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:	2019/62/91315/W
Site Address:	577, Bradford Road, Fixby, Huddersfield, HD2 2JW
Description:	Erection of single storey rear extension, rear dormer and alterations
Recommending Officer:	Sam Jackman

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: 27-Jun-2019

SITE DESCRIPTION

577 Bradford Road, Fixby, is a detached brick property with a concrete tiled hipped roof. Located close to the roundabout and junction with Fixby Road. The property has off street parking to the front and a large rear garden with the gable/rear elevation of No.1 Fixby Road adjacent to the shared boundary.

DESCRIPTION OF PROPOSAL

The proposal is for the erection of a single storey rear extension and rear dormer with alterations.

The rear extension would project 5m from the rear elevation by 10m the full width of the rear elevation of the property, removing the small lean-to extension and 2-storey rear bay window. The extension would have a flat roof with 2 roof lanterns.

The rear extension would be built from materials to match the host property.

The rear dormer would be kept within the confines of the hipped roof, would 4.5m in width with a projection of 2.5m and set down from the ridge by 0.9m and set back from the gutter.

The roof would be repaired where the bay window is removed and a new Juliette balcony to the first floor bedroom and the installation of 4 new roof lights.

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

An extension of time was requested, which has been agreed by the agent

RELEVANT HISTORY

2014/91498 – new entrance gates and railings – full permission

PUBLIC/MEMBERS RESPONSE

Final publicity date Expires: 23.5.19

No letters of representation have been received in respect of this application.

CONSULTATION RESPONSES

None

POLICY

The statutory development plan comprises:

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 and access
LP 22 - Parking
LP 24 – Design
LP 30 - 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, 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 15** – Conserving and enhancing the natural environment

ASSESSMENT

Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 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.

Policy 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 terms of extending and making alterations to a property Policy LP 24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design.

In this case of this application the principle of development on the application site is acceptable and shall be assessed against other material planning considerations below.

Impact on visual amenity:

The impact on visual amenity is acceptable. The extension is to the rear of the property and for this reason will not be seen from the street scene, albeit the rear dormer would be seen in part from the adjacent roundabout, however this would be a limited view through the gap between properties, therefore minimising the appearance within the street scene.

With regards to the character of the area, the rear extension will be a modern addition to this 1940's property, using materials to match the host property, which will complement the host dwelling and will be seen as a subservient addition.

The rear dormer cheeks will be visible in part from the street and should be conditioned to be dark tile hung or similar, to reduce the visual impact of the area.

The development would accord with Policy LP24 of the Local Plan and Chapter 12 of the NPPF.

Impact on residential amenity:

The proposed extension and alterations are assessed upon whether they would have a detrimental effect on adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking.

With regards the rear extension being overbearing or overshadowing, this is considered to be marginal if at all, given that the rear extension is single storey with a flat roof extending a detached property and would be set away from all shared boundaries. With regards overlooking there are no windows in the side elevations and the rear windows overlook the applicant's 20m garden. Furthermore the screening to both boundaries would prevent overlooking from the rear extension.

The rear dormer, although included within the description of development, would benefit from permitted development rights provided the external facing materials harmonised with the existing roof. In any case it is set in from the shared boundary on a detached property, therefore overlooking would be marginal increase to the existing first floor windows. As the property is well-separated from surrounding dwellings it is considered that no material loss of privacy would occur.

The new Juliette balcony would be installed in the new opening created by the removal of the bay window. Again this is a similar situation to the existing window.

Therefore it is considered there will be no undue impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking as the proposal is away from the shared boundaries with neighbours with no overlooking windows.

The proposal therefore accords with policies LP1, LP2 & LP24 of the Kirklees Local Plan which states “extensions…minimise impact on residential amenity of future and neighbouring occupiers.” Having considered the above factors affecting neighbouring properties and relevant policies, the extensions are not deemed to result in any significant harm upon the residential amenity, as well as chapter 12 of the National Planning Policy Framework.

Impact on highway safety:

In terms of highway safety there are no highway issues as the drive is not being affected by the proposal, as such would meet the aims of Policy LP22 of the Kirklees Local Plan with respect to highway safety.

Other matters:

K.C. Biodiversity – the application site is within a ‘Bat Alert’ layer on the Council’s GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance.

This is due to the fact the property is in a good state of repair, however I cautionary note should be added with regards bats.

As such the development would have little impact on bats and would be in accordance with Chapter 15 of the National Planning Policy Framework and emerging Policy LP30 of the LP.

Representations:

It should be noted that no representations have been received as a result of site publicity.

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.

Decision Authorisation - Delegated Powers

Application Number: 2019/91315

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 51 of the Planning and Compulsory Purchase Act 2004.

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 with Policies LP01, LP02 & LP24, of the Kirklees Local Plan and advice in the National Planning Policy Framework.

3. The external walls of the rear extension hereby approved shall in all respects match those used in the construction of the host building.
Reason: In the interests of visual amenity and to accord with LP01, LP02 & LP24 of the Kirklees Local Plan and advice in the National Planning Policy Framework.

4. Notwithstanding the details indicated on the submitted application form the dormer front and cheeks shall be dark tile hung to match the existing roof.
Reason: In the interests of visual amenity and to accord with LP01, LP02 & LP24 of the Kirklees Local Plan and advice in the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and 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 1:1000	0014-001-ZI	A	1.5.19
Existing layout	0014-100-ZI		1.5.19

Existing elevations	0014-120-ZI		1.5.19
Proposed layout	0014-102-ZI		1.5.19
Proposed loft layout	0014-103-ZI		1.5.19
Proposed elevation	0014-121-ZI		1.5.19

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 Planning 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 Case Officer did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Recommendation and Authorisation Box

Report Dated: 27.6.19

Coal – low risk