

**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: 2019/62/91443/W

Site Address: 21, Cumberland Avenue, Fixby, Huddersfield, HD2 2JJ

Description: Erection of single and two storey extensions

Recommending Officer: Laura Yeadon

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: 02-Jul-2019

Officer Report

Site Description

21 Cumberland Avenue is a large detached property located within a residential area which is characterised by large detached properties set within modest plots which are a mixture of bungalows and two storey properties of varying styles and construction materials. The property itself is constructed from stone, brick and render, is two storeys in height and hosts 2 no. garages, one at each side of the property. There are two access points into the property off Cumberland Avenue with a large area of hardstanding to the front of the property. The land slopes to the east and south with the garden areas to the rear and side of the property and therefore the gardens to the side and rear are on a lower ground level than the floor level of the property.

Description of Proposal

Permission is sought for the erection of a single and two storey extensions. The submitted plans indicate that a single storey extension is also proposed however this would be subject to the exercising of Permitted Development Rights and therefore has not been included on the description of development and shall not be assessed as part of this application. Permitted Development Rights have been removed from the property however this is for the conversion of the integral garage.

The application has been submitted following the recent approval for the two storey side extension as shown on the submitted drawings for this application.

The difference between the approved scheme that proposed within this application is the proposed porch with sitting area above and ground floor front elevation infill extension.

The proposed porch would extend forward of the front elevation by 1 metre being a width of 3.5 metres being two storeys in height which would have an eaves and ridge height to match the existing. The design would be such that the extension would have a gabled frontage.

The proposed infill extension would be located adjacent to the porch on the front elevation of the dwelling and would lie flush with the existing original front elevation of the property and also with the side elevation. The extension would retain the existing roof canopy.

The front extensions would be natural stone for the walls, tiles for the roof and uPVC for the windows and doors.

History of negotiations/amendments received

No negotiations have taken place and no amended plans have been sought or submitted.

Relevant Planning History

1999/91754 Erection of conservatory, utility and garage extensions
Conditional Full Permission

2008/93526 Erection of garden room extension
Conditional Full Permission

2018/94010 Erection of two storey side extension
Conditional Full Permission

Representations

Final publicity date expired 9th June 2019 – no representations received

Parish/ Town Council – not applicable

Consultation Responses

None required

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 without notation on the Kirklees Local Plan.

Kirklees Local Plan

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **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, 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 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – 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 National Planning Policy Framework. Policy LP24 relates specifically to design and seeks to ensure that, amongst other things, proposals should promote good design by ensuring that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.

The principle of developing the property has been established with Planning Permission recently being received for the two storey side extension shown on the submitted plan. As such, the elements of the scheme subject to this application are the two storey gabled front extension and the ground floor infill front extension.

2 –Impact on visual amenity:

The proposed two storey side extension has already been assessed in terms of its impact on visual amenity as part of the previous scheme and was considered to be acceptable.

The proposed front extension includes a porch at ground floor level but would appear two storeys in height introducing a gabled feature to the front elevation of the property. Whilst the eaves and ridge height would match the existing, the extension would be subservient due to the siting, width and gabled feature and would be clearly read as an extension to the property. The fenestration details within the extension is acceptable and the proposed single storey infilled section of the building would not project any further forward than the existing elevations.

A location plan has been submitted which indicates the footprint of the resultant property which demonstrates even with the inclusion of the proposed

single storey rear extension and two storey side extension it is not considered that the proposal would result in an overdevelopment of the site.

Taking into account all the above, it is considered that the proposed development would be acceptable in terms of visual amenity and would accord with local, national and emerging policies.

3 – Impact on residential amenity:

The impact of the side extension has been previously assessed and considered to be acceptable.

Due to the separation distance and the orientation to the neighbouring properties, it is not considered that the two storey front extension would cause undue harm from overlooking, overshadowing, or by being overbearing. The infill extension would be set back slightly and therefore provides minimal concerns.

It is therefore considered that the proposal is acceptable in terms of residential amenity and would accord with current policy and guidance.

4 – Impact on highway safety:

With regards to highway safety and parking provision, the existing garage would be enlarged and the hardstanding area and additional garage would be retained. As such, there would be no decrease in parking provision and therefore minimal concerns.

5 – Other matters:

Biodiversity – the application site is within a ‘Bat Alert’ layer on the Council’s GIS system. Whilst formal comments have not been sought from the Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

There are no other matters for consideration.

6 – Representations:

No representations have been received.

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: 2019/91443

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 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 and LP30 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

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

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

NOTE The Council's GIS system indicates that a bat roost 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
-----------	-----------	---------	---------------

Plan Type	Reference	Version	Date Received
Existing elevations and floor plans	Drawing No. 2		8 th May 2019
Proposed elevations and floor plans	Drawing No. 1		8 th May 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 as the application was considered to be acceptable in its submitted format.

Report Dated: 1st July 2019