

**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: 2019/62/92681/W

Site Address: 35, Howard Way, Meltham, Holmfirth, HD9 4NW

Description: Erection of single storey rear extension and attached garage

Recommending Officer: Laura Yeadon

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: 29-Oct-2019

Officer Report

Site Description

The application relates to a two storey dwelling which is constructed from stone and has a concrete tiled roof. The property is set back from the roadside with a porch projecting from the front elevation with a front garden separating the dwelling from the roadside. There is a hardstanding area to the front of the property and a driveway to the side which leads to a detached garage and rear garden. The surrounding area is comprised of detached dwellings of a similar design and construction material and beyond the rear boundary is Meltham C of E School and its grounds.

Description of Proposal

Permission is sought for the erection of a single storey rear extension and attached garage.

Single storey rear extension

The proposed single storey rear extension would lie flush with the rear side elevation of the property facing No. 33 and would project a total of 3.7 metres from the rear elevation of the property. The extension would project almost the full width of the rear elevation and would have an eaves height of 2.2 metres and an overall height of 3.9 metres. The proposed construction materials would be stonework blocks for the walls, concrete tiles for the roof and uPVC for the windows and doors.

Attached garage

It is proposed that the existing garage would be, in the most part demolished and extended to have the front elevation brought forward to attach to the rear of the dwelling. The garage would be a width of 4 metres when measured externally with a depth of 7.8 metres with an addition 1.6 metres to the rear to accommodate an office. The eaves height would match that of the proposed extension with an overall height of 3 metres.

The proposed garage would be constructed from rendered blockwork to match the colour of the stonework and concrete blocks to match the existing.

History of negotiations/amendments received

An amended plan was submitted at the request of the Agent to incorporate an office space to the rear of the garage in the redundant space. These amendments were re-advertised by neighbour notification letter.

A further amended plan was requested by the Local Planning Authority which included the relationship between the proposed development and the

neighbouring dwelling to ensure that the proposed garage extension would not abut the neighbouring property. This plan is noted as drawing number 19/06.002 Rec C and forms the basis of this assessment for Planning Permission.

Relevant Planning History

1986/04011 Erection of 39 dwellings
Granted Conditionally

Representations

Final publicity date expired 2nd October 2019 – one letter of representation received with the following being a summary:

- Almost touching neighbouring dwelling
- Overdevelopment of the plot

Meltham Town Council – support the application

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
- **LP 33** - Trees

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. 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 ecology, trees protected by Tree Preservation Order, visual and residential amenity and highway safety.

2 –Impact on visual amenity:

The proposed development would result in a single storey rear extension and a garage which would be extended forward to attach to the rear elevation of the dwelling and the side elevation of the extension. The garage would also be extended to the side and would have an attached office to the rear.

The proposed fenestration details would include a garage door, patio/bifold doors, windows and roof lights which are all considered to be acceptable.

The proposed construction materials for the extension would be stonework to match the existing with the garage being stone coloured rendered blockwork with the roofs of both the garage and the extension being concrete tiles.

The proposed single storey extension and garage would have a limited effect on the site frontage as the proposed works would be isolated to the rear of the property. The extensions are limited to being single storey in height and subservient in terms of height when viewed against the backdrop of the two storey dwelling.

It is noted that the proposal would lead to a substantial amount of development at the site and overdevelopment needs to be considered. Whilst representing a substantial amount of development, it is noted that the application site benefits from permitted development rights. Whilst the proposal could not be constructed under permitted development in terms of overdevelopment, it is considered that an extension and outbuildings could potentially be erected that would lead to a similar degree of development at the site. Furthermore given the height dimensions of the extension these are within typical permitted development parameters.

It is noted that the amenity area to the front of the property would be retained and a smaller garden area to the rear would also be retained, which whilst small would still provide private amenity space for the future occupiers.

With regard to the appearance of the extension this is a relevantly simple design and typical of a domestic extension. Whilst expanding across the full width of the plot of given the setback it will aid in the extension is on balance considered to appear sufficient subservient.

On balance given the above factors it is considered that the proposal would not represent overdevelopment and would have an acceptable impact on the character of the area which would accord with Policy LP24 (c) of the Kirklees Local Plan.

Given the amount of built development proposed it is considered that the dwelling would reach its maximum in terms of extensions and outbuilding. It is therefore considered reasonable and necessary to remove Permitted Development Rights for further extensions or outbuildings.

The proposal is therefore considered to be of an acceptable design and would comply with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3 – Impact on residential amenity:

The impact of the development on residential amenity needs to be considered with regard to Policy LP24 of the Local Plan. The impact of the development in terms of overlooking, overbearing and overshadowing will therefore be considered.

In terms of overlooking, the plans indicate that there would be new openings within the rear elevation of the single storey extension and within the roof form. Windows would also be installed within the rear and side elevations of the garage. A garage door would be located within the front elevation.

There are minimal concerns regarding the windows in the rear of extension as they would look into the existing garden. The windows in the side elevation of the garage, whilst somewhat unusual would again look into the garden space and any potential overlooking to next door would be mitigated by the existing boundary treatment and existing adjacent garage.

There is a window within the rear elevation of the garage and beyond the rear boundary is a large blanket area which is protected by a TPO which provides a buffer between the housing estate and the School. As such, it is not considered that there would be undue harm from the office section of the building to the School grounds. 2 no. roof lights are proposed within the side elevation of the extension facing No. 37 although no openings within the side elevation and therefore the impact from the openings is limited.

With regard to the impact of the scheme on overshadowing and/or being overbearing, the dwelling is detached and separated from the adjacent properties by existing driveways (one to the application site and one to No. 33). The proposed extension to the front of the garage would bring the built form of development in line with the rear elevation of both the host property and the adjacent dwelling. The Agent has provided an amended plan demonstrating that the proposal would not abut the neighbouring property. This would effectively infill the section of open space between the site and No. 37 due to being constructed on the driveway. No. 37 hosts a rear conservatory and the garage which would be adjacent to this structure. The eaves height of the extension would be 2.2 metres which would be of comparable eaves height to the adjacent conservatory with the roof line of the extension sloping away from the neighbour which would minimise its impact on the neighbouring dwelling. The garage extension would abut the boundary of the property which is not ideal however the garage extension would be a continuation of the existing building line and is therefore, on balance, considered to be acceptable. With regard to the impact of the proposal on the neighbouring property, No. 33, the kitchen extension would also be set along the boundary line and would be separated from this property by a driveway which provides some separation between the extension and the amenity space. There is also a detached garage to the neighbouring property which is not anticipated to be affected by the proposal.

Taking into account all the above, it is considered that the proposal is, on balance, acceptable from a residential amenity perspective and would accord with Policy LP24 of the Kirklees Local Plan.

4 – Impact on highway safety:

The proposal would include an extension to the front and side of the garage. The plans indicate that the internal dimensions of the garage would be 3.5 metres x 7.3 metres which is larger than the 3 metres x 6 metres as required by Manual for Streets and is therefore considered to be acceptable. There is further off-street parking on the driveway. Aerial photographs demonstrate that a car can successfully manoeuvre down the drive which is considered to

be acceptable. There would be no loss of parking provision with no additional bedrooms created and the impact of the scheme on highway safety is considered to be acceptable.

5 – Other matters:

Biodiversity – The property is located within a ‘Bat Alert’ layer on the Council’s GIS system. As the proposal is for single storey extensions and would not affect the existing roof form of the property, it is not considered that a Bat Survey is required. A footnote can be attached to the decision notice stating that if bats are found during the construction process, works should cease and the advice of an Ecological Officer sought.

Trees – There is a Tree Preservation Order along the rear boundary of the site for the entire School site. It is not considered that the works would compromise the trees and therefore the proposal is acceptable.

6 – Representations:

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

- Almost touching neighbouring dwelling

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

- Overdevelopment of the plot

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

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: 2019/92681

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, LP30 and LP33 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3. 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 to E inclusive of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority within the area outlined in red on the hereby approved location plan.

Reason: In the interests of visual amenity and to the prevent further works from resulting in an overdevelopment of the site in accordance 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
Location plan			12 th August 2019
Existing elevations and	19/06.001 Rev: A		12 th August 2019

Plan Type	Reference	Version	Date Received
floor plan			
Proposed elevations and floor plan	19/06.002 Rev: C		24 th September 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. An amended plan was submitted at the request of the Agent to incorporate an office space to the rear of the garage in the redundant space. These amendments were re-advertised by neighbour notification letter.

A further amended plan was requested by the Local Planning Authority which included the relationship between the proposed development and the neighbouring dwelling to ensure that the proposed garage extension would not abut the neighbouring property. This plan is noted as drawing number 19/06.002 Rec C and forms the basis of this assessment for Planning Permission.

Report Dated: 24th October 2019