

**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: 2019/62/90147/E

Site Address: 26, Hollybank Avenue, Upper Cumberworth,
Huddersfield, HD8 8NY

Description: Erection of single storey front extension, first floor side
extension and alterations to convert garage to living
accommodation

Recommending Officer: Ellie Worth

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-Mar-2019

Officer report

Site description

26 Hollybank Avenue, Upper Cumberworth is a two storey semi-detached property constructed from brick with a concrete tiled roof. The property benefits from a landscaped area to the front and a medium sized garden to the rear. Pedestrian and vehicular access can be taken from the front of the property onto Hollybank Avenue. The property also benefits from an attached garage and a single storey front extension. Boundary treatment consists of small fencing to the rear and side elevations. Land levels fall within the application site and the wider area from north to south.

The site and the wider area is predominantly dominated by residential buildings, most of which differ in design and form. The adjoining neighbour at no.24 Hollybank Avenue have an existing single storey rear and front extension and the neighbours at no.28 also benefit from a single storey side and rear extension.

Description of proposal

The applicant is seeking permission for the erection of a single storey front extension, first floor side extension and alterations to convert garage into living accommodation. The measurements are as follows:

Single storey front extension:

- 1.3m projection from the original north east facing front elevation at the host property
- 6.2m in width
- 2.3m in height to the eaves; 3.3m in maximum height

First floor side extension:

- 2.8m projection to sit flush with the existing south eastern facing side extension
- 7.3m in length
- 4.8 – 5.4m in height to the eaves; 7.6m-8.1m in maximum height (change in land levels)

The proposed first floor extension will be constructed from brick with a concrete tiled roof to match the host property. The proposed fenestration will also be constructed from UPVC and will be in keeping with those that exist on the host property. As part of this application the existing garage will be converted into living accommodation. Internally the front extension will provide additional space to the proposed living accommodation and the first floor extension will provide a new bedroom with a walk-in wardrobe and toilet facilities.

History of negotiations/amendments received

The officer entered discussions with the agent regarding the need for additional on-site parking at the application site. This is due to the proposal intensifying the residential use at the property. Alongside this, the officer also asked the agent to include the neighbouring properties (no.28) existing side and rear extension on the plans. These were received on the 28.02.19.

Relevant Planning History

None within application site

2006/92781 Erection of single and two storey extensions – Granted (28 Hollybank Avenue)

2006/94220 Erection of single and two storey extensions – Granted (28 Hollybank Avenue)

2016/91804 Erection of single storey side and rear extensions and external chimney – Granted (28 Hollybank Avenue)

2003/92926 Erection of porch extension and replacing flat roof to pitched roof on existing bay window – Granted (24 Hollybank Avenue)

1994/90438 Erection of two storey extension – Granted (18 Dearnefield)

Representations

The application was advertised by site notice and neighbour notification letters.

Final publicity expires: 07.03.19

As a result of the above publicity, one representation was received. A summary of the concerns are set out below:

- Location of proposed extensions
- Concerns around the conversion of the garage as there are existing parking issues on the road.

Consultation responses

KC Highways DM: Concerns regarding the proposed parking situation at the application site.

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan Policies (as modified)

- **PLP 1** – Achieving sustainable development
- **PLP2** – Place shaping
- **PLP21** – Highway safety
- **PLP22** – Parking
- **PLP24** – Design
- **PLP30** – Biodiversity

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, 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 design place
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment

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 highways
5. Other matters
6. Representations
7. Conclusions

1. Principle of development

The site is without notation on the Kirklees Local Plan (KLP). Policy PLP1 (as modified) of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy PLP24 (as modified) of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case the application, the principle development on the application site is acceptable and shall be assessed against other material planning considerations below.

2. Impact on visual amenity

It has been considered that the proposed extensions would appear subservient to the host property. Nevertheless, there would be additional amenity space developed to the front elevation at the host property as a result of this proposal. However, this would not result in the overdevelopment of the site.

First floor extension

The design of the first floor extension is considered acceptable in terms of visual amenity, as the proposed materials would match the existing. Alongside this, the proposed fenestration within the front and rear elevations of the first floor extension would be of a similar style to those in which exist on the host property. The overall scale, bulk and design has been considered satisfactory.

Whilst the first floor extension would extend to the side of the property, it would not result in an undesirable terracing effect, due to the proposed roof being hipped away and in set from the neighbours at no.28. As such this proposal is considered to accord with the aims of policy PLP24 (as modified) of the Local Plan.

Single storey front extension

The design of the front extension is considered acceptable in terms of visual amenity. This is due to the fact that the proposed windows within the front elevation of the extension would appear sympathetic to those that exist on the host property. The submitted floor plans also show that there will be no new openings within the side elevations of this extension. This will limit any visual harm on the neighbours at 28 Hollybank Avenue. An additional door will also be inserted into the front elevation.

The proposed front extension will have a projection of 1.3m and a width of 6.2m. It has been considered that there would be minimal harm to the visual amenity as a result. This is due to the fact that the application site already benefits from an existing single storey front extension. For these reasons the proposal has been considered small in size and scale and would meet the aims of PLP24 (as modified) of the Local Plan.

The proposed materials of the extensions, as stated within the application form will match those that currently exist on the host property. These materials would allow the extension to harmonise well with the host property and will be conditioned to ensure visual amenity is protected.

In summary, the proposal would be of a satisfactory design quality for the reasons set out above and would be in keeping with the character of the area. Therefore the proposal would accord with PLP24 (as modified) of the Kirklees Local Plan and Chapter 12 of the NPPF.

3. Impact on residential amenity

24 Hollybank Avenue is the adjoining property to the north west of the application site. These neighbours have an existing single storey rear extension.

It has been considered that the proposed first floor side extension will have no impact on these neighbours. This is due to the extension being positioned at the opposite side of the host property. Alongside this, it has also be assessed that there would be limited harm to these neighbours amenity as a result of the single storey front extension, especially in regards to overshadowing, overbearing and overlooking. As these neighbours have an existing single storey front extension with a small projection. Furthermore, the plans also show that there will be no additional windows inserted into the north facing side elevation of the front extension, which will alleviate against any impacts of overlooking. Overall the proposal would have limited impact on these neighbours residential amenity.

28 Hollybank Avenue is the neighbouring property to the south east of the application site. These neighbours benefit from a wrap around single storey side and rear extension.

It has been acknowledged that there is a close relationship between these neighbours side extension and the existing garage at the application site. Nonetheless, as part of this application, the existing separation distance will be retained as the submitted plans show that the proposed first floor extension will sit flush with the existing side elevation of the garage. Alongside this, there would be minimal impacts on overshadowing as part of this application, as these neighbours are located to the south of the application site. However, at the time in which the site visit was undertaken, it was apparent that these neighbours have an existing obscurely glazed opening within the north facing side elevation of their side extension. Due to this serving a non-habitable room and their already being a close relationship between these neighbours, any impacts on overshadowing and overbearing can be supported.

Alongside this, the submitted plans show that there would be no new windows inserted into the south facing side elevation of the first floor extension. This would alleviate against any impacts of overlooking. Overall, it has been considered that there would be some impact on these neighbours amenity, given the increase bulk and massing of the first floor extension. Nonetheless, these impacts on balance can be supported.

Nos.25 and 27 Hollybank Avenue are the properties adjacent to the application site. There is an existing separation distance of 20m from the nearest front elevations at these neighbours and therefore there would be no impact on overbearing and overshadowing as a result. Nevertheless, it has been assessed that there would be some impact on overlooking, as there would be an additional opening inserted into the front elevation of the first floor side extension will serve an additional bedroom. As well as this, the

applicant is seeking permission for the conversion of the existing garage into living accommodation. As a result, the submitted plans show that there would be a new opening inserted into the front elevation of the front extension, which would also serve as a habitable room. Overall the impact on these neighbours' amenity has been considered acceptable.

19 Dearnfield is the property to the rear of the application site. There is an existing separation distance of 19m which will be retained as part of this proposal. Therefore, it has been considered that any impacts on overlooking would be minimal and would not be over and above the existing situation. There will also be no impact on overbearing and overshadowing as a result.

In summary, the application is considered to have an acceptable impact on residential amenity. The application therefore complies with the aims of policy PLP24 (as modified) of the Local Plan.

4. Impacts on highway safety

KC Highways DM have been consulted during the course of this application. They raised initial concerns given the existing parking situation and the proposed material increase at the host property. Nevertheless, given the amended plans which show sufficient space for at least two parked cars within the application site, their initial concerns have been addressed.

Taking the above into account, the proposal is not considered to result in any significant harm to highway safety or efficiency, in accordance with the aims of policies PLP21 (as modified) and PLP22 (as modified) of the KLP.

5. Other matters

Bats

All of the application site lies within the bat alert layer on the Council's GIS system. As such, careful attention was paid when undertaking the site visit to look for evidence of bat roost potential. In this instance, the property appeared well-sealed around the eaves and roof area and it was judged unlikely to contain roosting bats. Even so, as a cautionary measure, a note will be added to the decision notice stating that if bats are found development shall cease and the advice of a licenced bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

6. Representations

One representation was received as a result of the above publicity. The following issues were raised in this representation and officer comments are as follows:

- Location of proposed extensions

Response: The location of the proposed extensions has been assessed above in the main assessment. Overall it has been

considered that the impacts on the surrounding neighbours would be acceptable and therefore the proposal can be supported.

- Concerns around the conversion of the garage as there are existing parking issues on the road.

Response: The impact on highway safety has been thoroughly assessed throughout the report. As a result, amended plans were received which show the existing landscaped area to the front of the host property to be used as additional parking space.

The above comments raised in the representation have been taken into consideration in the determination of this application but are not considered to justify a refusal of the scheme.

7. 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 materials considerations. It is considered that the development would constitute to sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2019/90147

Officer Recommendation: Approve

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 PLP21 (as modified), Policy PLP22 (as modified) and PLP 24 (as modified) of the Kirklees 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, in accordance with the details shown on the approved plan.

Reason: In the interests of visual amenity and to accord with Policy PLP24 (as modified) of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

4. The extensions hereby approved shall not be brought into use until the extended driveway as indicated on the approved 'Site Plan' has been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance; Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for the use(s) specified on the submitted/listed plan(s).

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that the additional hardstanding area is appropriately drained in accordance with Policy PLP21 (as modified) of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are

present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	1862-D-20-001	-	17.01.19
Existing and proposed site plans	1862-D-20-002	A	28.02.19
Existing ground and first floor plans	1862-D-20-003	A	28.02.19
Proposed ground and first floor plans	1862-D-20-004	A	28.02.19
Existing and proposed elevations	1862-D-20-005	-	17.01.19

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. The officer entered into discussions with the agent regarding the need for additional on-site parking at the application site. This is due to the proposal intensifying the residential use at the property. Alongside this, the officer also asked the agent to include the neighbouring properties (no.28) existing side and rear extension on the plans. These amended plans were received on the 28.02.19.

Report Dated: 11.03.19