

**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: 2019/62/90397/E

Site Address: 2, Squirrel Hall Drive, Dewsbury, WF13 4AH

Description: Erection of front and rear single storey extension and dormers to side

Recommending Officer: Jennifer Booth

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 28-Aug-2019

OFFICER REPORT

Site Description

2 Squirrel Hall Drive is a detached brick built bungalow built on the corner of Squirrel Hall Drive, Cullingworth Street and Fox View. There is a patio area to the front and side of the dwelling with a drive and former garage base to the rear.

There are similar dwellings to the front and north west side with two storey dwellings to the rear. The hospital is located opposite the south east side.

Description of Proposal

The applicant is seeking permission for a front extension, a rear extension and side dormer.

The front extension is proposed to project 1.5m out from the original front wall of the dwelling and would extend across part width of the dwelling with a width of 3m and a hipped roof form.

The rear extension is proposed to project 4.2m from the original rear wall of the dwelling and would extend the across the width of the property with a hipped roof form. There is a small set in from the boundary with the adjacent no.4 Squirrel Hall Drive of 0.15m.

The walls of the extensions are proposed to be constructed using brick with tiles for the roof covering.

The dormer proposed within the side roof plane would have a width 2.5m with small pitched roof forms. The dormer would be clad with vertically hung tiles.

History of negotiations

Officers have worked closely with the agent to reduce the overall scale of the proposal to overcome concerns with regards to visual and residential amenity. Furthermore, amended details regarding parking have also been negotiated.

The changes were substantial and given the representations received, neighbours were offered the opportunity to comment on the amended scheme.

The side wall of the dwelling does form the boundary with the adjacent 4 Squirrel Hall Drive. As the agent had initially signed certificate A, the opportunity was offered to either serve notice and sign certificate B to reflect the overhang which would have occurred or set the side wall of the rear extension in from the boundary. Amended plans were received setting the side wall of the rear extension in 0.15m.

Relevant Planning History

2018/93293 –front, rear and dormer extensions – refused on visual and residential amenity issues

2019/91818 – larger home notification – granted

Representations

The application was advertised by site notices and neighbour letters, which expired on 09/03/2019

As a result of the above publicity, five representations have been received which have expressed the following concerns:-

- The proposed front extension would be out of character
- The level of extension on a prominent property would be unacceptable
- The rear extension would result in the loss of the amenity space
- The roof over the rear extension would have an overbearing and oppressive impact on the adjacent no.4
- The windows in the rear elevation would be dark given the proximity to the hedges
- The dormers are not a feature of the area and do not comply with policy BE15 of the UDP
- If the neighbours garage were to be removed, the extension would have an unacceptable impact on the occupant of no.4
- The projection of the rear extension does not comply with policy BE14 of the UDP
- The extension would cause root damage to the adjacent hedges and trees
- The extension may effect Kirklees Care Phone Line
- The extension would affect the drainage

Further consultation has been carried out with respect to the amended plans with neighbour letters being sent giving till 05/08/2019 to comment. Further comments from one interested party have been received on the basis of the amended plans.

- Appreciates that the footprint of the rear extension could be built under permitted development, however the hipped roof form is higher than permitted development would allow and concerned that the large rear extension would overshadow the adjacent properties.
- Also appreciates that the neighbour's garage could mitigate the impact. However, the garage is over 40 years old and nearing the end of its life. If this were to be removed and not replaced the extension may have an unsatisfactory finish with the window proposed in this elevation overlooking the neighbour.
- The rear extension would result in the loss of parking area to the rear.

- The dormer to the side still comes close to the eaves and will create an incongruous feature especially considering the prominent location of the property.

Although there have been no changes to the front extension, the representation does include an additional comment in terms of the impact on the adjacent 4 which was not mentioned previously, specifically with regards to the impact on the neighbour's kitchen.

Consultation Responses

K.C. Highways Development Management – informally support as long as two spaces are provided off road.

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 Proposals Map

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 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 19th February 2019, and 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-designed places

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development & background
- 2) Impact on visual amenity

- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Negotiations
- 8) Conditions
- 9) Conclusion

1 – Principle of development & background:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 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. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

This property has had a recent refusal for extensions and alterations given the scale of the front extension and the dimensions of the side dormer. Significant changes have been made to the overall scale of the development including reducing the width of the front and extension and the size of the side dormer which are considered to have overcome the previous reasons for refusal.

These issues along with other policy considerations will be addressed below.

2 –Impact on visual amenity:

The property is located on the corner of an estate of similar properties in terms of age and style. Some of these properties have been extended and altered. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

The proposal under consideration consists of three distinct elements which shall be addressed below.

Front extension

Extensions to the front of domestic properties have the potential to form inappropriate and incongruous features given the typically prominent position within the street scene. In this instance, given the single storey nature of the front extension together with the limited projection of 1.5m and the modest width, the proposed front extension is considered to be acceptable in terms of its scale. The materials proposed would utilise red brick and tiles similar to the main house and the detailing would form an appropriate relationship with the host property. As such, the proposed front extension is considered to be acceptable in terms of visual amenity.

Rear extension

The scale of the rear extension is a little larger than would normally be supported and would fill the majority of the small rear yard area. However, the property does have a reasonably sized garden area to the front & side and as such, the proposed rear extension would not represent overdevelopment of the site. The materials proposed would be to match the main house and the detailing is considered to form an appropriate relationship with the host property. It is also noted that a 4m extension could be constructed under permitted development and indeed there is a larger home notification agreed for this property for 4.2m. It is also noted that the design has been amended to include a 0.15m inset from the shared boundary with no.4 Squirrel Hall Drive. Whilst this does alter the appearance a little, the change is minimal. On balance, this element of the scheme can be considered to be acceptable in terms of visual amenity.

Side dormer

The previous application failed in part due to the design of the large single side dormer which was clearly based on function rather than form. The current proposal seeks consent for a smaller dormer with a pitched roof form. The property is located on the corner of Squirrel Hall Drive and Cullingworth Street and as such the side of the property is very prominent in the wider area. However, the scale of the dormer is modest relative to the roof plane and the materials proposed would to a degree minimise the appearance of the dormer. Furthermore it is noted that a dormer could be constructed within the roof plane of the original house under permitted development. On balance, given the reduced scale of the dormer the amended plans are considered to be acceptable in terms of visual amenity.

Given the level of development proposed, it is considered to be reasonable in this instance to remove permitted development rights for further extension under classes A – E of the GPDO 2015 to prevent the potential overdevelopment of the site in the future.

Having taken the above into account, the proposed extensions and alterations would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy PLP24 of the Kirklees Local Plan and the aims of chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

There are no neighbours to the south east side of the dwelling which could be affected by the proposal as the car park for Dewsbury Hospital is located on the opposite side of Cullingworth Lane.

Impact on 4 Squirrel Hall Drive

The proposed front extension has been amended since the previous refusal to be set back from the common boundary with the adjacent 4 Squirrel Hall Drive. Given the setback, the limited projection of 1.5m and the single storey nature of the front extension, the proposal would have no potential to impact upon the amenities of the occupiers of the neighbouring property.

The projection of the rear extension is larger than would normally be supported as there would be the potential for overshadowing of the neighbouring property in the morning and the formation of an overbearing and oppressive impact. However, there is a larger home notification in place for this property which would allow a single storey extension of 4.2m with a flat roof form. It is appreciated that the proposal under consideration, with its hipped roof form would have a greater bulk and massing. It is also noted that there is a very minimal set back from the shared boundary 0.15m although it is appreciated that this would not significantly reduce any impact. That being said, the neighbour has a detached garage along this boundary which would screen much of the extension from the neighbouring property. Albeit, the garage is of some age and may be removed in the future at which point the separation provided by the space is considered to minimise the impact of the extension to a degree. On balance, the impact of the rear extension would not be considered to be significantly harmful in terms of the amenities of the occupiers of the adjacent 4 Squirrel Hall Drive.

The proposed dormer would be situated in the roof plane facing away from the adjacent property and as such would have no impact on the amenities of the occupiers of the adjacent 4 Squirrel Hall Drive.

Impact on 1 Squirrel Close

Although the front extension would reduce the space between the front elevation of the applicant's property and the side elevation of the neighbouring property opposite, there is a substantial separation provided by the road and the side garden of the neighbouring property which is not a private amenity space. Furthermore, the windows in the side elevation of the neighbouring property include a secondary kitchen window which would not be considered to be habitable and two bathroom windows neither of which would be considered to be habitable. It is considered therefore that there would be no harm caused to the amenities of the occupiers of the neighbouring 1 Squirrel Close.

The dormer would be set back from the new front elevation and given the scale and position would cause no harm to the amenities of the occupiers of the neighbouring 1 Squirrel Close.

Impact on 11 Cullingworth Street

Although the rear extension would reduce the space between the host property and the side elevation of the neighbouring 11 Cullingworth Street, the neighbour has their driveway towards the boundary which does not form a private amenity space and the side elevation is blank. Moreover, there is

substantial screening provided by the hedges. Therefore the rear extension would cause no harm to the amenities of the occupiers of the neighbouring 1 Cullingworth Street.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy PLP24 of the Kirklees Local Plan and Paragraph 127 (f) of the National Planning Policy Framework.

4 – Impact on highway safety:

The proposals will result in some intensification of the domestic use and the loss of parking area to the rear of the dwelling. However there would be a parking space to the side of the property and a new driveway formed to the front for another vehicle which is considered to represent a sufficient provision. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy PLP22 of the Kirklees Local Plan.

5– Other matters:

There are no other matters for consideration.

6 – Representations:

Five representations have been received which have expressed the following concerns:-

- The proposed front extension would be out of character.
Response: *This is a material consideration as it relates to visual amenity. Given the single storey nature of the front extension together with the limited projection of 1.5m and the modest width, the proposed front extension is considered to be acceptable in terms of its scale. The materials proposed would utilise red brick and tiles similar to the main house and the detailing would form an appropriate relationship with the host property.*
- The level of extension on a prominent property would be unacceptable.
Response: *This is a material consideration as it relates to visual amenity. The scheme has been substantially reduced from the initial submission and is now considered to represent a reasonable level of development.*
- The rear extension would result in the loss of the amenity space.
Response: *This is a material consideration. Whilst the rear extension would cover much of the space to the rear of the dwelling, the front and side of the dwelling also have a reasonable degree of amenity space which would be retained.*
- The roof over the rear extension would have an overbearing and oppressive impact on the adjacent no.4.

Response: *This is a material consideration as it relates to residential amenity. However, the neighbour has their own garage along the boundary. This would screen much of the rear extension.*

- The windows in the rear elevation would be dark given the proximity to the hedges.

Response: *It is appreciated that the occupants of the rooms to the rear would have limited light. However, this element of the scheme has permission under the larger home notification scheme and as such can be carried out irrespective of the outcome of this planning application.*

- The dormers are not a feature of the area and do not comply with policy BE15 of the UDP.

Response: *This is a material consideration in as far as it relates to visual amenity. However, the UDP is no longer in use and has been replaced by the Kirklees Local Plan which is not as prescriptive in relation to dormer extensions. In this instance, a single dormer of the modest dimensions proposed is not considered to be significantly harmful in terms of visual amenity for the reasons outlined in the visual amenity section of this report.*

- If the neighbour's garage were to be removed, the extension would have an unacceptable impact on the occupant of no.4.

Response: *The application is based on the situation of the site and its surroundings at present. The neighbour's garage is not within the site. Although if this were to be removed, there would be a gap created which would minimise the impact of the rear extension to a degree. Furthermore, there is a larger home notification in place.*

- The projection of the rear extension does not comply with policy BE14 of the UDP.

Response: *The UDP has been replaced by the Kirklees Local Plan and the new policy document is not explicit in terms of measurements for domestic extensions. Furthermore, there is a larger home notification in place.*

- The extension would cause root damage to the adjacent hedges and trees.

Response: *The adjacent hedges and trees do not benefit from any formal protection and are not considered to have any great amenity value.*

- The extension may Affect Kirklees Care Phone Line.

Response: *This is not a material consideration as it relates to civil legislation.*

- The extension would affect the drainage as there are pipes in the back gardens of 2 – 14 Squirrel Hall Drive.

Response: *This is not a materials consideration as it is a civil issue.*

Further consultation has been carried out with respect to the amended plans with neighbour letters being sent giving till 05/08/2019 to comment. Further comments have been received on the basis of the amended plans.

- Appreciates that the footprint of the rear extension could be built under permitted development, however the hipped roof form is higher than

permitted development would allow and concerned that the large rear extension would overshadow the adjacent properties.

Response: *This is a material consideration as it relates to residential amenity and has been addressed within the residential amenity section of this report.*

- Also appreciates that the neighbour's garage could mitigate the impact. However, the garage is over 40 years old and nearing the end of its life. If this were to be removed and not replaced the extension may have an unsatisfactory finish with the window proposed in this elevation overlooking the neighbour.
- **Response:** *The application is based on the situation of the site and its surroundings at present. The neighbour's garage is not within the site. Although if this were to be removed, there would be a gap created which would minimise the impact of the rear extension to a degree. The window shown in the side elevation was done so in error and has been removed.*
- The rear extension would result in the loss of parking area to the rear.
Response: *This is a material consideration as it relates to highway safety. It is appreciated that the land to the rear would no longer be available of parking. However, there would be space to the side of the dwelling and a new drive to the front which would provide sufficient off road parking.*
- The dormer to the side still comes close to the eaves and will create an incongruous feature especially considering the prominent location of the property.
Response: *This is a material consideration as it relates to visual amenity. The property is located on the corner of Squirrel Hall Drive and Cullingworth Street and as such the side of the property is very prominent in the wider area. However, the scale of the dormer is modest relative to the roof plane and the materials proposed would to a degree minimise the appearance of the dormer. Furthermore it is noted that a dormer could be constructed within the roof plane of the original house under permitted development.*

Although there have been no changes to the front extension, the representation does include an additional comment in terms of the impact on the adjacent 4 which was not mentioned previously, specifically with regards to the impact on the neighbour's kitchen.

Response: *This is a material consideration as it relates to visual/residential amenity. The single storey front extension is set back from the shared boundary with the neighbouring 4 Squirrel Hall Drive with a limited projection of 1.5m and would be a single storey structure. Given the separation from the neighbour together with the dimensions proposed, there would be no significant impact on the adjacent 4 Squirrel Hall Drive. The impact of the front extension in terms of the street scene has been addressed within the visual amenity section of this report.*

7 – Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions:

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Matching materials to ensure that the extensions harmonise with the host property as using alternative materials would look out of place within the street scene.

It is considered appropriate in this instance, given the level of extension proposed, to remove permitted development rights for any further extensions or alterations under classes A – E of the GPDO 2015 to allow the Local Planning Authority the opportunity to carefully consider any future developments and prevent future overdevelopment of the site.

8 – Conclusion:

This application to erect extensions to the front and rear with a dormer within the side roof plane of 2 Squirrel Hall Drive with associated alterations including provision of parking to the front and side has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be acceptable.

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.

As set out above, 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: 2019/90397

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 Policy LP24 of the Kirklees Local Plan, and the aims 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 accord with Policy LP24 of the Kirklees Local Plan, and the aims of chapter 12 of the National Planning Policy Framework.

4. 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) no development included within Classes A - E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of chapter 12 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.

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 and 18.30 hours, Mondays to Fridays
08.00 and 13.00hours, Saturdays

With no working 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	Web ID	Date Received
Proposed & existing site plan	1	766216	27/08/2019
Proposed & existing floor plans	2	766215	27/08/2019
Proposed & existing elevations	3	766213	27/08/2019

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 Planning 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.

Officers have worked closely with the agent to reduce the overall scale of the proposal to overcome concerns with regards to visual and residential amenity. Furthermore, amended details regarding parking have also been negotiated. The extension to the rear has also been set off the shared boundary with the adjacent 4 Squirrel Hall Drive by 0.15m to prevent the extension overhanging onto the neighbours land.

Report Dated 28/08/2018

