

**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: 2019/62/90504/W

Site Address: 44, Fixby Road, Fixby, Huddersfield, HD2 2JQ

Description: Erection of two storey rear extension, loft conversion
and alterations to driveway

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: 17-Apr-2019

Officer Report

Site Description

The application relates to a two storey detached dwelling located at no.44 Fixby Road, Fixby, HD2 2JQ. The dwelling is faced in a light cream render and random stone to the front, and light cream render only on all other elevation. The dwelling is finished with a red clay tiled roof. The property benefits from a driveway, attached double garage and a decent sized garden to the front and a larger garden to the rear. The site is bound by fences and mature trees to the sides and a large hedge approximately 3 to 4m tall to the rear. The rear elevation consists of varied window styles as well as an existing lean to glass and render element.

The property is set towards the junction of Fixby Road and Clough Lane (A6107). Dwellings on this section of Fixby Road are all detached, of a low density and of a substantial size. They are all also greatly varied in terms of design and there is no predominant material.

No.44 Fixby Road is south facing and has neighbours to the east and west at numbers 42 and 46 respectively. No.42 is set away from the host dwelling by 8.5m to the east. No.46 is set away from the property by 4.8m to the west.

The application site also has a neighbours to the rear at numbers 35 and 37 Cumberland Avenue. No.37 is set 27m away to the north east and no.37 is 33m away to the north west.

Description of Proposal

Erection of two storey rear extension, loft conversion and alterations to driveway.

Two storey rear extension

The proposed two storey rear extension has a projection of 3.75m and a width of 6m. The form of the extension is in a turned gable style which means it has a dual pitched roof. The maximum height of the extension is 8m which is 0.7m below the highest point of the original dwellinghouse. The eaves are at 5m.

The materials for the extension are to match the host property in its entirety with light cream render for the walls, red clay tiles for the roof and aluminium, lead grey framed glazing for the windows. The rear elevation would be substantially glazed with floor to ceiling windows across both floors.

Driveway extension

The plans show much of the front lawn to be turned in to driveway and parking space. It also sees the existing driveway entrance to be widened by 1m by moving the existing gateposts.

Materials are not mentioned for the driveway and therefore a condition shall be added to see the driveway surfaced in a permeable hard surface or have direct run off to a permeable surface within the application site.

Loft Conversion

Loft conversion will see an additional bedroom and en-suite created in the loft space of the existing dwelling. This shall not extend in to the proposed two storey extension.

Relevant Planning History

Application Site

None.

Elsewhere

No.35 Cumberland Avenue was granted permission under applications 2010/91451 and 2016/90558 for the erection of ground and first floor extensions.

History of Negotiations

None

Representations

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

Final publicity date expired: 27/03/19.

No representations were received.

Consultation Responses

No other 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 is the Local Plan adopted February 2019.

The application site is unallocated on the Kirklees Local Plan

Kirklees Local Plan (as modified)

PLP1 – Presumption in favour of sustainable development

PLP2 – Place shaping

PLP21- Highway safety and access

PLP22 - Parking

PLP24 – Design

PLP28 - Drainage

National Planning 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.

Chapter 14: Flood risk

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

Principle of Development

Policy PLP1 of the Local Plan 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. PLP1 goes on further to stating that:

“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

In this case the application, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity and highway safety.

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.

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...”

In this case it can be determined the application satisfies PLP24 in regards to visual amenity for the reasons as explained below.

The use of matching materials for the proposed extension respects the host dwelling. Despite being a large extension, it still appears subservient to the host dwelling and its curtilage.

The proposed extension has a balanced look with the glazing and render offering uniformity along the rear elevation, in contrast to the current glazing within the rear elevation thus improving the design of the dwelling.

The extension shall incidentally see the render and glass lean to element reduced in scale as the proposed extension shall be built where some of it stands as present. This means the roof shall be altered from its existing, glass element and replaced with red tile and see 2 skylights inserted upon it. This means the proposed extension shall have the effect of improving the overall design and quality of the rear elevation, which supports PLP24.

The 3 of the 4 skylights in the rear elevation which serve the loft conversion are uniform in size and positioning. The other serves the staircase. These are visually acceptable in terms of PLP24 but could be undertaken using permitted development rights in any case.

The driveway extension shall not material affect the visual amenity of the site. Subsequently due to its design, the proposal is satisfactory in terms of visual amenity.

Impact on Residential Amenity

PLP24 (c) of the PDLP states extension should

“...minimise impact on residential amenity of future and neighbouring occupiers”

It is of officer's judgement that the side extension element of the proposal does satisfy PLP24 (c).

In relation to numbers 42 and 46 Fixby Road

As the extension is north facing and located 7m away from the boundary with no.46 and 11m away from the boundary with no.42 it shall not have any detrimental effect in regards to overshadowing.

The setting away from the boundaries of the site and pitched roof takes the bulk of the extension away from numbers 42 and 46 and shall not have a detrimental effect in regards to overbearingness.

The extension would see bi-fold doors, mostly glazed doors and 1no. window inserted in to the side elevations of the extension which face towards number 42 and 46, there are some side facing windows in the neighbouring properties that would address the extension. However the new openings are all at ground floor level, set a fair distance away from the boundary and the neighbours and are therefore deemed, on balance, acceptable. First floor side facing windows in the future would be controlled under the GPDO. This means the proposed works shall not have an undue impact on the privacy of numbers 42 and 46.

In regards to no.35 Cumberland Avenue

The extension would be set away from the dwelling no.35 by 23m and 12m away from the shared boundary. As No.35 is to the north of the application site there shall be no impact in regards to overshadowing.

In regards to overbearingness, the substantial boundary treatment in the form of a hedge provides some cover from the extension appearing overbearing. Despite this hedge, the substantial separation distance between the dwellings means the extension would not appear detrimentally overbearing to the enjoyment of the dwellinghouse and its land at no.35.

In regards to privacy, it is acknowledged that a substantial amount of the rear extension is glazing, however the full length glazing and the first and ground floor levels does not offer a significantly detrimental view over number 35 when compared to what conventional windows would allow the occupier to see at a first floor level. It appears there would be some glazing right up to the ridge of the extension on the gable end, however the floor plans show this does not serve a room and nor is there a floor at this level within this section of the building, it would simply provide extra light to the master bedroom. Therefore it would not offer any potential to overlook no.35. The additional roof lights proposed would also not have a detrimental view on no.35 due to the nature of roof lights to provide light rather than offer a view, which would be upwards nevertheless.

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.

Impact on Highway Safety

The proposed scheme sees the number of parking spaces increase greatly to provide approx. 4 additional spaces to the already existing 4 spaces. The widening of driveway entrance increases highway safety as it will allow for cars to enter and leave the application site with a better view of the highway.

Subject to the previously mentioned conditioned regarding the driveway material to be permeable or have direct run off to a permeable surface within the curtilage of the site, the scheme is acceptable in regards to PLP21 and PLP22 of the Kirklees Local Plan (as amended).

Other Matters

None.

Representations

None.

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: 2019/90504

Officer Recommendation: Approve

Conditions and Reasons

1. Conditions and Reasons

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

1. 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 PLP1 PLP2, PLP21, PLP22, PLP24 on the Kirklees Local Plan (2019) (as modified).

2. The external walls of all the extensions hereby approved and the roofing materials of the two storey side extension 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 and Policy PLP24 of the Kirklees Local Plan (2019) (as modified) and Chapter 12 of the National Planning Policy Framework (2019).

3. Notwithstanding the details provided on the approved plans, the extended parking area shall not be brought into use until it has been surfaced with a hardened and drained surface in accordance with the Communities and Local Government publication 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 as amended or any successor guidance. The extended parking area shall thereafter be retained as such.

Reason: In the interests of amenity and traffic safety and to prevent an increase in flood risk through run-off created by impermeable surfacing of the car park space. This is in accordance with PLP21, PLP22 and PLP28 of the Kirklees Local Plan (2019) (as modified).

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations - Existing	EX0002A Information as Existing	1	19/02/19
Grouped Plans and Elevations	AL0002A Information as Proposed	1	19/02/19

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 initial plans were deemed acceptable and therefore no amendments were sought.

Report Dated: 17/04/19