally designed buildings are located along Birkby Road, constructed in natural stone. This sets the context of the streetscape around the site, indicating that development on this site would have to consider the design of the nearby properties.

The proposal is for the erection of a first floor extension above the existing garage structure to the side of the property, as well as a balcony to the front. The proposed extension is to be constructed in matching brickwork as that of the existing property and would therefore not impact upon the visual amenity of the area in regards to the materials used. The balcony to the front is to be constructed with glass which would be an addition to the area, although this would be considered to be a modern complement to the building and area, especially when considering recent alterations to buildings in close proximity to the site.

The roof of the property is to be altered to allow for the new extension, with the first floor above the garage having a hipped roof form in matching of the original roof. The front and rear of the extension are to have facing gabled features, with the pitch of the eaves of this in matching of the hipped roof. It is considered that the new roof form will add consistency to the property, with

the gabled features adding interest to the appearance of the building without harming the character of the building or area. Matching concrete roof tiles are proposed which would be in keeping of the existing roof.

The two storey element of this side extension would be adding considerable mass to the property but the proposal would not be projecting the property closer to the highway and the considerable sized garden mitigates this impact. Extensions and alterations are also common on this street (e.g. at 2 Brendon Drive) which makes it more appropriate for extensions to this property as it would not be of harm to the streetscape. The property is located on a visible location, although the extension is considered to be of no visual harm and as such this would not be an impact upon the wider area.

The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area, 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 to properties to the west and south, with properties from the north and east having some visibility of the proposal. Therefore, development at 1A Brendon Drive has the potential to have some form of impact upon these neighbours. The impacts that may affect these properties are set out and discussed below:

- *1 Brendon Drive* – This property is located to the west of the site, sharing the boundary where the balcony is proposed although not as to where the proposed extension is to be located. The balcony has the potential to impact upon this property as it could cause concern for privacy, although it would only be looking on to the front of the property and the side 2.00 metre privacy screen would considerably mitigate this. The small footprint of the balcony would have very little physical impact. The side extension would also be of minimal impact as it is to be located on the other side of the site and would have no direct view of it.
- *2 Stanwell Avenue* – This property is located to the south of the site and would have a view from the rear of the proposed extension. Any impact here would be predominantly in regards to the visual appearance of the extension when considering the distance of 25.00 metres, with the visual impact already being assessed as not being harmful. A rear facing window is proposed in the extension which would raise issues of privacy although this would not be of harm considering the distance and the current rear facing windows.

Other properties affected include 2 Brendon Drive that overlooks the site from across the highway to the north, and 2 Ashleigh Dale across the highway to the east. It is considered that any impacts upon these properties would be minimal due to the considerable distance of over 25.00 metres. The balcony has the potential to face 2 Brendon Drive although no clear view would be had of this property. 2 Ashleigh Dale would have a view of the side extension although the visual impact would not be of harm.

Having considered the above factors affecting neighbouring properties and relevant policies, the proposed first floor extension and front balcony are not deemed to result in any significant harm upon the residential amenity. This is subject to a condition requiring the proposed privacy screen to be erected and retained.

Impact on highway safety:

The proposed first floor extension would result in the enlargement of two bedrooms, which would result in the need of an increase of car usage or reduce the capacity of car parking to the property. There is ample room for additional vehicles within the curtilage of the site and 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:

Trees - A Tree Protection Order (TPO) Area has been designated to land to the east and south of the property, covering the majority of the garden. It is considered that the proposal would not impact upon the trees located in this area as the extension would not be increasing the footprint of the structure as it is a first floor extension above the existing garage. It is important to consider the impact that this development could have on pressure to fell the trees in the future. It is considered that the first floor extension would not cause reasoning to fell the trees in terms of living amenity for the property. They are well-spaced from the bedroom windows and do not have substantial canopies. Therefore, development here would have no impact upon the protected trees on the site, complying with policies NE9 of the UDP and PLP33 of the Draft Local Plan.

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: 2018/93088

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 walls and roofing materials of the first floor 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.

4. The balcony shall not be brought into use until the 1.8m high privacy screen to be erected to the western elevation (right side elevation), as shown on drawing no. 2018/157/02 and 04, has been installed. The obscure glazing within the privacy screen shall be a minimum Grade 4. Thereafter the privacy screen shall be retained as shown on the aforementioned plans and with obscure glazing a minimum Grade 4.

Reason: In order to retain a good standard of residential amenity for neighbouring properties by preventing undue overlooking of amenity areas. This would accord with Policy D2 of the Unitary Development Plan and PLP24 of the Publication Draft Local Plan.

5. Prior to development commencing, protective fencing in accordance with British Standard BS 5837 shall be erected around all protected trees and trees to be retained on the site.

Reason: In order to protect visual amenity and the long term viability of the trees and to accord with Policy NE9 of the Kirklees Unitary Development Plan and Policy PLP33 of the Kirklees Publication Draft Local Plan.

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 - 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
Existing Elevations and Floor Plans	2018/157/01		24/09/2018
Proposed Front Elevation	2018/157/02		24/09/2018
Proposed Side Elevation	2018/157/03		24/09/2018
Proposed Rear Elevation	2018/157/04		24/09/2018
Proposed First Floor Plan	2018/157/01		24/09/2018
Proposed Site Plan	2018/157/01		24/09/2018
Site Location Plan			24/09/2018

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 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: 12/11/2018

