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:	2019/62/91250/W
Site Address:	35, Cumberland Avenue, Fixby, Huddersfield, HD2 2JJ
Description:	Erection of first floor and ground floor rear extensions
Recommending Officer:	Callum Harrison

DECISION - APPROVE

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.

Emma Thompson

AUTHORISED OFFICER

Date: 04-Jun-2019

Officer Report

Site Description
The application relates to a two storey detached dwelling that is constructed in pebbledash with elements of brick and stone, and is designed with a combination hipped and gable roof that is finished in grey/blue tiles. Access to the dwelling is taken off Cumberland Avenue. The property is situated within a predominantly residential area with properties of various character, designs and styles.

Description of Proposal
The application seeks planning permission for the erection of a first floor and ground floor extension to the rear of the existing dwelling.

The first floor extension, part of the single storey extension and the raised patio shown on the plans already has valid permission under 2016/90558. Work has already begun on this permission with the construction well underway but not complete, therefore in essence this application is merely for an additional extension to the already approved single storey rear extension and a change in materials to the approved extensions.

The newly proposed element would essentially see the approved single storey extension almost duplicated and attached to the east side of the extension. It shall have a projection of 3.1m to fall flush with the other extension and a width of 3.8m. It shall have a mono pitched roof with the eaves at 2.6m and the maximum height at 4.3m.

The materials for the entire scheme differ from what was approved under 2016/90558. The roofing materials shall be the same as originally proposed, a ‘Rheinzink’ angled standing seam roof. The walls for all the extension now are proposed to be clad horizontally with cedar timber.

History of Negotiations
The case officer did not seek any amendments. However amended plans were received on 03/05/19 showing the cedar cladding to be horizontal rather than vertical, and the addition of 3 roof lights.

Relevant Planning History
2010/91451 - Erection of ground and first floor extensions was given conditional full permission.

2016/90558 - Erection of first floor and ground floor rear extensions was given conditional full permission.

Representations
The application was advertised by a site notice and neighbour letters.
Final publicity expired on 31/05/19.
2no representations were received which raised the following points:

- No objections.
- No objections but should have been told sooner as extension nearly complete.

Consultation Responses
No consultations were required or sought.

Policy
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

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP24 – Design

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

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 LP1 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. LP1 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 LP1, LP2 and importantly, LP24 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.

LP24 (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”

(c) of the LP24 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 LP24 in regards to visual amenity for the reasons as explained below.

Given that the majority of the works already have approval, in terms of scale and structure design, the only part of the scheme to assess is the newly proposed single storey rear extension element. This is in keeping in scale and form with the rest of the approved works and is therefore acceptable in terms of LP24 (a) and (c).
The proposed materials for the walls of all the extensions is cedar cladding whereas before on the 2016 application it proposed render on the ground floor.

Given the pebbledash nature of the host dwelling, this cedar cladding will fade to a colour not too dissimilar to the pebble dash offering some respect to this original material but offering a more modern finish. The Rheinzink roof also offers a modern but respectful finish. For these reasons the scheme is deemed acceptable in regards to visual amenity.

Impact on Residential Amenity
LP24 (c) of the LP states extension should:

"….minimise impact on residential amenity of future and neighbouring occupiers"
It is of officer's judgement that the proposal does satisfy LP24 (c).

Again, as stated previously, due to previous permissions, the only element of the scheme that is new which could impact on residential amenity is part of the single storey rare extension. As this is single storey, with the 2.6m high side situated closest to the neighbour at no.37 and the good separation distance; this scheme when considered against what was approved under 2016/90558, would not cause any detrimental impact on overshadowing, overbearingness or privacy of any neighbour occupiers.

Impact on Highway Safety
The host property has off street parking for at least 3 vehicles. Considering this and that the scheme would not introduce any elements that would cause a material change in trips to and from the site and therefore there would not be any material impact on highway safety or amenity.

Other Matters
None.

Representations
Both representations received raised no objections therefore no response is required.

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: 2019/91250
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.

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 LP1 LP2, LP21, LP22, LP24 of the Kirklees Local Plan.

Plans and specifications schedule

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations	1604-02	2	03/05/19

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.

Amended plans were received on 03/05/19 from the agent on the request of the applicant without the case officer's request. These superseded the initial plans and are considered to be acceptable.

Report Dated: 04/06/19