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:	2018/62/93811/W
Site Address:	26, Weymouth Avenue, Oakes, Huddersfield, HD3 4XX
Description:	Erection of extensions
Recommending Officer:	Callum Harrison

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: 27-Feb-2019

Officer Report

Site Description
26 Weymouth Avenue is a semi-detached dwelling faced in white render with a concrete tiled roof. The dwelling is south east facing and is set within a modest curtilage. The dwelling is set upon land above the highway and benefits from a sloped small lawn to the front and a larger lawn at the rear. Due to the topography of the land at the front of the dwelling the property does not have a driveway, however it is suited on a residential street which makes up part of a wider housing estate meaning on street parking can be found in abundance. The property also has a small lean to extension attached to this east side elevation.

26 Weymouth Avenue has an attached neighbour located to north west at no.28 Weymouth Avenue. It also has neighbours facing at an adjacent angle to the north east and south east at no.7 Easton Place and no's 18, 20, 22 and 24 Weymouth Avenue respectively. The dwellinghouse of no.7 Easton Place is not situated in line with the curtilage of the host dwelling however the garden is in line and situated approx. 8m away from the existing ground floor rear extension of the property. The rear elevations of no's 18, 22 and 24 Weymouth Avenue face towards the host property and are located approx. 13.5m away. Dwellings on Weymouth Avenue and the wider housing estate are generally attached, either semi-detached or terraced but there is a variation in terms of size and design. The dwellings to the south east are flats.

Description of Proposal
The application is seeking permission for the erection of a two storey and single storey rear extensions. The application also seeks permission for a two storey side extension and a single storey front extension in the form of a porch. The proposed rear extensions would see the removal of an existing conservatory.

<u>Rear Extensions</u>
The rear extensions feature both single and two storey elements. Single storey extensions feature on both sides of the rear extension where the development is close to neighbouring property. The two storey element is located to the southeast of the rear elevation, flush with original south side elevation. The proposed rear extension has a maximum projection of 4m, a width of 8.8m (single and two storey elements combined) which falls flush with the existing side elevations. The development has a maximum height of

7.15m with the eaves at 5.1m. The two storey element of the northern side of the proposed rear extension, by no. 28 is set back by 0.9m which means this element projects 3.1m from the host dwelling. The single storey projects out further to align with the other two storey element. The roof style will be double pitched of varying heights with a lean to roof between the ground floor and set back first floor, as well as on the single storey rear element on the south side.

Side Extension

The application also seeks permission for the erection of a two storey side extension. This extension has a projection of 1.75m, the same as the existing single storey side feature. The length of the extension is 10.8m if you factor in it falling flush with the proposed rear extension. When built within the existing build line of the south side elevation the proposal is two storey and has a length of 6.9m, the remaining 3.9m is single storey and projects out to the rear. The two storey element will feature a lean to roof connecting on to the gable and have a maximum height of 6.2m with the eaves at 5.1m. The single storey element has a maximum height of 3.6m with the eaves at 2.6m.

Porch Extension

The proposed porch has a projection of 1.1m, a width of 2.5m, a maximum height of 3.2m with the eaves at 2.3m. The porch would have a footprint of 2.75m^2.

Materials

The materials proposed for both elements are to match the host dwelling in its entirety with render used for the walls, concrete stone tiles for the roof and upvc for the windows and doors. Due to the boundary being a hedge which is partially set in front of the existing conservatory, the application form states this will be replaced with a brick wall.

Relevant Planning History

None.

It can be presumed the small side extension was constructed through permitted development.

History of Negotiations

Amendments were sought to reduce the projection and scale of the development due to the residential impact it would have on the lower ground floor flat to the south at no.24 Weymouth Avenue. After a meeting with the agent and applicant, it was agreed that the rear element of the proposal, which projects closest to no.24 was reduced to single storey. A double pitched roof would also keep the roof lower lessening the impact on properties to both side elevations. The two storey side extension will also now feature a lean-to roof to reduce the massing. Subsequently, subject to these amendments, the scheme was deemed acceptable. The amendments were received on 20/02/19.

For structural reasons, the first floor element of the side extension could not have been brought in any further without significant expense, as it would

require unreasonable and unpractical columns to be constructed within the dwelling.

Representations
The application was advertised by a site notice and neighbour notification letters.
Final publicity date expired: 03/01/19.

Two representations were received raising the following comments:

- Loss of light.
- Overbearing.
- No explanation on how boundary treatment will be replaced.
- Loss of privacy to garden/overlooking.

The amended plans were not re-publicised as these reduced the scale of development.

Consultation Responses

- No consultations were required or sought.

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 (2019). 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 (2019), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan, its published modifications and Inspector's final report dated 30 January 2019 are 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 PLP Policies Map and on the UDP Proposals Map.

Kirklees Publication Draft Local Plan

- **PLP1** – Presumption in favour of sustainable development
- **PLP2** – Place shaping
- **PLP24** – Design

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)

National Policies and Guidance
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published February 2019, 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 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]'

PLP1 of the PDLP states:

'Is that accord with the policies in the Kirklees Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.'

Therefore providing the plan passes the following assessments, the principle of development for the proposal is acceptable.

2) Impact on visual amenity
The NPPF provides guidance in respect of design in chapter 12 (Achieving well designed places) with 124 providing an overarching consideration of design stating:

'124. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'

Kirklees Local Plan policies PLP1, PLP2 and importantly, PLP24 are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.
Kirklees UDP Policies D2, BE1, BE2, BE13 are also relevant.

PLP24 (a) states that proposals should promote good design by ensuring:
"*the form, scale, layout and details of all development respects and enhances the character of the townscape"*

PLP24 (c) of the PDLP states
"*Extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details…"*

The proposal being assessed satisfies both these polices for the reason explained below.

Proposed Side and Rear Extensions
Whilst the proposal projects 4m ground floor level, the double pitched roof and setting in of the first floor on part the first floor reduces the bulk and overall prominence of the proposed rear extension. The use of lean to roofs also help to reduce the massing of the extensions. While the proposed rear extension will introduce two gable ends in to the property, this is not uncommon in buildings within the wider area and the positioning to the rear helps mitigate the visual impact it would have on the dwelling. The use of matching materials ensures that the proposed extension is in keeping and respects the host dwelling in its entirety.

Proposed Porch
The proposed porch's footprint is 2.75m^2, and whilst the proposed roof of the porch does not correlate to the exiting roof line of the front elevation, in balance its small scale with the fall-back position of permitted development means on balance this aspect of the proposal is acceptable.

It can be considered the development is in keeping and acceptable regarding conserving the visual amenity of the location and therefore comply with the aims of Policy PLP24 of the PDLP and also adheres to Policies D2, BE1, BE2, BE13 and BE14 of the UDP.

3) Impact on residential amenity
The National Planning Policy Framework seeks high quality design and a good standard of amenity for all existing and future occupiers of land and buildings though chapter 12. PLP24 (c) of the PDLP states extension reiterates the aims of the NPPF in terms of design and states that development should
"….*minimise impact on residential amenity of future and neighbouring occupiers"*
It is of officer's judgement that the extensions, on balance, comply with PLP24.

Overshadowing & Overbearingness

Most planning approvals are likely to interfere to some extent, with an adjoining occupier's enjoyment of their property. However, the test is whether this is proportionate. In this case it is considered that on balance, the harm is considered proportional.

In regards to no.28 Weymouth Avenue

Due to the extension being to the south east of this property it is important to ensure the proposal does not cause any undue overbearingness or overshadowing. The extension, as amended, would still result in the erection of a two-storey wall projecting 3m beyond the existing rear elevation of the property with a further 1 metre at single storey. However, the mass of the other element of two-storey extension has been reduced lowering the height of the roof by 1m. The rear extensions would undoubtedly affect the outlook and level of sunlight received by the garden of the property. I have considered whether the impact on the neighbouring residents would be such that the scheme could not be supported but conclude that the scheme as amended would retain an the amenities of the neighbouring residents to an acceptable degree. The existing rear elevation of no. 28 faces north-east and would not receive direct sunlight via land within the application site. The loss of sunlight would be limited to the garden area in early mornings part of the year. Windows within the rear elevation would still have an open outlook to the north east and, because the land to the north west remains open, would not suffer an undue overbearing impact as a result of the walling proposed to the south east. Whilst I acknowledge that there will be some loss of light and outlook I consider the impact would not be undue.

In regards to the flats at nos.22 and 24 Weymouth Avenue

The property is located approx. 14m away from the application site. When considering the existing single storey side feature, the separation distance is approx. 12m. Whilst the proposal will maintain the 12m separation distance, it will bring the first floor of the host property closer to these flats. As no.24 is a ground floor flat it is important to consider that a development closely located to such a dwelling has a higher potential to be overbearing. However the incorporation of a lean to roof against the existing gable helps reduce the ability of the first floor section of the extension to be overbearing. After negotiations, the rear element closest to no.24 was reduced to single storey again to mitigate any impact in regards to overbearingness. The use of two gable ends for the roof of the rear extension reduces the mass and keeps the overall height down below the existing ridge again mitigating any overbearingness towards no.24. Subsequently it can be stated the proposed extension, on balance, would not have a detrimental effect on no.24, or the first floor flat at no. 22 in regards to overbearingness. Due to the separation distances and orientation of the properties, the proposed works would not cause any notable overshadowing to the flats either.

In regards to no. 7 Easton Place

The extension would bring the property to around 7.5 metres of the garden of this property, although it would address, at an oblique angle, the blank gable wall of this property. At first floor two bedroom windows would face the garden area of this property. The rear garden is already overlooked by windows in the rear of this property together with other development both on Easton Place and Weymouth Avenue. Given this I consider that an undue impact due to loss of privacy would not occur. Given the orientation and separation of the properties there would be no material loss of sunlight.

Overlooking – The scheme does not see the installation of any windows or openings in either of the side elevations of the extension which nulls the ability to overlook towards the property of both no.28 and no.22 Weymouth Avenue.

Drawing 1844.7A shows the installation of a window facing towards the flats at no's 18-24 Weymouth Avenue in the original dwelling. As this window serves a bathroom, a condition will be placed on the plans hereby approve that the window shall be obscurely glazed in order to preserve the residential amenity of the flats at no's 18-24 as well as at the host property. Subject to this condition the proposal is acceptable in regards to overlooking.

Subsequently, it can be considered the development is acceptable regarding conserving the residential amenity of the location and therefore comply with the aims of Policies D2, BE1, BE2, BE13 and BE14 of the UDP and Policy PLP24 of the PDLP.

4) Impact on Highway Safety
Despite the property adding a fourth bedroom, the dwelling currently has no off street parking which is not uncommon for the area. Due to its positioning of a wider, quiet housing estate with plenty of on street parking it can be considered the development is in keeping and acceptable regarding conserving the residential amenity of the location and therefore comply with the aims of Policy T19 of the UDP and Policy PLP22 of the PDLP.

5) Other Matters
Boundary Treatment. There is currently a hedge between nos 26 and 28 Weymouth Avenue. There is no information in the application as to how this boundary would be treated. The only information is that where brick walls exist they would be retained as brick walls. Planning permission is not required to remove the boundary hedge. Matters of who owns this boundary would be a private legal issue between the parties involved.

6) Representations
The application was advertised by a site notice and neighbour notification letters.
Final publicity date expired: 03/01/19.

Two representations were received raising the following comments:

- Loss of light.

Response: Addressed within residential amenity.

- Overbearing.

Response: Addressed within residential amenity.

- No explanation on how boundary treatment will be replaced.

Response: This is a separate legal matter, however the application form states the usage of bricks for a boundary wall.

- Loss of privacy to garden/overlooking.

Response: Addressed within residential amenity.

7) Conclusions

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, on balance, that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation - Delegated Powers
Application Number: 2018/93811
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 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 PLP1 PLP2, PLP24 of the Publication Draft Local Plan; D2, BE1, BE2, BE13, BE14 and T19 of the Kirklees Unitary Development Plan; and Chapter 12 of the National Planning Policy Framework.

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 preserve the character and appearance of the site and to accord with Policy PLP24 of the Kirklees Publication Draft Local Plan and policies BE2, BE5 and BE13 of the Unitary Development Plan.

4. The development shall not be occupied until the 1no. window in the south side elevation as show on drawing 1844.7A, of the extension hereby approved has been obscure glazed. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing shall thereafter be retained for the lifetime of the development.
Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy PLP24 of the Publication Draft Local Plan; BE14 of the Kirklees Unitary Development Plan and Chapter 12 of the National Planning Policy Framework

Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Existing & Proposed Side Elevations	1844.8A Side	2	20.02.19
Existing Elevations	1844.5 Front and Rear	1	28/11/18
Existing and Proposed Side Elevations	1844.7A Side	2	20/02/19
Existing Floor Plans	1844.2A	1	28/11/18
Proposed Front and Rear Elevations	1844.5A	2	20/02/19
Proposed Ground Floor Plan	1844.3A	2	20/02/19
Proposed First Floor Plans	1844.4A	2	20/02/19
Location Plan	1844.1	1	28/11/18

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.
Amendments were sought to reduce the projection and scale of the development due to the residential impact it would have on the lower ground floor flat to the south at no.24 Weymouth Avenue and no. 28 Weymouth Avenue. After a meeting with the agent and applicant, it was agreed that the rear element of the proposal, which projects closest to no.24 was reduced to single storey. The height of the two-storey rear extension was lowered. The two storey side extension will also now feature a lean-to roof to reduce the massing. Subsequently, subject to these amendments, the scheme was deemed acceptable. The amendments were received on 20/02/19.

Report Dated: 22/02/19