

**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: 2019/62/92440/W

Site Address: 18, Pontey Drive, Waterloo, Huddersfield, HD5 8RG

Description: Erection of extensions to side and rear, extension to existing decking, alterations to driveway and formation of new parking area, erection of boundary wall and gate

Recommending Officer: Ellie Worth

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: 16-Oct-2019

Officer report

Site description

18 Pontey Drive is a detached property constructed from brick with a tiled roof. The property benefits from small garden and area of hardstanding to the front and private amenity space to the rear. Pedestrian and vehicular access can be taken from the front boundary at the application site onto Pontey Drive. Boundary treatment consists of medium sized fencing and within the site land levels fall from South to North.

The site and the wider area is dominated by residential properties, most of which vary in design and form.

Description of proposal

The applicant is seeking permission for a first floor side extension, single storey rear extension and alterations to the existing decking, parking area and boundary treatment. The measurements of the proposal are as follows:

First floor extension side extension

- 4.7m in height to the eaves; 7.3m in maximum height
- 3.8m in projection
- 7m in length

Single storey rear extension

- 2.5m – 4m in projection from the rear elevation of the attached garage and host property.
- 4.9m in overall width
- 2.1m in height to the eaves; 3.3m in maximum height

The proposed extensions will be constructed from brick with tiled roofs to match the host property. The additional fenestration will also be constructed from UPVC double glazing. Internally the extensions will provide additional living accommodation.

Three on-site parking spaces will also be provided as part of this application and the boundary treatment to the front of the site will be constructed at a height no more than 1.6m.

History of negotiations/amendments received

The officer raised concerns with the agent regarding the first floor extension and the proposed boundary treatment. An amended plan was received 4th October 2019.

Relevant Planning History

2016/90200 Erection of two storey extension – Granted (18 Pontey Drive)

2004/90719 Erection of single and two storey extensions – Granted (3 Mountfield Avenue)

Representations

The application was advertised by site notice and neighbour notification letters.

Final publicity expires: 28th August 2019

As a result of the above publicity, one representation has been received. A summary of the objections raised can be seen below:

- Objections in regards to the alterations of the driveway, formation of new parking and the erection of boundary treatment
- The alteration to the driveway will allow for 3 parked cars which will impact on highway safety, traffic and noise disturbance
- All boundary walls are low to so build a 2m high brick wall would not be in keeping
- The proposed plans will have an impact on the residential and will affect the character of the area at night and day.

In order to overcome some of the concerns raised, amended plans were received. However, in this case, it was not deemed necessary to re advertise the scheme, as the new scheme would have a less of an impact on residential amenity.

Consultation responses

KC Highways DM: No objections as the proposed boundary treatment has been reduced in size, to match the exiting timber fencing.

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 unallocated on the Kirklees Local Plan.

Kirklees Local Plan:

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP21 – Highway safety

- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity
- LP34 – Conserving and enhancing the water environment
- LP53 – Contaminated and unstable land

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 design places
- Chapter 15 – Protecting and enhancing the natural environment

Assessment

The following matters are considered in the assessment below:

1. Principle of development
2. Impact on visual amenity
3. Impact on residential amenity
4. Impact on highways
5. Other matters
6. Representations
7. Conclusions

1. Principle of development

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP 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 LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case, the principle of development on the application site is acceptable and shall be assessed against other material planning considerations below. The previous application for the erection of a two storey side extension (2016/90200) is also a material planning consideration, which establishes the principle of having a two storey structure at the application site.

2. Impact on visual amenity

It has been considered that the proposed extensions would appear subservient to the host property as the first floor side extension would be placed above the existing garage. The single storey rear extension would also adjoin the rear elevation of the existing garage and would have a maximum projection of 4m. It would still be possible to read the original dwelling which would still sit comfortably within its curtilage. Whilst it has been noted that there would be additional amenity space developed under this proposal, it would not result in the overdevelopment of the site as the host property is a detached dwelling with ample amenity space remaining to the front and rear.

First floor extension

The design of the side extension has been considered acceptable in terms of visual amenity as the extension would follow the simple form of the original dwelling and would be constructed from brick with a tiled roof to match the host property. Furthermore, the extension would benefit from a hipped roof form in order to reduce some of the bulk and massing. This has been considered acceptable, as there are various roof types within the vicinity. It is acknowledged this would result in an asymmetrical roof form to the dwelling but this is preferable to the additional mass that would be formed by a gable roof.

The proposed fenestration has also been considered acceptable from a visual perspective as it would be similar in appearance to those that exist on the host property.

Whilst it is appreciated that the extension would be flush with the front and rear elevations at the host property, and also follow the same eaves and ridge height, an undesirable terracing effect would not be created because this is a detached dwelling which would remain separated from the dwellings located either side. As such the proposal is considered to comply with LP24 of the Kirklees Local Plan.

Rear extension

The design of the rear extension is also considered acceptable in terms of visual amenity, as it would benefit from a lean to roof and be single storey in height. This simple form would again harmonise with the original property. It would also be similar to the rear extension at no. 3 Mountfield Avenue.

The submitted plans also show a large opening to be inserted into the rear elevation of the extension. This has been considered acceptable, as the extension would appear as a contemporary addition to the dwellinghouse which would provide flexible space for the occupants. There will also be no additional openings inserted into the side elevations of the extension,

however, a door is proposed within the eastern facing elevation. A roof light will also be inserted into the lean to pitch of the extension, which has been considered satisfactory as it will allow natural light.

The maximum projection of the rear extension would be 4m from the rear elevation of the attached garage. This has been considered acceptable, as the property benefits from an adequate amount of amenity to the rear. Furthermore, it has been noted that the dwelling has its permitted development rights and therefore could construct an extension of this size off of the original rear elevation without planning permission.

Rear decking

The applicant is also seeking permission for an extension of the existing timber decking to the rear of the application site. This has been considered acceptable, as it would be in keeping with the existing decking and therefore the proposal is considered to comply with LP24 of the Kirklees Local Plan.

Front boundary treatment and gate

As part of this application, amendments have been sought to reduce the height of the proposed boundary treatment to 1.6m. This has been considered acceptable as the walling would be of the same height as the existing timber fencing it would replace.

Furthermore, the use of brick walling has been considered satisfactory as no.3 Mountfield Avenue also benefits from brick walling/brick piers with fencing infill panels along their southern boundary. Therefore it has been considered that the proposed boundary treatment would not appear as an obtrusive feature within the street scene, given the scale of the existing fencing and the boundary treatment of the neighbouring property. For these reasons, the impact on visual amenity on balance has been considered acceptable.

With reference to the proposed gate, concerns have also been raised with the agent regarding the height of this aspect, and therefore a condition will be attached to the decision notice which states that the sliding gate shall not exceed a height of 1.6m to keep in with the proposed boundary treatment.

Conclusion on visual amenity

Having taken into account the above, it has been assessed that the proposal would have harmonise, to an acceptable degree, with the host dwelling and surrounding development, the character of the area and the wider street scene, complying with LP24 of the KLP and Chapter 12 of the NPPF.

3. Impact on residential amenity

The impact of the development on each of the surrounding properties will be assessed in turn.

3 Mountfield Avenue is the neighbouring property to the west of the application site. It has been considered that there would be some impact on these neighbours amenity, as the proposal would intensify development along the western elevation at the application site. Nonetheless, the previously approved application for a two storey side extension (2016/90200) is a material planning consideration, which establishes the principle of having additional development on this elevation.

As such, amendments have been sought to inset the proposal from the side elevation of the existing garage, so that the same separation distance can be retained, as was previously approved. Also to mitigate against any undue harm on overbearing, the submitted plans show the first floor extension to benefit from a hipped roof. This will reduce some of the bulk and massing on the western boundary and therefore is considered that this proposal would have lesser impact than the previously scheme. There is also a slight difference in levels between the application site and 3 Mountfield Ave which assists in reducing the overall impact.

It has also been noted that any impact on overshadowing would only evident within a morning with the adjacent property being able to receive directly sunlight from mid morning until around midday. As such the impact would not be undue. Alongside this, the submitted plans show no additional openings to be inserted into the side elevation of the first floor extension which will mitigate against any impact on overlooking. New openings would be controlled under the GPDO.

The single storey rear extension will be inset from the western facing boundary by 0.5m. It would benefit from a shallow dual pitched roof and therefore any impact on the overbearing and overshadowing would be minimal. As the extension would only exceed the existing boundary treatment by 1.3m in height, at most. Furthermore, the plans show no additional openings to be inserted into the western facing elevation which will mitigate against any harm on overlooking. There is also sufficient boundary treatment in place between these neighbours and therefore a condition removing permitted development rights in this instance is not deemed necessary.

11 Mountfield Road is the neighbouring property to the rear (north) of the application site. It has been assessed that there would be some limited impact

on these neighbours amenity, due to the fact that they are situated on a lower level than the application site and the development is due south of this property. Nonetheless, there is a separation distance of 24m between the nearest elevations at these neighbours and therefore any harm on overbearing from the side and rear extensions would be limited.

In regards to overshadowing, it has been considered that there would be some impact on these neighbours amenity as the host property is located to the south. However, for the reasons outlined above, the separation of the properties to one another, would limited any impact caused.

The submitted plans, also show habitable room windows to be inserted into the rear elevations of the first floor side and single storey rear extensions, which has the potentially to impact on overlooking. However, the submitted plans show the first floor extension to sit flush with the rear elevation on the existing dwelling, and therefore any harm would not be over and above the existing situation.

Furthermore, it has been assessed that the additional impact from the single storey element and proposed decking would not be significant. Given the existing separation distance and the fact that the host property already benefit from timber decking to the rear.

For these reasons, the impact on these neighbours has been considered acceptable.

17 Pontey Drive is the neighbouring property to the east of the application site. It has been considered that these neighbours would be minimally impacted as part of this proposal, as the extensions are to be located predominantly to the west of the host property.

With regards to overlooking, the submitted plans only show a door to be inserted into the eastern facing elevation of the single storey rear extension. Furthermore, the applicant is seeking permission for an extension to the existing decking given the change in land levels within the site. This element has been considered acceptable as these neighbours benefit from a detached garage within their amenity space and therefore any view would be obscured.

It has also been considered that there would be no undue impact as a result of the proposed boundary treatment as amendments have been sought to reduce the height to 1.6m. As such, the brick walling would have no additional impact on these neighbours amenity.

2 Pontey Drive is the neighbouring property to the south of the application site. This property will be the least impacted by this proposal. As there is a separation distance of approximately 20m, including the highway in between the properties. As a result any impact on overbearing, overshadowing and overlooking, from the additional mass and openings contained within the first floor extension, would not be undue due to separation and the orientation of properties to one another.

On balance, it has been considered that the impact on amenity is acceptable, this includes weight afforded to the previous permission for a two storey side extension. As such, the proposal is considered to comply with LP24 of the Kirklees Local Plan.

4. Impact on highway safety

KC Highways DM have been informally consulted as part of this application, raising no objection to the alteration proposed to the existing driveway, as the submitted plans show that there will be sufficient space for 3 onsite parking spaces.

Nonetheless, concern was raised regarding the height of the proposed boundary treatment and sliding gate, as this element has the potential to obstruct sight lines for the neighbouring property at no. 17 Pontey Drive. As a result, amended plans were sought to reduce the boundary treatment to 1.6m. A condition will also be attached to the decision notice which states that the sliding gate shall not exceed this height.

Furthermore, a condition will also be attached to the decision notice to ensure that the driveway is appropriately surfaced and drained in accordance with standard guidance to ensure the additional hardsurface does not result in an increase in surface water run-off and flood risk. This would accord with Policies LP28 and Lp34 of the Local Plan.

For these reasons, it has been considered that the proposal would have an acceptable impact on highways safety and flood management and therefore is considered to accord with LP21, LP22 of the Kirklees Local Plan.

5. Other matters

Bats

The application site lies within the bat alert layer on the Council's GIS system. As such, careful attention was paid when undertaking the site visit to look to evidence of bat roost potential. In this instance, the property appeared well sealed around the eaves and roof area and it was judged unlikely to contain roosting bats. Even so, as a cautionary measure, a note will be added to the decision notice stating that if bats are found development shall cease and the advice of a licenced bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

6. Representations

As a result of the above publicity, one representation has been received. A summary of the objections raised alongside officer comments can be seen below:

- Objections in regards to the alterations of the driveway, formation of new parking and the erection of boundary treatment
Comment: These concerns have been assessed in the above report.
- The alteration to the driveway will allow for 3 parked cars which will impact on highway safety, traffic and noise disturbance
Comment: This has been assessed within the highways safety section.
- All boundary walls are low in the area, so build a 2m high brick wall would not be in keeping
Comment: These concerns has been noted, and amendments have been sought to reduce the boundary treatment and the sliding gate along the front boundary at the application site.
- The proposed plans will have an impact on the residential amenity and will affect the character of the area at night and day.
Comment: This has been assessed within the section 3 of the report.

The above comments has been carefully considered in the determination of this application. However, they are not deemed to substantiate defensible reasons for refusal for the reasons outlined above.

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 materials considerations. It is considered that the

development would constitute to sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2019/92440

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 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 Policies LP1, LP2, LP21, LP22, LP24 and LP30 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the extensions hereby approved shall in all respects match those used in the construction of the existing building, in accordance with the details shown on the approved plan.

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

4. The extensions hereby approved shall not be brought into use until the extended driveway as indicated on the approved plan has been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's '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) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for parking.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that the additional hardstanding area is appropriately drained to mitigate flood risk in accordance with Policies LP21, LP22, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

5. Notwithstanding the submitted information, the proposed sliding gate shall not exceed a height of 1.6m above ground level and shall thereafter be retained at this height.

Reason: In the interests of highway safety and visual amenity in order to preserve the character of the area, in accordance with Policies LP21 and

LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

NOTE: Due to its location, 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 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.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours Mondays to Fridays

08.00 and 13.00hours , Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and specifications schedule

Plan Type	Reference	Version	Date Received
Existing site location plan, elevations and floor plans	A(000-01	-	22 nd July 2019
Proposed site location plan, elevations and floor plans	A(10)-01	B	4 th October 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 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. In this instance, the officer entered into various discussions with the agent and amended plans were received on the 4th October 2019.

Report Dated: 15.10.19