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:	2019/62/92921/W
Site Address:	8, Fulford Avenue, Fartown, Huddersfield, HD2 2QS
Description:	Erection of two storey rear extension with raised terrace
Recommending Officer:	Danielle Cooper

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-Oct-2019

Officer Report

Site Description

8, Fulford Avenue, Fartown, Huddersfield is a two-storey semi-detached dwelling, constructed from stone and pebbled dash rendered with a roman tiled hipped roof. The dwelling benefits from a considerably large garden to the rear and extensive driveway which can accommodate up to 3 vehicles. The site is located in a residential area with similar types of dwellings in terms of their character, style and design to the application site.

Description of Proposal

Permission is sought for the erection of a two storey rear extension and a raised terrace, to accommodate an extra bedroom on the first floor, as well as other living facilities. The two storey rear extension will be constructed from stone and pebbled dash render with a roman concrete tiled hipped roof to match the existing materials of the host dwelling. The raised terrace will sit above the lower ground floor to which this would be formed through the excavation of the basement to accommodate a living and storage room (as shown on the submitted plans).

Two Storey extension:

Projection: Ground floor 4m. First floor 3m.
Height: 9m
Eaves: 7.2m
Width: 5.7m

Raised terrace:

The raised terrace will be 2.1m above ground level and will be set off the North boundary line by 1.2m. The overall width of the terrace would be 5.2 and will project 1.2 m off of the principle rear elevation of the proposed extension. The raised terrace will be constructed from timber.

There will be no openings on the side elevations, only to the rear elevation to which the inserted doors and windows would be white PVC to match the existing elements on the dwelling.

History of negotiations/amendments received

Negotiations took place with the officer and agent to discuss amendments due to the concerns of overbearing and loss of privacy to no. 10 Fulford Avenue. This is due to the 4m projection of the first floor rear extension and the overlooking caused from the raised terrace. An amended plan was received which set back the first floor elevation by 3m and to set the balcony back from the North boundary line by 1.2m.

Relevant Planning History

None

Representations

The application was publicised by site notice and neighbour notification letter

Final publicity date Expires: 09/10/19

Three representations were received as a result of the site notice. A summary of the comments received is set out below:

- Not enough car parking spaces on the driveway to accommodate the number of bedrooms. (will park on the pavement along Fulford Avenue)
- Increase of traffic along Fulford Avenue

Response: *Addressed when assessing the impact on highway safety*.

- Overshadow neighbouring properties

Response*: This will be considered when assessing the residential amenity*

- Structural damage to neighbouring properties caused by the construction of the extension

Response*: This is not a directly planning related consideration, it would be a private legal matter between the interested parties and therefore does not impact on the decision of the application a note will be attached to the decision advising that planning permission does not override private legal matters.*

- Proposed extension would decrease the value of the neighbouring dwellings

Response*: This is not a material planning consideration and therefore does not impact on the decision of the application*

- Drainage/land and main sewers

***Response**: The drainage and main sewer arraignments are considered appropriate for the purposes of the planning application. Specific details would be considered in an allied application for building regulations approval.*

Consultation Responses

No consultation 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 unallocated on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP1 Achieving sustainable development**
- **LP2 Place Shaping**
- **LP21 Highway safety and access**
- **LP22 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, 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
2) Impact on visual amenity
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters
6) Representations
7) Conclusion

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 proactively 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.”

Chapter 2 of the NPPF 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. Chapter 2 of the NPPF goes on further to state that:

“to support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment”. As well as “making effective use of land”.

In this instance, it can be stated that the principle of development of this application is acceptable. Therefore, the application is subject to the assessment of impacts on visual and residential amenity, as well as highway safety.

Impact on visual amenity:

The NPPF provides guidance in respect of design in chapter 12 (Achieving well designed places) with paragraph 124 providing an overarching consideration of design stating ‘the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’.

Kirklees Local Plan policies LP1, LP2 and importantly, LP24 are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

LP24 states that all proposals should promote good design by ensuring the following:
‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’ and that ‘extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details an minimise impact on residential amenity of future and neighbouring occupiers’.

The two storey rear extension, along with the excavation of the lower ground floor area to form the basement would in effect make the dwelling three-

stories from the rear. It has been considered that this would not lead to any detrimental harm on the visual amenity of the surrounding area as the additional storey would be formed in the lower ground floor area and it is noted that there is already a significant changes in levels to the rear of the site. Furthermore given the extensions location on the rear it would not impact on the local street scene.

The maximum overall height has also been set down from the existing ridge by 1.05m with a hipped roof would also help reduce the bulk of the extension. Given its projection of 3m serving the first floor and 4m on the ground and lower ground floor the extension has been considered subservient to the host dwelling. The proposed materials would harmonise well to ensure visual amenity is protected. The creation of a lower ground floor, below the raised terrace has been considered to keep in with the host dwelling and the surrounding area, given that the principle materials match those of the host dwelling and that the same footprint of the existing dwelling is being kept.

As the raised terrace would project 1.2m off of the principle rear elevation, given its modest scale, as well as being set back from the street scene. It has been considered that the terrace would cause any adverse impact to the visual amenity of the area.

The insertion of white UPVC patio doors and windows to the rear are considered to harmonise acceptably with the same elements on the host dwelling. Therefore these elements can be supported as it has been considered to be in keeping with the surrounding area.

In summary, the proposed extension and erection of a raised terrace would be of a satisfactory design quality for the reasons set out above and would keep in with the character of the area. Therefore the proposal would accord with LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

Impact on residential amenity:

LP24 states that alterations to existing buildings should provide the following: ‘high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distance between buildings and the creation of development-free buffer zones between housing … and means of screening where necessary’.

In regards to properties which would be most affected by the development, the residential amenity has been assessed against neighbouring properties no. 6 & 10 Fulford Avenue which are located either side of the site.

10 Fulford Avenue is the neighbouring dwelling to the North of the application site. It has been assessed that there would be some impact on these neighbours amenity as part of this proposal.

In terms of overshadowing given the orientation of the dwellings, there will be some impact from overshadowing from the proposal. No. 10 has an existing

conservatory approved under 2003/94163, which appears to be built at the ground floor level of the dwelling and relatively high when compared with the garden level. It has a projection of 3 metres and it is noted that the proposed ground floor level of the extension would project an additional 1 metre beyond the conservatory with a 3 metre two storey element above.

It is noted that the proposed extensions position to the south east of the conservatory would lead to it overshadow the conservatory. However a balance needs to be struck between assessing the impact of an extension on the residential amenity of neighbours and allowing properties to reasonable extend. In this instance, whilst there would be some impact, given the extensions position to the south east the impact would be mainly limited to the morning with any impact in the afternoon or evening already occurring from the existing dwelling. The impact in terms of overshadowing on no.10 is therefore on balance considered to be acceptable.

In terms of overlooking no windows are proposed in the side of the extension and overbearing is not considered to be detrimental given the 3 metre projection at first floor level.

In regards to the proposed terrace which will project 1.2 m off of the rear elevation of the extension, this will cause some overlooking. However as the balcony has been set in from the boundary by 1.2m and has a limited projection where sitting out would be limited it has been considered that the impact would not be significantly detrimental. However to protect the privacy of the occupants of no.10 a timber screening will be conditioned to be installed on side elevation nearest to the boundary wall of no.10 to limit overlooking. On balance, it has been assessed that the proposal would not have a detrimental effect on the neighbour's residential amenity.

6 Fulford Avenue is the neighbouring dwelling to the south of the application site. It has been assessed that there would be some impact on these neighbours amenity as part of this proposal. However, given the separation distance between the two neighbouring dwellings, it has been assessed that any impact on overbearing would not be detrimental. In addition, as the neighbouring dwelling is to the south of the site it has been considered any overshadowing caused by the extension would not be detrimental.

In regards to overlooking, it is noted that boundary treatment between the host property and no.6 is relatively open and it is acknowledged that the raised terrace would allow increased overlooking of the garden of no.6. However given the existing relationship and limited projection of the raised terrace at 1.2 metres combined with its position off the shared boundary, the impact is not considered to be significantly detrimental.

For the reasons set out above, it is considered that the proposal is acceptable in respect on residential amenity and against LP24 (b) and (c).

Impact on highway safety:

The proposal will be accommodating an additional bedroom, taking the total to 4 and the impact of the additional bedroom on highway safety has been assessed. Comments made by the public in relation to highway safety raising concerns regarding lack of parking and impact on Fulford Avenue have also been considered.

Whilst the officer was on site, it was noted that the host dwelling benefited from a long drive which appears to be able to accommodate up to 3 vehicles. As such the application site would be able to accommodate sufficient parking and wouldn't have to park on the street. Therefore, the proposal accords with LP21 and LP22 of the Kirklees Local Plan.

Other Matters:

Biodiversity – the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been received from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. The existing roof is well sealed with no gaps or cervices. 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.

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: 2019/92921

Officer Recommendation: Full Conditional Approval

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 Policy LP24 of the Kirklees Local Plan.

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.

4. Before the hereby approved terrace is first brought into use, a 1.5m high close boarded timber screen fence shall be erected along the northern side elevation of the terrace, the screen fence shall thereafter be retained.
Reason: To protect the privacy of the neighbouring properties and to accord with LP24 of the Kirklees Local Plan and the residential amenity of the area.

NOTE: The granting of planning permission does not override any private ownership rights or legal covenants that apply to the land forming part of this planning application.

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. Whilst the officer was on site, the dwelling appeared well sealed along the eaves.

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	HD-M-405	1	06/09/19
Existing Grouped Plans & Elevations	HD-M-405-001	1	06/09/19
Proposed Grouped Plans & Elevations	HD-A-405-001	2	06/09/19

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 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 received set back the first floor of the extension and to reduce to width of the balcony.

Report Dated: 17/10/19