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:	2019/62/93012/W
Site Address:	20, The Fairway, Fixby, Huddersfield, HD2 2HU
Description:	Demolition of existing front porch and conversion of garage area to living accommodation
Recommending Officer:	Danielle Cooper

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: 18-Oct-2019

4Officer Report

Site Description

20, The Fairway, Fixby, Huddersfield is a two-storey detached dwelling, constructed from stone with a slate gabled roof. The dwelling benefits from amenity space to rear and front. The side also benefits from driveway in front of the existing garage which can accommodate 2 vehicles. The site is located in a cul-de-sac 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 demolition of the front porch and conversion of the garage to living accommodation. This will accommodate a study, utility and cloakroom.

This will form a new entrance porch which will be constructed from stone also to be rendered and include cedar cladding with a slated tiled gabled roof.

Part of the side elevation as shown on the proposed plans will be rendered with a window on the first floor side elevation to be inserted.

Aluminium Black windows will be inserted to the front and side elevations of the dwelling, along with a Timber door.

History of negotiations/amendments received

None required.

Relevant Planning History

2012/91462 – Erection of single and two storey extensions – Approved

Representations

The application was publicised by site notice and neighbour notification letter

Final publicity date Expires: 16/10/19

No representations were received.

Consultation Responses

No consultation responses received

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 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’.

There will be some impact on the visual amenity of the area due to the location of the development being an entrance area and visible from the highway and within the street. Within the immediate and surrounding area all dwellings are of a similar character and style with stone walls and a slate gabled roof. As the proposed materials would be render with cedar cladding,

these materials will not match those currently used in the host dwelling nor are they prevalent within the surrounding area. However, although these materials are not common within the area, the proposal would add a contemporary design element using less traditional materials to the host dwelling and as such can be considered as a positive design feature. In addition, as the dwelling is detached and set back slightly within the cul-de-sac it has been considered that the dwelling would have no significant impact on the wider character of the street or neighbouring dwellings. As such in this instance the proposed materials of render and cedar cladding would be acceptable and allow a contemporary design to the dwelling.

The proposed entrance porch gabled roof would harmonise with the existing gabled roof on the host dwelling, showing that the proposal would cohere with the dwelling. This ensures that the visual amenity of the area is protected and the design of the proposal would be in keeping with the host dwelling and the surrounding area.

In regards to the proposed render of the side elevation of the dwelling, as previously mentioned in the above paragraph although this is not a common feature within the street scene, as the side elevation would be largely un seen within the street scene it has been assessed that this material consideration would not lead to the detriment of the surrounding area and would also match the proposed entrance to the front of the dwelling. As such this element would be acceptable.

The insertion of a window to the side elevation would be largely un-seen within the street scene. As such the proposed materials of the window will match those of the existing and have therefore been deemed acceptable. The proposed windows on the front elevation of the dwelling would be black aluminium along with a timber double door. These principle materials have been considered to not cause any detriment to the visual amenity within the street scene and are therefore deemed acceptable in this instance adding a modern element to the application site.

In summary, the proposal would be of a satisfactory design quality for the reasons set out above and would contribute to 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’.

No. 18, The Fairway is the neighbouring dwelling to the South of the host dwelling. There will be some impact on the residential amenity of this dwelling from the proposals. As the proposals are mainly fenestration alterations to the

host dwelling, it has been considered that there will be no detrimental harm in regards to overbearing and overshadowing caused by the proposal. However, the proposed window on the side elevation of the host dwelling will have some impact on no. 18. The proposed window will cause some overlooking given the orientation of the two dwellings. As the proposed window would look onto the side elevation of the neighbouring dwelling which does not have any openings and it would be a fairly small window, it has been considered that the impact would not cause any adverse harm to the neighbour's loss of privacy. On balance, it has been considered that the impact on no. 18's residential amenity will not be detrimental.

In regards to the neighbouring dwellings within the cul-de-sac, no. 16, 22 & 24. The creation of a new entrance hall by converting the garage would only result in the alteration to the fenestration of the front elevation. The proposed new openings to the new entrance would not cause any further harm than the existing openings and therefore would not impact on neighbour's amenity. As such it has been considered that there will no detrimental harm to the residential amenities of these dwellings due to the separation distance as well as the orientation of the host dwelling and the other neighbouring dwellings. On balance there will be no adverse harm caused by the proposal on these neighbours amenity.

For the reason's 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:

As the proposal would result in the loss of a parking space due to the conversion of the garage, the impact on highway safety and the provision of parking has been assessed. As the proposal would not be increasing the number of bedrooms on the site, it has been considered that the hardstanding space to the front of the existing garage would be sufficient to accommodate 2 vehicles and provide acceptable on-site parking spaces. As such it has been assessed that the proposal would comply 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: 2019/93012

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.

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
Existing Plans & Elevations	19 818 100	1	16.09.19
Proposed Plans & Elevations	19 818 101	1	16.09.19
Proposed Site & Location Plan	19 818 102	1	16.09.19

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. No amendments have been sought as it was considered that the application was acceptable in its submitted format.

Report Dated: 17/10/19