

**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: 2018/62/93433/W

Site Address: 31, Romsey Close, Lindley, Huddersfield, HD3 3GU

Description: Erection of single storey rear extension and raised decking

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: 17-Dec-2018

Officer Report.

Reference: 2018/93433

Location: 31 Romsey Close, Lindley, Huddersfield, HD3 3GU

Proposal: Erection of single storey rear extension and raised decking.

Site Description.

31 Romsey Close is a two-storey semi-detached property located in Lindley, Huddersfield. The property is constructed in light buff brick, with a gabled roof form with concrete roofing tiles. The front of the property benefits from a small garden with a small single storey front extension with a gabled roof, with a driveway and detached garage to the side, and a larger sloped garden to the rear.

The site is located in a residential area, with houses on the street having the same design and style being built at the same time around the 1970s. Properties are constructed in the same buff brick with gabled roofs, with front and rear extensions not being uncommon in the area. To the rear of the property is a new housing development, being constructed in stone and gabled roofs.

Description of Proposal.

The application is for the erection of a single storey extension to the rear of the property, with associated raised decking. This is to allow for an enlarged open kitchen and dining area, with large bi-fold doors opening on to the outdoor decking. The rear extension is to project 2.35 metres with a length of 5.00 metres, and a maximum height of 3.80 metres and eaves of 2.75 metres with a lean-to roof. The extension is to project the same length as the adjacent neighbouring rear extension, with a height 0.60 metres greater due to the differences in ground height.

The decking is to project 2.50 metres to the rear with a further projection of 0.90 metres with the steps on the eastern end. The decking is to have a length of 4.30 metres, with the steps having a length of 2.35 metres from the north. Two steps are proposed from the property to the decking, meaning the decking is to be 0.50 metres lower than the property, but 0.40 metres above the ground level of the garden. A 1.10 metre glass balustrade is proposed on the northern and eastern elevations, with a 1.50 metre privacy screen proposed on the southern elevation.

History of Negotiations.

Amendments were sought in order to set the decking away from the south to reduce the bulk from the neighbouring property, with the agent stating this would not be possible. Amendments were received on the 07/12/2018 reducing the height of the decking by 0.20 metres and including a 1.50 metre privacy screen at our request.

Relevant Planning History.

No relevant planning applications for this site, but a similar application has been made nearby to the site:

93/04357 – 33 *Romsey Close* - Erection of extension. Granted in 1993.

Representations.

The application was advertised by a site notice and neighbour letters which expired on 12/11/2018. One representation was received from this, raising these concerns:

- Decking forming a boundary wall over 6 foot

Amendments were received that reduced the height of the decking but added a 1.50 metre privacy screen and so neighbour letters were sent to notify on these amended plans. The publicity for these ended on 14/12/2018, with no representations or comments received.

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
- **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
- 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 Chapter 12 of the National Planning Policy Framework regarding design.

Impact on visual amenity:

The application refers to the erection of a single storey rear extension and raised decking. The potential impacts for each of these elements are discussed below:

Single storey rear extension:

The rear extension is to project 2.50 metres and lay flush with the adjacent rear extension. There is currently a small gap between the existing extension and the proposed extension on the neighbour's side, with this to be infilled with matching masonry and roofing materials which would allow for a consistent visual appearance, as well as assisting in maintenance. The extension is to have a slightly greater height than the adjacent extension but this corresponds well with the main roofs due to the varying ground levels. The roof form is to be a lean-to that is to be in keeping with the host property, with the roof lights and French doors having no significant impact. Matching materials are proposed that would ensure the extension is in keeping.

Raised decking:

The raised decking would be adding mass to the rear of the property, projecting further beyond the proposed extension. It is considered that the use of decking and glass balustrade would ensure an acceptable, modern appearance and would not be too obtrusive. It is noted that decking has not been used in this way in the local area but it is considered that the use of it would not be detracting from the visual amenity.

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 north and south, with properties from the east also having some visibility of the proposal. Therefore, development at 31 Romsey Close 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:

- *29 Romsey Close* – This property is located to the north and would be located in proximity to the proposed rear extension. It is considered that the impact would be very minimal as there would be no direct view of the extension other than from the rear garden and with no side windows proposed there is no concerns over privacy the separation between the two properties with drives would mitigate any detrimental over shadowing or overbearing impact.
- *33 Romsey Close* – This property is located to the south of the property, sharing the boundary as to where the proposed rear extension and decking is to be located. The rear extension is deemed to have little impact upon the neighbour due to it having the same projection of the extension at this property. The decking would be increasing outdoor activity to the border of this property and has great potential to be overlooking and invade upon privacy. A 1.50 metre privacy screen is proposed and would be conditioned to ensure privacy and stop overlooking. The decking would also be adding massing and has potential to be overbearing, with amended plans reducing the overall height by 0.20 metres. The privacy screen would mean that the development would sit at a height of 2.40 metres, with this scale being lessened by the privacy screen being obscurely glazed which would allow for light to still pass, lessen the potential of overbearing still ensure privacy levels. The height of the dwelling has also been reduced and would be 0.4 metres above the existing ground floor level. Such a scale is only marginally above the permitted development height of 0.3 metres and with the privacy screen in place is considered to provide sufficient mitigation.

Other properties affected include 11 Pye Road that overlooks the site from the rear to the east. It is considered that this impact would be very minimal due to the considerable distance of over 40.00 metres and lack of direct view of the proposal when considering the sloping level. The decking has potential for residents of the site to overlook but the distance lessens this impact.

Having considered the above factors affecting neighbouring properties and relevant policies, the proposed rear extension and raised decking is not deemed to result in any significant harm upon the residential amenity.

Impact on highway safety:

The proposed rear extension and raised decking would not result in the need of an increase of car usage or reduce the capacity of car parking to the property. 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:

One representation was received for this application, raising this one concern:

Decking and hand rails forming a boundary wall over 6 foot – The proposal has already been assessed, with the decking having the potential to overbear, overlook and overshadow. Amended plans have been sought to set the decking in which were contested by the agent, although the decking was lowered by 0.20 metres to reduce the scale. A 1.50 metre privacy screen was added to ensure privacy and no overlooking. This means that with the difference in garden levels the height of the development from the neighbouring garden is 2.40 metres, an increase of 0.70 metres of the existing fence which is on balance considered to be acceptable to prevent undue overlooking. Obscured glazing shall be used in the privacy screen that would allow for light to pass through the screen and would lessen the overbearing impact whilst retaining privacy. Furthermore the privacy screen would be located to the north of no. 33 negating any overshadowing concerns.

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: 2018/93433

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 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 BE1 and BE2 of the Kirklees Unitary Development Plan and Policy PLP24 of the Kirklees Publication Draft Local Plan.

4. The hereby approved decking shall not be brought into use until the 1.50 metre high obscurely glazed (minimum grade 4) privacy screen has been erected on the southern elevation of the decking, as shown on Drawing (0-) 01 D. Such a privacy screen shall thereafter be retained.

Reason: In order to retain a good standard of residential amenity for neighbouring properties by preventing undue overlooking of amenity areas, and to accord with Policy D2 of the Kirklees Unitary Development Plan and PLP24 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 and Proposed Plans	(0-) 01	D	07/12/2018
Design and Access Statement		A	22/10/2018
Location Plan	(0-) 02		16/10/2018

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.

Amended plans were sought to set the decking in from the side, with plans received reducing the overall height of the proposal and the addition of a 1.50 metre privacy screen.

Report Dated: 14/12/2018