

**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: 2019/62/91312/E
Site Address: 12, Langdale Avenue, Wyke, BD12 9DR
Description: Erection of single storey side and rear extension
Recommending Officer: Katie Wilson

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.

Rebecca Drake

AUTHORISED OFFICER

Date: 28-Jun-2019

Officer Report

Site Description

The application site is 12, Langdale Avenue, Wyke. It is a chalet style bungalow with rooms in steeply pitched roof space and front facing gable end. The front wall is surfaced in natural stone, whilst the remaining walls are red brickwork. The roof is surfaced in grey concrete tiles. The house is set back from the carriageway with small garden to the front and drive to the side leading to detached single storey out building and yard at the back enclosed by the gardens of other properties.

It is located in a wider residential estate of similar houses, and the ground is relatively flat.

Description of Proposal

Planning permission is sought for erection of single storey side and rear extensions.

It would be at the back of the house and partially wrap around the side and rear elevations.

- Total length approximately 8.0m (extending around 5.7m beyond the rear elevation of the original house and 2.3m along the side elevation).
- Total width of approximately 6.0m (extending around 3.4m along the rear elevation of the original house and projecting 2.3m to the side of the house).
- Designed with a flat roof, overall height around 3.0m high.
- Door and floor to ceiling window in the front elevation of the proposed extension (set back from the front of the original house around 7.0m.
- Floor to ceiling windows and folding doors in the west facing side elevation.
- Wall materials in brickwork to match the existing and some timber cladding.
- It would provide space for a kitchen and living area, both opening onto enclosed garden at the back.

History of negotiations/amendments received

No amendments were sought or received as the proposal was acceptable as submitted.

Relevant Planning History

There is no directly relevant planning history associated with this application.

Representations

Final publicity date Expires: 29th May 2019. No representations received during the course of this application.

Parish/Town Council comments: Not applicable

Consultation Responses

Health & Safety Executive: No objections

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 (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway Safety
- **LP 24** – Design
- **LP 53** – Contaminated and unstable land

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 – Conservation and enhancement of the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity (including any heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Representations
- 7) Conclusion

1 – Principle of development:

The application site is on unallocated land on the Kirklees Local Plan and the proposal is for a single storey extension to a house.

As such policy LP24 of the KLP is relevant and states that proposals should promote good design by ensuring (amongst other things) that extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers.

As such in principle the proposal is acceptable subject to the above details which are discussed below.

2 – Impact on visual amenity:

The existing property is a detached chalet style house with rooms in the roof space and steeply pitched roof slope. The proposed single storey extension would have a flat roof and so it would contrast with the appearance of the host dwellinghouse. However in officer's opinion it is thought that this would not detract from the character of the host dwellinghouse nor the surrounding area.

The proposed extension is significantly set back from the front elevation and would project to the side just 2.3m so it would have very limited, if any impact upon the street-scene. The external materials would be brick to match those already in-situ and also timber cladding. The introduction of more contemporary materials and features such as floor to ceiling windows, bi-folding doors and a flat roof add a contemporary appearance which complements the style of the host dwelling and can be supported within the context of this scheme.

In terms of scale, whilst the footprint of the proposed extension is approximately $\frac{3}{4}$ of the original part of the house, the height of the extension is significantly lower and on that basis it is considered that the extension is subservient to the original building. It would also replace the existing outbuilding in the rear garden space.

Overall, it is considered that the proposal would promote good design and is in accordance with Policy LP24 of the KLP.

3 – Impact on residential amenity:

In relation to 10, Langdale Avenue:

This neighbouring property is a similar chalet style bungalow located to the east of the application site and its western side elevation is adjacent to the mutual boundary.

In terms of overshadowing and overbearing impact, the proposed extension would be largely to the rear of the property and adjacent to the mutual

boundary. However, it is a single storey structure with overall height of 3.0m and this would form the boundary wall. Given that a 2.0m high wall could be erected with permitted development rights and there is already a garage / outbuilding in the same place which has a similar height and length, it is considered that this impact would be relatively limited.

The element of the proposal which projects from the side may be directly in front of a window in the facing side elevation of 10, Langdale Avenue. However, that window appears to be obscurely glazed and there would be a separation distance of around 1.0m, as such it is thought that this overshadowing impact would be minimised.

In terms of overlooking no openings are shown in the facing elevation of the proposed extension and new openings could be controlled by condition.

In relation to 14, Langdale Avenue:

This neighbouring property is also a similar detached chalet style bungalow with single storey extension at the back and outbuildings. It is located to the west of the application site.

Whilst the west facing elevation of the proposed extension which contains several floor to ceiling windows and doors would look directly onto the mutual boundary, there would be a separation distance of between 2.6m & 5.1m. Given this distance together with the wall along the mutual boundary, and that the proposal is single storey, it is considered that there would be no significant overlooking, or overbearing impact.

In relation to 357, Whitehall Road:

This neighbouring property is to the north of the application site. The proposed extension would be close to the mutual boundary and approximately 16m from the rear elevation of 357, Whitehall Road.

As the proposed extension is single storey and has no openings in the facing rear elevation, it is thought that there would be no significant overbearing or overlooking impact.

No other properties are affected by the proposal.

Overall it is considered that the proposal would minimise impact on residential amenity of future and neighbouring occupiers and is compliant with policy LP24 of the KLP.

4 – Impact on highway safety:

The site is accessed from Langdale Avenue, a residential estate road, and has a driveway to the side where 2 or 3 can park. The current proposal would retain at least 2 off street parking spaces and create no further bedrooms. As such it is considered that there would be sufficient off street parking provision

at the premises and so the proposal would not harm highway safety in accordance with Policy LP21 of the KLP.

5 – Other matters:

The site is in a hazardous materials middle zone and policy LP53 of the KLP together with parts of chapter 15 of the NPPF require planning to assess applications with all available information relating to unstable or contaminated land.

In this instance the Health and Safety Executive have been consulted and commented that the HSE does not advise, on safety grounds, against the granting of planning permission in this case.

As such the proposal is compliant with policy LP53 of the KLP and Chapter 15 of the NPPF.

6 – Representations:

No representations received during the course of this application.

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: 2019/91312

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 Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external wall materials of the extension hereby approved shall be brick (which in all respects match those used in the construction of the existing building) and timber cladding, in accordance with the details shown on the approved plan.

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the east facing side elevation of the extensions hereby approved.

Reason: So as not to detract from the amenities of neighbouring property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

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 work may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	Dwg no. (EX)002		17.4.2019
Existing and proposed block plan	Dwg no. (20)002		17.4.2019
Existing plans and elevations	Dwg no. (EX)001		17.4.2019
Proposed plans and elevations	Dwg no. (20)001		17.4.2019

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 were sought or received during the course of this application.

Report Dated:

27.6.2019