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:	2019/62/91074/W
Site Address:	16, Birchington Avenue, Birchencliffe, Huddersfield, HD3 3RD
Description:	Erection of single storey front and rear extension, raising of roof and erection of dormer window to rear and conversion of garage to living accommodation
Recommending Officer:	Laura Yeadon

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: 08-Aug-2019

Officer Report

Site Description

16 Birchington Avenue is an original semi-detached property which now appears a mid-terraced dwelling as it is adjoined, by extensions, to no. 14 on a lower ground level. It is constructed from random stone at ground floor and render at first floor on the front elevation and red brick at ground floor with render above on the rear elevation. The roof form is of hipped design. The two storey flat roofed extension on the side of the property does not form part of the original dwellinghouse as it is not evident on the 1955 historic map. The flat roof extension attaches to a two storey flat roof extension on the adjoining property, No. 14 which is set on a lower ground level due to the topography of the site. There is a hard standing area to the front of the property which leads to the integral garage within the extension and to the rear is a lawned garden and detached garage. Boundary screening consists of fencing, walls and hedges.

Description of Proposal

Erection of single storey front and rear extension, raising of roof and erection of dormer window to rear and conversion of garage to living accommodation.

Single storey front extension

The front extension would lie flush with side elevation of the side extension and would project forward from the front elevation by 0.9 metres being a total of 3.1 metres in width. The eaves height would be 2.7 metres with an overall height of 3.3 metres to the ridge of the hipped roof. A window would replace the garage door. Adjacent to the single storey extension is a stepped access platform which is a height of 0.6 metres, also projecting 0.9 metres from the front of the building being a total width of 2.2 metres. The proposed construction materials would be stone for the walls to match the existing with concrete tiles for the roof with the proposed window being white uPVC to match the openings in the main dwelling.

Single storey rear extension

The single storey rear extension would span the full width of the rear elevation of the property projecting 3.5 metres from the rear elevation. The extension would have an eaves height of 2.7 metre and ridge height of 4 metres in the section to the rear of the original dwelling and an eaves height of 2.2 metres and ridge height of 3.4 metres on the section of extension to the rear of the two storey extension. The proposed construction materials would be red brick for the walls, concrete tiles for the roof and uPVC for the openings.

Raising the roof

It is proposed that the flat roofed section on the two storey side extension would have a roof form created. The roof would have a ridge which would be a continuation of the existing and a hipped roof would be formed to match the existing. The proposed construction material would be concrete tiles.

Dormer window

There is a proposed dormer window to be located within the rear elevation roof slope. The proposed dormer would be a width of 4.5 metres being a total height of 1.8 metres, set up from the gutter line by 0.5 metres and set down from the ridge of the property by 100mm. 2 no. window as are proposed within the front elevation of the dormer with the dormer being faced in cedar cladding.

Conversion of garage to living accommodation

It is proposed the existing garage would be converted as part of the proposal. It is proposed that the proposed front extension would encompass the garage with the internal arrangements resulting in a playroom and utility room.

History of negotiations/amendments received

Concerns were raised regarding the visual impact of the dormer extension as this was originally submitted to be located on the front elevation of the property. The Agent was asked to either remove the dormer in its entirety or to relocate its position to the rear elevation roof slope. The Agent submitted amended plans demonstrating the relocation of the dormer to the rear elevation roof slope. In response, the amended plans were re-advertised by neighbour notification letter for a 7 day period.

Relevant Planning History

No history

Representations

Final publicity date expired 1st August 2019 – one representation received with the following being a summary of comments prior to the submission of the amended plans:

- Bridging the drainage across the back of the neighbouring properties should be incorporated into the design
- Front extension would reduce parking to the front of the property resulting in on-street parking
- No other dormers in the area incorporate this feature and will be discordant and dominating
- Will unfairly de-value neighbouring properties and render them difficult and indeed impossible to sell

- Windows in the dormer bear no resemblance to the size and proportion of the existing windows and do not align with the windows below
- Cedar boarding would require annual maintenance and due to the dormer being up against a shared chimney, access would have to be gained from the adjoining property giving rise to the potential damage of roof tiles
- Any knocking into or penetrations to the party wall with the adjoining semi will have to be designed out and any such disturbance could give rise to potential issues with fire compartmentation and a Party Wall Agreement put in place
- The 'feature' would be a gross overdevelopment of the original two storey, two bedroom semi-detached property and would not be in keeping with the appearance of any of the surrounding properties or other properties in the area

Following the submission of amended plans the following summary of comments was received:

- Dormer to the rear of the property will now completely overlook the rear gardens of the neighbouring properties in Birchington Avenue and Belton Grove and also the front of the Bungalows in Birchington Close thus causing privacy issues and have a disturbing impact on a larger number of surrounding properties
- The appearance of the dormer will be discordant and dominating. This will unfairly de-value all neighbouring properties and render them difficult and indeed impossible to sell
- There are no other properties in the area where a dormer of this nature has been incorporated to the rear elevation due to obvious aesthetic reasons although a number of properties have incorporated more subtle roof lights to their loft conversions
- The proposed cedar boarding would require annual maintenance and due to the fact that the dormer is to be constructed up against the shared chimney, access for maintenance would have to be gained from the adjoining roof giving rise to the potential of damage to the adjoining roof tiles. A party wall agreement would need to be put in place with the adjoining semi
- Any knocking into or penetrations to the party wall with the adjoining semi will have to be designed out. Any such disturbance, penetrations or structural alterations to this part wall could give rise to potential issues with fire compartmentation. Again, a part wall agreement would have to be put in place with the adjoining semi prior to the commencement of these works
- These works would also involve the removal of roof tiles with the potential of disturbance to the adjoining property roof and shared chimney and details would have to be provided in relation to the flashings to the dormer of the party wall
- The feature would be a gross overdevelopment of the original two storey, two bedroom semi-detached property and would not be in

keeping with the appearance of any of the surrounding properties or other properties in the area

Parish/ Town Council – not applicable

Consultation Responses

None required

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 without notation on the Kirklees Local Plan.

Kirklees Local Plan

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 24** – Design
- **LP30** – Biodiversity and geodiversity

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-designed places
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

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

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy PLP1 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 National Planning Policy Framework. LP1 goes on further to stating that:

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

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

2 –Impact on visual amenity:

In terms of visual amenity, the single storey elements of the proposal would be limited to a maximum projection of 3.5 metres to the rear and less than 1 metre at the front. These would be subservient when viewed against the backdrop of the two storey property, even as extended, and considered to be acceptable. The raising of the roof of the two storey extension would be in keeping with the host property in terms of the being a continuation of the existing roof line. Whilst this part of the development would not be set down from the ridge, clearly demonstrating that this element is an extension to the building, it is considered to be acceptable in this instance due to the topography of the area and the adjoining property, No. 14 being set on a lower ground level than the application site and the two properties already being attached. As the proposed roof is hipped, the differentiation between the two properties would be retained.

With regards to the dormer extension, this would be located in the rear elevation of the property, repositioned from the original location in the front elevation. It is acknowledged that the dormer takes up the majority of the original rear roof of the property and is not subservient to the roof area. Notwithstanding this, it is necessary to afford weight to the potential fallback position for an even larger dormer to be created using ‘permitted development rights’. This would result in a dormer which could extend to the ridge of the roof and be set just above the gutter line. The design of the dormer in this case is considered to be more visually pleasing than the fallback position. Whist the use of timber cladding for the dormer would not match the existing roof tiles, due to being located to the rear, this contrasting material is deemed acceptable.

The proposed construction materials for both the single storey rear and front extensions and also the raising of the roof would have matching materials and therefore considered to be acceptable.

The fenestration details proposed within the various elements of the extension are also considered to be acceptable.

Taking into account the total development proposed and the size of the curtilage it not considered that the proposed works would result in an overdevelopment of the site. In this I have considered the cumulative effect of all previous extensions to the original property.

It is therefore considered that in terms of the size, scale, massing and design of the proposals are considered to be acceptable without resulting in an overdevelopment of the site and are considered to comply with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3 – Impact on residential amenity:

With regards to residential amenity, there are openings proposed within the dormer extension, the front extension and also the rear extension. The openings within the rear elevation would face into the garden area of the application site and therefore cause minimal harm. The window opening within the front elevation of the front extension would decrease the separation distance between the site and the facing properties by 0.9 metres. This would still retain a separation distance of approximately 23 metres which is considered to be acceptable. With regard to the openings within the dormer these openings would be set back from the rear elevation habitable room windows and would not reduce established separation distances. The dormer windows would, however, be within the second floor of the property and from this elevated position would have a clear view over properties to the north of the site and more oblique views to the east and west than existing. I have considered this but, as these properties are already overlooked by a rear facing bedroom window in the host property and surrounding properties, and given the rising ground levels of properties to the west of the site means first floor windows in these properties are at a similar level to the dormer windows in the applications property, I do not consider an undue loss of privacy would occur.

No openings are proposed within any side elevation of any of the extensions proposed.

With regards to overshadowing and/or being overbearing, due to the difference in levels to the property and its neighbour, it is not considered that the roof extension would cause undue harm. The proposed front extension whilst is close to a habitable room window in the adjacent property, is limited in its projection and has a hipped roof which slopes away from the neighbouring dwelling. To the rear of the property a single storey extension is proposed which projects 3.5 metres which, the submitted plans indicate is in

line with the rear elevation of the adjacent conservatory. Although it would cause some shading to the conservatory the overall impact, given the height and projection of this element is not considered undue.

In terms of the impact on No. 14, whilst noting the difference in levels, the extension has a lower eaves height and ridge height than the main section of the extension at the point of meeting the side boundary. As this has been reduced and taking into account the likelihood that the closest affected window does not serve a habitable room, it is considered that this is acceptable and would accord with the advice within Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

4 – Impact on highway safety:

With regards to highway safety, it is proposed that the integral garage would be removed as a parking space. The internal width of the garage falls short of current standards in terms of the minimum dimensions to accommodate a vehicle and therefore, there is no loss of parking space as a result of the development. The front of the property is covered with hardstanding it would be possible to park 2 no. vehicles off-street and is therefore considered to be acceptable.

5 – Other matters:

Biodiversity – the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been received from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance as the affected parts of the roof are either flat or, from my site inspection, appeared to be well sealed and unsuitable for roost potetntial . However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

There are no other matters for consideration.

6 – Representations:

One representation received with the following being a summary of comments prior to the submission of the amended plans:

- Bridging the drainage across the back of the neighbouring properties should be incorporated into the design

Response: This is a not a material planning consideration that the Local Planning Authority can assess.

- Front extension would reduce parking to the front of the property resulting in on-street parking

Response: This has been addressed within the report within the 'Impact on highway safety' section of this report

- No other dormers in the area incorporate this feature and will be discordant and dominating

Response: This has been addressed within the 'Impact on visual amenity' section of this report

- Will unfairly de-value neighbouring properties and render them difficult and indeed impossible to sell

Response: This is not a material planning consideration that the Local Planning Authority can assess

- Windows in the dormer bear no resemblance to the size and proportion of the existing windows and do not align with the windows below

Response: The plans have been amended to place the dormer within the rear elevation and the openings align with the skylights below

- Cedar boarding would require annual maintenance and due to the dormer being up against a shared chimney, access would have to be gained from the adjoining property giving rise to the potential damage of roof tiles

Response: This is a private matter between the owners of the properties affected to resolve

- Any knocking into or penetrations to the party wall with the adjoining semi will have to be designed out and any such disturbance could give rise to potential issues with fire compartmentation and a Party Wall Agreement put in place

Response: This is a matter that would be assessed under Building Regulations with a Party Wall Agreement being a private matter under the Party Wall Act.

- The 'feature' would be a gross overdevelopment of the original two storey, two bedroom semi-detached property and would not be in keeping with the appearance of any of the surrounding properties or other properties in the area

Response: The matter of overdevelopment has been assessed within the 'Impact on visual amenity' section of this report.

Following the submission of amended plans the following summary of comments was received:

- Dormer to the rear of the property will now completely overlook the rear gardens of the neighbouring properties in Birchington Avenue and Belton Grove and also the front of the Bungalows in Birchington Close thus causing privacy issues and have a disturbing impact on a larger number of surrounding properties

Reason: The impact on overlooking has been addressed within the 'Impact on residential amenity' section of this report

- The appearance of the dormer will be discordant and dominating. This will unfairly de-value all neighbouring properties and render them difficult and indeed impossible to sell

Response: This is not a material planning consideration that the Local Planning Authority can assess

- There are no other properties in the area where a dormer of this nature has been incorporated to the rear elevation due to obvious aesthetic

reasons although a number of properties have incorporated more subtle roof lights to their loft conversions

Reason: This has been addressed within the 'Impact on visual amenity' section of this report

- The proposed cedar boarding would require annual maintenance and due to the fact that the dormer is to be constructed up against the shared chimney, access for maintenance would have to be gained from the adjoining roof giving rise to the potential of damage to the adjoining roof tiles. A party wall agreement would need to be put in place with the adjoining semi

Response: This is a private matter between the owners of the properties affected to resolve with a Party Wall Agreement being a private matter under the Party Wall Act.

- Any knocking into or penetrations to the party wall with the adjoining semi will have to be designed out. Any such disturbance, penetrations or structural alterations to this part wall could give rise to potential issues with fire compartmentation. Again, a part wall agreement would have to be put in place with the adjoining semi prior to the commencement of these works

Response: This is a matter that would be assessed under Building Regulations with a Party Wall Agreement being a private matter under the Party Wall Act.

- These works would also involve the removal of roof tiles with the potential of disturbance to the adjoining property roof and shared chimney and details would have to be provided in relation to the flashings to the dormer of the party wall

Response: A Party Wall Agreement being a private matter under the Party Wall Act

- The feature would be a gross overdevelopment of the original two storey, two bedroom semi-detached property and would not be in keeping with the appearance of any of the surrounding properties or other properties in the area

Response: This has been addressed within the 'Impact on visual amenity section of this report

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 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: 2019/91074

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 LP1, LP2, LP24 and LP30 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3. The external walls and roofing materials of the front and rear extensions 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 advice within the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that 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 to 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			1st April 2019
Existing and proposed site plan	P01 – Rev: A		22nd July 2019
Existing elevations and floor plans	P02 – Rev: A		22nd July 2019
Proposed floor plans and section	P03 – Rev: A		22nd July 2019

Plan Type	Reference	Version	Date Received
Proposed elevations	P04 – Rev: A		22nd July 2019
Isometric views	P05 – Rev: A		22nd July 2019
Isometric views 2	P06 – Rev: A		22nd July 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 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. Following concerns raised regarding the proposed front dormer extension, amended plans were sought and submitted to relocate the dormer extension to the rear elevation roof slope.

Report Dated: 7th August 2019