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:	2019/62/92335/W
Site Address:	16, Rutland Road, Milnsbridge, Huddersfield, HD3 4RA
Description:	Erection of two storey side extension
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: 16-Jan-2020

Officer Report

Site Description

16 Rutland Road is a two storey detached property which is constructed from buff brick with a concrete tiled roof with white and grey coloured framed openings. To the front of the property is a driveway and parking area and to the rear is a sloped, split level garden and decked area. Access to the property is via a driveway off Rutland Road which is shared with No. 14 and leads to a detached pre-fab single garage. The wider area is comprised of mainly residential dwellings with a playing field allocated as Urban Greenspace beyond the rear, southern boundary of the site.

Description of Proposal

Permission is sought for the erection of a two storey extension which would be located on the side elevation of the property and would replace the existing single garage.

The proposed extension would be set back from the front elevation of the property by 1.4 metres and would be a total depth of 6.8 metres which would project a total of 3 metres beyond the existing rear elevation of the property. The total width of the extension would be 4.4 metres. The eaves height would match the existing with the roof line being set down from the existing by 0.45 metres. A canopy would be located at ground floor level which would be set back from the front elevation of the property by 0.35 metres.

The proposed construction materials would match the existing with the resultant accommodation being a garage at ground floor 2 no. bedrooms and a bathroom at first floor. The internal accommodation of the existing property would also be reconfigured.

History of negotiations/amendments received

Amended plans were submitted by the Agent as the incorrect plan had been issued with the application however as this was received and uploaded to the website on the same day as the dispatch of the neighbour notification letters, it was not necessary to re-advertise the application.

Following the issue of the Highways Development Management consultation response, the Agent provided further information to the Case Officer with regard to the proposed conditions requested by the Highways Officer. These have been considered as part of the determination of the application.

Relevant Planning History

No history

Representations

Final publicity date expired 15th August 2019 – one letter of representation received with the following being a summary of comments:

- Overlooking from proposed first floor opening
- Inadequate vehicular access to garage
- Inadequate drive space resulting into encroachment onto land outside ownership
- Inadequate drive space may cause damage

Following Highways consultation response, a further representation was received with the comments summarised below:

- Impossible for a revised layout to be provided showing two spaces of a minimum of 2.4m x 4.8m and therefore the proposed condition cannot be complied with and would be unenforceable and unreasonable and therefore application should be refused
- Given the space available within the property, it would be impossible for the proposed condition for the details of the storage and collection of recycling/refuse to be complied with and therefore condition appears unenforceable and unreasonable
- Given the above, the application should be refused on highway grounds

Parish/ Town Council – not applicable

Consultation Responses

K.C. Highways Development Management (revised response) – no objection subject to conditions relating to details of layout and parking being submitted; the garage not being used for any purpose other the parking of vehicles; details of storage and access for collection of waste being submitted; schedule for access to the site for construction vehicles being submitted.

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 21** – Highway safety

- **LP 22** – Parking
- **LP 24** – 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, 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

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. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

In this case, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity and highway safety.

2 –Impact on visual amenity:

The proposed development would be in the form of a two storey extension that would be located on the side elevation of the property.

The design of the extension is such that the eaves height would be the same as the existing with the roof ridge being set down from the existing and the front elevation being set back from the existing ensuring that the extension would be viewed as an addition to the property. The structure would replace the existing garage which is single storey in height. As the property is set within the corner of the cul-de-sac with No. 14 positioned at a 45 degree angle to the application property, it is not considered that a terracing effect would occur as a result of the construction. As such, taking into account the street scape in the immediate vicinity is therefore considered acceptable.

It is proposed that the construction materials would be buff brick for the walls and concrete tiles for the roof with uPVC double glazing which would match the host dwelling which are considered acceptable.

A site plan has been submitted which demonstrates that the amenity space to the front, side and rear of the property would be retained and therefore would accord with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3 – Impact on residential amenity:

The proposed extension would involve the demolition of the existing single storey garage. The extension would have a side elevation which would be on a similar building line to the front elevation of No. 14. As the extension is set back from the front elevation of the property it is not considered that there would be an undue impact on amenity from overlooking as the proposed first floor opening would not directly face the openings within the side elevation of No. 14. The window would be in close relationship to the front garden on No. 14 but as this area is currently open to public view it would not result in any further loss to privacy.

Whilst the extension would project off the rear of the property by 3 metres, as there are no properties directly to the rear of the site, it is considered that this element is also acceptable in terms of overlooking.

With regard to overshadowing, due to the positioning of the windows in the neighbouring property, it is not considered that these would be unduly impacted on as a result of the extension and therefore there are minimal concerns.

Taking into account all the above, it is considered that the proposal is acceptable in terms of residential amenity and would accord with both local and national policy.

4 – Impact on highway safety:

Further comments were received from Highways Development Management following a period of consultation regarding the scheme.

Highways Officers cited within their response that a revised consultation was required due to additional information being provided regarding the shared access and recommend that access rights over the shared access should be investigated by a solicitor to ensure that vehicular access to the garage can be achieved. This is a private matter.

It is considered that for a development of this type, three off-street parking spaces are fit for purpose and are shown on drawing number A(10)-02. The integral garage dimensions of the garage are acceptable in terms of accommodating a single vehicle and is therefore acceptable. It is noted that the access to the garage may involve the use of third party land, however this is situation is no different to the existing due to the located of the existing garage. The use of any third party land is not a matter for the Local Planning Authority to monitor and is a civil matter that would need to be agreed by all land owners.

Comments from Highways Officers state that a revised layout should be conditioned to demonstrate that parking to the front of the property can be achieved without encroaching onto the shared driveway. In this instance, it is not considered that this condition would be reasonable given that there is an established co-existing use and there are no alterations proposed that would change this existing situation. It was evident at the time of the site visit that the site frontage is capable of accommodating a number of vehicles this is also evident on aerial maps. As such further information is not considered necessary and as such the recommended condition is not considered to meet the tests and shall not be added to the decision notice.

In addition, there is no space to allow manoeuvring so vehicles can turn to enter/exit the parking areas off the private drive in a forward gear. None of the other properties using the shared drive have turning space and the parking arrangements are already established and would not cause an additional safety concern.

No details have been provided for the storage and collection of recycling/refuse. Highways Officers have requested that these are submitted in the form of an additional plan, however the dwelling is an established residential property and it is not anticipated that the arrangements would be different to those existing, especially given that the extension would be in the same location as the existing garage. As such, this condition shall also not be included on the decision notice.

Due to the constraints of the site and the need to maintain access along the shared driveway the Highways Officer has requested a construction management plan that indicates the points of access to the site, the types of vehicles expected to deliver to the site , construction workers and deliver parking, materials storage and location, the use of banksmen for large deliveries and the use and retention of wheel washing facilities and other means of avoiding mud or soil contamination of the private driveway. Given the scale of the development proposed and that the access to the property is from a private driveway, which is outside the control of the Local Planning

Authority, it is considered that a condition would not be relevant to the scale of the proposal and also it would be difficult to enforce a condition in this respect and as such is not imposed for these reasons.

A condition requiring that the parking areas need to be surfaced and drained in accordance with current guidelines is considered to be reasonable in terms of highways and in view of assisting with designing a site that is resistant to flood risk in accordance with Policy LP24. It is considered appropriate and necessary and therefore, shall be included on the decision notice.

Taking into account all the above, it is considered that the proposed development is acceptable from a highways point of view and would accord with Policies LP21 and LP22 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

5 – Other matters:

There no other matters for consideration.

6 – Representations:

One letter of representation has been received with the following being a summary of comments and a response provided by the Local Planning Authority:

- Overlooking from proposed first floor opening

Response: This has been addressed within the residential amenity section of this report

- Inadequate vehicular access to garage

Response: This has been addressed within the highway safety section of this report

- Inadequate drive space resulting into encroachment onto land outside ownership

Response: This has been addressed within the highway safety section of this report

- Inadequate drive space may cause damage

Response: This is a private civil matter, outside the control of the Local Planning Authority

Following receipt of Highways consultation response, a further representation was received with the comments summarised below with the Local Planning Authority response:

- Impossible for a revised layout to be provided showing two spaces of a minimum of 2.4m x 4.8m and therefore the proposed condition cannot be complied with and would be unenforceable and unreasonable and therefore application should be refused

Response: This has been addressed within the Highway Safety section of this report.

- Given the space available within the property, it would be impossible for the proposed condition for the details of the storage and collection of recycling/refuse to be complied with and therefore condition appears unenforceable and unreasonable

Response: This has been addressed within the Highway Safety section of the report. It is not anticipated that there will be any change to the current situation and as such it is unreasonable to impose a condition.

- Given the above, the application should be refused on highway grounds

Response: Noted and addressed in the Highway section of the report. For the reasons outlined it is not considered that a refusal on highway grounds can be justified.

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: 2019/923335

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, LP21, LP22 and LP24 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.

4. The development shall not be brought into use until all areas indicated to be used for vehicular access and parking on the approved plans have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance; 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) this shall be so retained, free of obstructions and available for the use specified on the submitted/listed plans for the lifetime of the development.
Reason: In the interests of amenity and highway safety, to ensure adequate space within the site for parking and in accordance with Policies LP24, LP21 and LP22 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

Note: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction, maintenance and vehicular access may involve access to land outside your ownership.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan, existing site plan, existing elevations and floor plans	A(00)-01		11th July 2019
Location plan, proposed site plan, proposed elevations and floor plans	A(10)-02		25th July 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. Amended plans were submitted by the Agent

as the incorrect plan had been issued with the application however as this was received and uploaded to the website on the same day as the dispatch of the neighbour notification letters, it was not necessary to re-advertise the application. Following the issue of the Highways Development Management consultation response, the Agent provided further information to the Case Officer with regard to the proposed conditions requested by the Highways Officer. These have been considered as part of the determination of the application.

Report Dated: 14th January 2020