

**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: 2018/62/93837/W

Site Address: 6, Fenay Lea Drive, Fenay Bridge, Huddersfield, HD5 8RR

Description: Erection of extensions and alterations to existing bungalow to form two storey dwelling

Recommending Officer: Francis Davies

DECISION - REFUSED

I hereby authorise the refusal 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: 14-Jan-2019

Officer Report

Reference: 2018/93837

Proposal: Erection of extensions and alterations to existing bungalow to form a two storey dwelling

Location: 6 Fenay Lea Drive, Fenay Bridge, Huddersfield, HD5 8RR

Site Description

The application relates to a semi-detached bungalow, designed with a hipped roof and constructed from red brick, with sections of the principal elevation faced in timber and buff brick. Situated at the end of a range of architecturally similar semi-detached bungalows, the application dwelling occupies a corner plot, offering a generous amount of private amenity space. It is noted that the dwelling benefits from a conservatory extension projecting from the southeast elevation.

Access to the site is via a split driveway off Fenay Lea Drive, one leading to the dwelling while the alternative driveway leads to a detached sectional garage. Boundary treatment is relatively modest consisting of a low rise brick wall to the southwest and southeast while the property is bounded by Fenay Beck to the north.

Description of Proposal

The application seeks planning permission for the demolition of the existing conservatory and the erection of a side (southeast) extension. The extension would project from the southeast elevation by approximately 4.1m and have a depth of 11.6m. As such the extension would project beyond the existing rear elevation by approximately 2.2m introducing a rear turn gable feature. A turn gable feature would also be introduced to the principal elevation although it is advised that this would be flush with the existing building line.

In addition to the side extension the application would also alter the roof form, replacing the existing hipped design with a gable. It is advised that the dwelling would retain the existing eaves and ridge height of approximately 2.5 and 4.6m respectively. The scheme also seeks permission for the installation of a rear dormer. The dormer would have a total length of approximately 5.5m

and a height, when measured in the vertical plane of approximately 1.8m. A distance of 1.9m would be achieved from the gutter line and 0.5m from the ridge. While not explicitly stated on the application form it is anticipated that the rear dormer extension will be finished in upvc weatherboard, matching the proposed windows and doors.

Other alterations include the addition of roof lights in the southwest facing (principal) roof plane. The application form also advises that the extension would be constructed from brick, matching the construction materials of the host dwelling.

History of negotiations

No negotiations were held regarding this application.

Relevant Planning History

2018/91379 – Erection of extensions and alterations to existing bungalow to form a two storey dwelling (Conditional Full Permission)

Representations

Final publicity date Expires: 29th December 2018

No public representations were received regarding this application.

Kirkburton Parish Council – No Comment

Consultation Responses

No consultations were sought regarding this application.

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 remains unallocated on Kirklees Publication Draft Local Plan.

- Access considerations - None

Kirklees Unitary Development Plan:

- D2 – Unallocated Land
- BE1 – Design
- BE2 – Quality of Design
- BE13 – Extensions to dwellings (design principles)
- BE14 – Extensions to dwellings (Scale)
- T10 – Highway Safety

Kirklees Publication Draft Local Plan (PDLP):

- PLP1 – Achieving Sustainable Development
- PLP21 – Highway Safety and Parking
- PLP24 – Design
- PLP27 – Flood Risk

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 2 – Achieving Sustainable Development
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Assessment

The following matters are considered in the assessment of this application:

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 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]'

All these considerations are addressed later in this assessment.

Impact on Visual Amenity

The scheme would result in significant changes to the appearance of the host dwelling: introducing a gable roof form with turn gable features, extending the dwelling to the southeast and introducing a rear dormer. It is noted that the application property forms part of a bank of semi-detached bungalows which share a common architectural design. As such the proposed development has the potential to significantly harm the prevailing urban grain.

While the most intrusive aspects of the development: projecting turn gable and dormer extension are located to the rear it is advised that a non-projecting turn gable would be located on the principal elevation. In the context of the locality such a feature is considered to cause detrimental harm to the streetscene introducing an incongruous feature in an otherwise uniform development. Although such a feature would allow for greater internal headroom it is advised that other design approaches could be employed which, while they may result in less headroom would still offer the required bedroom. To this end officers would advise that the extant permission 2018/91379 offers an acceptable compromise.

In all other aspects, similar to the extant permission 2018/91379 the proposed development is considered acceptable. The property benefits from permitted development rights and as such the occupiers would be able to make alterations to the roof, forming a gable under permitted development rights. In respect of the proposed rear dormer extension it is advised that this is located to the rear (northeast) thereby not being visible from Fenay Lea Drive. Furthermore it is noted that the dwelling is bounded by Fenay Beck to the north and northeast and that land beyond the beck is undeveloped and unlikely to be developed in the future (Urban Greenspace). As such the impact of this aspect of the development on visual amenity is considered negligible.

Despite the noted merits of the scheme, the introduction of a turn gable feature to the principal elevation is considered to cause detrimental harm to the prevailing urban grain. This is particularly noticeable given that the application dwelling makes-up part of a bank of modest and uniform bungalows. Consequently, the proposal is considered to be contrary to Policies D2 (Criteria vi & vii), BE1 (Criteria i & ii) and BE2 (Criteria i) of the

Unitary Development Plan (UDP), Policy PLP24 (Criteria a) of the publication draft Local Plan and guidance contained within Chapter 12 of the National Planning Policy Framework (NPPF).

Impact on Residential Amenity

The application has been assessed in respect of residential amenity and is considered to be acceptable.

The bulk of the proposed development (side extension) would project from the southeast facing elevation. As the application dwelling is the last dwelling of the larger residential development, occupying a corner plot there is a considerable separating distance to the next nearest dwelling, no.2 Fenay Lea Drive of approximately 42m. Accounting for the proposed development it is anticipated that a distance of approximately 39m would remain upon completion. Furthermore, owing to the location of no.2 it is advised that the two properties do not share a direct relationship. As such the proposed is not anticipated to harm the residential amenity of the occupiers of this dwelling.

With respect of no.8 Fenay Lea Drive it is advised that this dwelling is the adjoining bungalow. With regard to the proposed it is advised that alterations to the roof would maintain the existing ridge and eaves height. Consequently, the scheme is not considered to give rise to concerns of an overshadowing or overbearing nature. However, it is noted that the proposed rear (northeast) first floor dormer extension would allow for the potential to overlook the rear garden space of no.8.

It is noted that the considered dormer extension is slightly set in, offering a design which gives some regard to residential amenity of occupiers of no.8, reducing the potential to overlook. However, it is still acknowledged that there will be a degree of overlooking as the dormer would serve two new bedrooms in the first floor as well as a bathroom. The creation of a first floor would deviate from the established pattern of single storey properties in the area. Notwithstanding this I have also had to give significant weight to the potential 'fall-back' position for the creation of a dormer extension in the existing roofspace utilising permitted development rights. This would result in the same impact on the neighbouring property in terms of overlooking from at least one bedroom window. Taking this into account, I conclude, on balance, that the dormer proposed would not result in an undue impact on the privacy currently enjoyed by the neighbouring property. With regard to no.3 Fenay Lea Drive, although the scheme would increase the amount of built form adjacent to this dwelling, the application would not reduce separating distances, thereby being acceptable.

Given the above, the proposed development is not considered to materially harm the residential amenity of occupiers of surrounding dwellings. The application is therefore assessed as according with Policies D2, BE13 and BE14 of the UDP, Policies PLP1 and PLP24 of the PDLP and guidance contained within the NPPF.

Impact on Highway Safety

It is noted that the proposed development would reduce the available space on the main vehicle driveway to approximately 1 parking space. In respect of this it is advised that the applicant would be able to form at least two vehicle parking spaces to the front of the dwelling. Furthermore land to the southeast of the dwelling hosts a detached single garage and hardstanding is on land edged blue that could be conditioned to be retained as parking for the dwelling. (this land is edged in blue).

Given the above it is believed that a minimum of two parking spaces can be achieved. To this end it would be considered appropriate and reasonable, in the interest of highway safety, to condition any permission to demonstrate a minimum of two parking spaces at all time if the scheme was considered acceptable. Subject to the above the application is not anticipated to give rise to any highway safety concerns thereby complying with Policy T10 of the Unitary Development Plan, Policy PLP21 of the publication draft Local Plan and guidance contained within the National Planning Policy Framework (NPPF).

Other Matters

Biodiversity and Ecology

Although the application site is located within a bat alert area, it is not identified on the maps as having a bat roost. The dwelling is also well sealed and unlikely to have any significant bat roost potential. Notwithstanding this, a note recommending that the advice of licensed bat work should be sought if any bats are found during the development. If this application is approved this note would be relayed on the applicant via the decision notice, for the proposal to comply with the guidance contained within the NPPF.

Flood Risk

The site is located in Flood Zone 3a. In accordance with EA standing guidance for householder development in flood zone 3, the applicant is required to provide a Flood Risk Assessment – statement which details the mitigation measures proposed.

While a statement has not been submitted as part of this application it is noted that the applicant advised in previous permission 2018/91379 that proposed mitigating measures included finished floor levels being no lower than the current building floor level. This situation is not anticipated to have changed, this application does not increase the footprint of the previous application and in any case such a requirement can be condition as part of any permission. As such the application is considered acceptable in accordance with Chapter 14 of the National Planning Policy Framework (NPPF).

Representations

No public representations were received regarding this application.

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 proposal does not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF taken as a whole.

Recommendation - Refuse

Decision Authorisation - Delegated Powers

Application Number: 2018/93837

Officer Recommendation: Refuse

Reason for Refusal

1. The proposed extension, by virtue of the proposed gable feature to the front (southwest) elevation of the property, would introduce an incongruous feature which would appear unduly prominent and out of character within the both the host dwelling and the streetscene. To permit such a development would harm the visual amenity of the area and would be contrary to Policies D2 (Criteria vi and vii) and BE1 (Criteria i & ii) of the Kirklees Unitary Development Plan, Policy PLP24 (Criteria a and c) of the publication draft Local Plan and guidance contained within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	20th November 2018
Proposed Plans and Elevations	(20)002	-	20th November 2018
Existing Elevations	(20)001	-	20th November 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.

No negotiations were held regarding this application. The scheme as originally submitted was considered unacceptable and planning officers considered the identified issues as being insurmountable. The application was put forward for refusal on this basis.

Report Dated: 11/01/2019