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:	2019/62/91419/W
Site Address:	2, Yew Tree Gardens, Birchencliffe, Huddersfield, HD3 3ZS
Description:	Erection of single storey side extension
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.

Emma Thompson

AUTHORISED OFFICER

Date: 18-Jul-2019

SITE DESCRIPTION

2 Yew Tree Gardens, Birchencliffe is a detached stone property with concrete tiled roof. Located in a small cul-de-sac of 6 modern properties with a detached garage at right angles to the property with a gap of 1.5m between the two.

The property to the East is in a staggered relationship to the host property and at a lower level, where the side garden slopes gradually down towards the shared boundary, with No24 Belton Grove where there is a 2m high fence on top of a stone retaining boundary wall.

DESCRIPTION OF PROPOSAL

The proposal is to build a single storey side extension on the east facing elevation to create a playroom and study, in an 'L' shape and attached to the detached garage. The play room extension would project from the gable by 3.8m by 7.7m, with a setback of 3.5m from the rear elevation. The height would be a 4m, flat roof with single glazed lantern. On the rear elevation there would be bi-folds with 2 steps down onto a 1m deep decking area before a further 3 steps into the garden

The proposed study would be 2.4m by 1.8m, in line with the rear elevation of the garage, again with a flat roof.

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

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

The original plans showed larger windows in the side elevation, where it was considered there would be potential of overlooking of the neighbours bedroom windows. Amended plans were requested to show high-level windows.

An extension of time was requested due to the discussion of amended plans.

RELEVANT HISTORY

2013/91488 – demo of existing house to build 6 dwellings – granted conditionally.
Cond 7 – Permitted development rights removed for windows in east & west elevation
Cond 8 – Permitted development rights removed for extension and outbuildings

Dec notice
https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2013/91488&file_reference=485836

PUBLIC/MEMBERS RESPONSE

Final publicity date Expires: 10.6.19

1 letter of objection has been received. The reasons for objection can be summarised as:

- Concerned with machines close to the retaining wall and damage that may cause the wall to collapse.
- A culvert runs across the site.

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 28 - Drainage
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 14** – Meeting the challenge of climate change, flooding & coastal change.
- **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 LP24 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 property is one of 6 in a small cul-de-sac location with No 2, located behind those fronting Yew Tree Road, therefore little of the property is seen from Yew Tree Road. However there is currently a small gap of 1.5m between the existing garage and host property which will be filled in by the extension, when viewing the property from Yew Tree Gardens.

It is accepted that a flat roofed extension is not ideal, however to link a pitched roof into the existing garage would be difficult and would create a valley gutter against the house which is not ideal. Therefore given that there is limited view of the extension from the street, the formation of a flat roof would have little impact on the appearance of the street scene.

With regards to the character of the area, the extension is a modern addition to the host dwelling due to the wall materials being used, which will complement the host dwelling and will be seen as a subservient addition.

The development would accord with Policy LP24 and Chapter 12 of the NPPF as far as these relate to issues of visual amenity.

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 extension being overbearing or over shadowing to the property at the side, the only property affected by the proposal is the property to the east on Belton Grove. It is considered there would be no overshadowing given that the neighbour is to the east where the host property already casts a shadow and the extension being single storey would sit within the shadow being created.

With regards to overbearing it is accepted that the extension would be closer to the shared boundary where the affected property is at a lower ground level but a 3.7m gap would be retained to the boundary. Furthermore given that the extension has a flat roof reduces bulk and the potential of being overbearing on the neighbours at No 24 Belton Grove.

Finally, with regards to overlooking, the windows proposed in the side elevation, would result in overlooking, due to the sloping site, as the proposed windows would look over the existing 2m fence and the adjacent property which is at a significantly lower ground level. However the adjacent neighbours have a large shed running against the shared boundary giving further separation distance from the window and amenity space used by No 24 Belton Grove. However they would be potential overlooking of first floor windows albeit not a direct view, therefore amended plans were requested to show high level windows in the side elevation. Therefore creating no overlooking issues.

The proposal also shows bi-fold doors to the rear elevation with 2 steps leading onto a raised decking area with a further 3 steps leading into the garden. Given that the decking is only the width of the extension and 1m deep, this is unlikely to create any overlooking, however a condition should be added so that the decking area remains this size and location in order to prevent overlooking.

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

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 proposed rear extension is 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 extension would have no impact on the existing roof structure of the host property, furthermore the property is fairly new and in a good state of repair.

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 PDLP.

Representations:

It should be noted that one representation has been received as a result of site publicity.

The reasons for objection can be summarised as:

- Concerned with machines close to the retaining wall and damage that may cause the wall to collapse.
  Response: this is an issue related to the physical construction of the extension which is outside the remit of planning control. Rather this would be a private matter between the parties involved.

- A culvert runs across the site.
  Response: the council's records show the culvert running along the rear of the property, however a condition has been added in case the culvert has been incorrectly plotted. This is in accordance with Policy LP28 of the Local Plan and Chapter 14 of the NPPF.

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: 2019/91419

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 LP1, LP2 & LP24 , of the Local Plan and advice in the National Planning Policy Framework.

3. The external wall materials of the 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 LP1, LP2 & LP24 of the Kirklees Local Plan and advice in the National Planning Policy Framework.

4. The proposed decking area shall be built in complete accordance with the proposed drawing No 19/68 and shall not exceed 1.31metres projection and shall thereafter be retained as such.
Reason: In the interests of residential amenity and to accord with policy LP24 of the Kirklees Local Plan and advice in the National Planning Policy Framework.

5. In the event that a culvert is encountered during the development, all works on site shall cease immediately and the Local Planning authority shall be notified in writing within 2 working days. Unless otherwise approved in writing by the Local Planning Authority, works on site shall not recommence until either (a) a strategy for the works has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that further mitigation measures are not required. The strategy shall include a timetable for the implementation and completion of the approved mitigation measures. Thereafter the development of the site shall be carried out and completed in accordance with the approved strategy.

Reason: To ensure the development can be carried out without consequences to the culvert within the site and in accordance with Policy LP28 and Chapter 14 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Date Received
Location Plan 1:1250		29.4.19
Block Plan 1:500	19/68	29.4.19
Existing layout & elevations	19/68	29.4.19
Proposed layout & elevations	19/68 Rev A	17.7.19

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 discussed the details with the agent regarding the side windows, however following further investigation no amended plans were required.

Recommendation and Authorisation Box

Report Dated: 4.7.19

Coal – low risk