

**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: 2019/62/91523/W

Site Address: Abbey Lodge, Dunford Road, Hade Edge, Holmfirth,
HD9 2RT

Description: Proposed extensions and alterations to create two
storey dwelling

Recommending Officer: Sam Jackman

DECISION – Full Conditional 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.**

Neil Bearcroft

AUTHORISED OFFICER

Date: 23-Sep-2019

SITE DESCRIPTION

Abbey Lodge, Dunford Road, Hade Edge is a stone chalet bungalow which has been extended with a couple of single storey rear extensions extending the full width of the rear elevation, linked to the detached garage. On the front elevation is a first floor gabled detail central to the building with the ridge following through to the main roof and 2 small dormers either side. The property is within a small village surrounded by mainly 2-storey properties and located within a medium sized garden, however this is predominantly at the front of the property.

DESCRIPTION OF PROPOSAL

The proposal is to create a new first floor over the whole of the original bungalow and a new 2-storey rear extension replacing the existing conservatory, with the first floor element projecting 1.75meters from the original bungalow footprint. The eaves would be raised by 2.5metres and the ridge by 0.5meters, to create 4 large first floor bedrooms.

Also build a small side extension to create a large utility linked into the garage.

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

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

The original plans showed a larger first floor extension extending over the whole of the existing ground floor including the single storey rear extensions. To create a 6 bedroom property with 4 en-suites resulting in the ridge being raised by approx. 2m.

An extension of time was requested due to the submission of amended plans, which has been agreed by the agent.

RELEVANT HISTORY

86/ 01480 – extension to bedroom – granted conditionally

90/03018 – double garage - granted conditionally

2002/90095 – conservatory, dormer 2 outbuildings and new pitched roof - granted conditionally

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2002%2f90095+>

PUBLIC/MEMBERS RESPONSE

Final publicity date Expires: 27.6.19

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

Holme Valley Parish Council comments - supports the application.

The amended plans were considered to have a reduced impact on neighbours than the original submission and as such were not publicised

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

LP24 – Design

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**

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 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 proposed works are to raise the roof of the property by approx. 0.5m to provide additional first floor accommodation, introducing a 2-storey property, where the property is already surrounded by similar style properties. The property is set back from the road with mature planting in the front garden, providing some screening, however raising the roof would change the roof pitch to a shallow one, it is considered it wouldn't impact the street scene in this case, as there are similar ones in the adjacent cul-de-sac Abbey Close.

With regards to the character of the area, the extension and alterations will be in keeping with the host dwelling due to the materials being used and the style of roof, reflecting the design of the host dwelling.

Therefore, the proposal is in accordance of Policy LP24 of the Kirklees Local Plan that states “extensions, are in keeping with the existing buildings in terms of, materials and details”.

However Policy LP24 also states that extension should promote good design by ensuring:

- Extensions are subservient to the original building and are in keeping with the existing buildings in terms of scale to minimise impact on residential amenity of future and neighbouring occupiers.

The policy goes onto to say the scale of development should relate to neighbouring development and the street / public open space adjacent to the building. Consideration should be given to views, vistas and skylines. The

layout of development should take into account the street pattern in the locality and the size of blocks and plots.

Finally, the council recognises that the occupiers of dwellings may be able to meet their housing needs by extending their homes. Whilst extensions to dwellings can allow residents to stay in the same neighbourhoods and make efficient use of housing stock, it is important that such works consider the impact on neighbouring properties. Extensions to existing dwellings should respect the existing house and adjacent buildings, including the construction materials, window and roof styles and architectural detailing. Any extensions should be subservient and not dominate or detract from the original dwelling and seek to minimise impact on residential amenity of future and neighbouring occupiers, through maintaining privacy and daylight.

In this case the proposed extensions are not considered to be subservient given the previous single storey rear extensions and detached double garage. Raising the overall height whilst an increase of only 0.5m would give the appearance of doubling the size of the property given that the eave's height will be significantly increased and the roof pitch lowered. However it is accepted that the existing property already benefits from 3 bedrooms within the existing roof space. Therefore whilst the alterations are considered not to be subservient, this is not the only factor to consider in this case.

However the proposed extension would be built from matching materials and reflect the design of properties within the area and their character. The property is set back from the road frontage and its relationship with its neighbours would have little impact on view, vista and skyline. Furthermore the property is located in fairly large grounds and would be set in from all boundaries.

The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area.

Impact on residential amenity:

Amended plans have been received to reduce the size of the alteration and the potential of overlooking and/or overbearing/overshadowing of nearby residents to the rear of the property, No 5 Abbey Close.

The proposed new first floor would include new first floor windows which at ground floor would be unchanged from the current situation and at first floor would be approx. 9.5m from the shared boundary where the windows would overlook the neighbour's garden rather than directly into their property, given that No5 is positioned at right angle to host building. Therefore it is considered that the distance is adequate not to create any overlooking, furthermore no objections have been received from neighbours.

Other first floor windows in the side (north facing) and front (East facing) elevation would be over 25m away from facing neighbours and with the

addition of some existing screening, the application wouldn't create any undue overlooking.

With regards the alterations being overbearing or overshadowing to the properties at the rear, given the separation distance and a cross section has been submitted by the agent. Which demonstrates that the alterations would have limited impact on neighbouring properties and wouldn't create any overbearing effect. It is accepted that the extension would be closer, but the effect is considered to have a marginal effect on the neighbours at the rear.

With regards to the neighbours to the side and front, again there is adequate distance for the alterations not to create any overbearing or overshadowing effect on these neighbours.

Therefore it is considered there will be no impact on neighbouring properties with regards to the amended plans, in terms of overshadowing, overbearing or overlooking as the proposal is away from the shared boundaries with neighbours. As such the proposal accords with policies LP1, LP2 & LP24 of the Kirklees Local Plan which states "extensions...minimise impact on residential amenity of future and neighbouring occupiers." 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, albeit the existing garage wouldn't be able to be used for parking vehicles in due to the new proposed utility. Regardless of this the drive can still accommodate several cars as such would meet the aims of Policy LP22 of the Kirklees Local Plan with respect to highway safety and advice in Chapter 12 of the National Planning Policy Framework.

Other matters:

The proposed extensions are fairly large and once extended the property is considered to be at the limit of extensions, so not to impact on its neighbours, where the property still benefits from its permitted development rights. However the majority of the remaining garden is to the front where planning permission would be required for any additional structures, there is still scope to the side and rear. In order to protect both the character of the area and nearby residents permitted development right should be removed for further extensions and detached out building.

Representations:

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

Holme Valley Parish Council supports the application.

The amended plans were considered to have a reduced impact on neighbours than the original submission and as such were not publicised

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: 2019/91523

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A or E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to preserve the amenities of nearby residential properties and to accord with LP24 of the Kirklees Local Plan and Policy in Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing layout & elevations Location Plan 1:1250	1914-01		8.5.19
Proposed layout & elevations	1914-02	B	20.9.19

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 requested amended plans during the process of the application to seek an amendment which would to reduce the impact of the development on the amenity of nearby residents. This decision is based on the amended/additional documents submitted.

Recommendation and Authorisation Box

Report Dated: 19.9.19

Coal – low risk