

**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: 2019/62/91220/E
Site Address: 22, Brookfields Road, Wyke, BD12 9LU
Description: Erection of two storey extension
Recommending Officer: Josh Kwok

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: 04-Jul-2019

Officer Report

Site Description

The application site is no.22 Brookfields Road, Wyke. It consists of a two storey detached property with a pebble render finish, a driveway to the front, a detached garage to the side and a conservatory and decking to the rear. There is also a large garden to the rear of the property with a number of outbuildings constructed in timber claddings. The boundary treatment comprises hedges, trees and timber fences.

The site and its surrounding area are purely residential characterised by two storey properties of various scale, design and materials. The land level drops considerably from the north-east to the south west with the application property elevated from the neighbouring property no.24 Brookfield Road. There is also a public footpath (*SPE/30/10*) abutting the south boundary of the site.

Description of Proposal

The development proposal is for the erection of a two storey extension. The details of the proposal are set out in the following:

- 3.7m deep x 9.4m wide x 7.6m high
- Extension to have matching render finish
- Roofing material to be tiles to match
- Balcony to be set within extension

History of negotiations/amendments received

No amendments sought during the course of this application.

Relevant Planning History

2010/92931 – Erection of extension to garage to include additional garaging store, office and toilet (22, Brookfield Road) – Withdrawn

Representations

This application was advertised by site notice, press advert and neighbour letters, which expired on 06-Jun-2019. As a result of the above publicity, no representations were received from the occupants of the neighbouring properties.

Consultation Responses

Health and Safety Executive - Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

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 (KLP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **LP 23** – Core walking and cycling network
- **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, 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

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

1 – Principle of development:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan. This policy stipulates that proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote

highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

2 – Impact on visual amenity:

The two storey extension as proposed would be relatively large in scale compared to the existing property at the application site. However, it would be subservient to this property and its associated curtilage. Furthermore, given the application property is sited within a large plot, it is not considered that the proposed extension would result in the overdevelopment of the site. On this basis, officers consider the scale of development to be, on balance, acceptable from a visual amenity perspective.

The extension would be faced with pebble dash render to match the existing property. The roofing material would be matching tiles as well. Thus, the extension would have a very similar appearance as the host property and hence appropriate in visual amenity terms. The extension as proposed comprises two projecting gables, which are fairly similar to those of the existing property. The proposed elevations and floor plans show that a balcony would be created in the rear elevation, which would be a new design feature in this area. Notwithstanding this factor, given the balcony is to be set entirely within the proposed extension, it is unlikely to constitute an incongruous feature. For the above reasons, officers consider that the design of the extension would be sympathetic to that of the application property as well as the neighbouring properties.

Whilst the extension would be elevated and fairly visible from Brookfields Road, the impact of it on the street scene would not be unduly detrimental when taking into account its design and materials.

In all, it is concluded that the proposal would be of a satisfactory quality in terms of scale, design and materials. It would not significantly detract from the appearance of the application property or the character of the surrounding area. Additionally, the impact on street scene would be acceptable from a visual amenity perspective. Accordingly, the proposal would be consistent with policy LP24 of the KLP and chapter 12 of the NPPF.

3 – Impact on residential amenity:

The proposal would have an impact on the living condition of the occupants of no.24 Brookfields Road as it would reduce the separation distance between the two properties concerned and potentially increase the overlooking impact on no.24, having regard to the significant difference in land level already mentioned in the site description section. The impact on these neighbours are addressed as follows:

No.24 Brookfields Road is a detached bungalow situated to the west of the application site. It is acknowledged that the proposed extension would bring the application property closer to this neighbouring property. The separation distance between the two properties would be reduced to 22.3m consequently. However, officers noted during the site visit that there is already a timber fence erected at the shared boundary, which would mitigate against a direct overlooking relationship between the windows of the extension and those of no.24.

The application property already has a conservatory and a number of habitable room windows with a relatively unobstructed view to this neighbouring property. Since the depth of the proposed extension is to be similar to that of the existing conservatory, officers do not consider the overlooking impact to be significantly greater than the existing situation. The garden of no.24 would not be affected in any respect because it would be on the opposite side and further away from the proposed extension. Concerning the overshadowing and overbearing impact, this is considered to be acceptable for the same reasons already set out above.

To summarise, the proposal would not adversely affect the living conditions of the occupants of the neighbouring property and therefore would not conflict with policy LP24 of the KLP in terms of residential amenity.

4 – Impact on highway safety:

The proposal would not intensify the residential use of the application property nor would it affect the parking arrangement of the site. As such, there are considered to be no highway safety, efficiency and parking issues. The proposal would conform to policy LP21 and LP22 of the KLP.

5 – Other matters:

Health and Safety Executive (HSE)

The application site is situated within the outer zone of a hazardous material site. Therefore, HSE has been consulted with regard to the proposed development. Following the consultation, HSE confirm that they do not advise against the granting of planning permission on health and safety ground. Taking into account this consultation response, officers consider the proposal to be acceptable in terms of health and safety.

Public footpath

There is public footpath (SPE/30/10) immediately adjacent to the south boundary of the application site. Hence, careful consideration shall be given to the impact of the proposed development on the footpath in accordance with policy LP23 of the KLP. In this case, the application site already has an access to Brookfields Road in close proximity to the entrance of the footpath. The proposal would not, in any respect, change the existing access arrangement. There is also a hardstanding area within the site for the parking

of construction vehicles as the storage of construction materials. Accordingly, the proposal is unlikely to cause obstruct the footpath or affect its setting. Officers are satisfied for the above reasons that the proposal would conform to policy LP23 of the KLP. A footnote shall be added to advise the applicant not to cause any obstructions to the footpath at all time.

There are no other matters considered relevant to the determination of this application.

6 – Representations:

No representations received as a result of the statutory publicity.

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: 2019/91220

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 Policies LP21 and LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. The external walls and roofing materials of the two storey extension hereby approved shall in all respects match those used in the construction of the existing building at the application site.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

NOTE: Public Footpath *SPE/30/10* is adjacent to the development and must not be interfered with or obstructed, prior to, during or after development works. The Council's public rights of way unit may be contacted at Civic Centre 3, Huddersfield or by telephone 01484 221000 and ask for Sharon Huddleston.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing elevations and floor plans	1		15-Apr-2019
Proposed elevations, floor plans, location and block plans	2		15-Apr-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. No amendments are sought in this case as the proposed development is considered to be acceptable in its submitted form.

11-Jun-2019

Report Dated: dsffsdf