

**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: 2019/62/93705/E

Site Address: 14, Vernon Road, Heckmondwike, WF16 9LU

Description: Erection of single and two storey rear extension
(modified proposal)

Recommending Officer: Olivia Roberts

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.

Julia Steadman

AUTHORISED OFFICER

Date: 05-Feb-2020

Officer Report

Site Description

14 Vernon Road is a two storey semi-detached property in Heckmondwike. It is constructed in natural stone to the front elevation and brick to the side and rear. The property benefits from an existing single storey extension and an outbuilding to the rear. The dwelling is set back from the access road with a small area of hard standing to the front and a larger garden area to the rear.

The site is located in a predominantly residential area which comprises properties of similar character, style and materials of construction.

Description of Proposal

The application is a modified proposal for application reference 2018/93968 for the erection of a single and two storey rear extension. Amendments have been made to the scheme which is being assessed based on the following:

The modified proposal seeks minor reductions to the scale and fenestration of the proposed extensions and changes the roof form of the single storey element. The dimensions of the extensions are as follows:

Two Storey Rear Extension

- 3.00 metre projection from the rear elevation of the property
- 4.50 metres in width
- 6.50 metres to eaves; 8.00 metres maximum height
- Single opening on the rear elevation

Single Storey Rear Extension

- 6.00 metre projection from the rear elevation of the property
- 5.60 metres in width
- Gable roof form 3.00 metres to eaves; 4.10 metres maximum height
- Finished in concrete roof tiles with roof lights

The existing outbuilding would be demolished as part of the proposal.

History of negotiations/amendments received

Amended plans were sought to reduce the overall height of the single storey rear extension. The agent provided amended plans introducing a gable roof form to reduce the height of the extension along the boundary shared with the adjoining property. The amended plans are considered, on balance, to address concerns regarding the impact on the residential amenity of the neighbouring property.

Due to the nature of the amended plans which alter the roof form of the single storey element, reducing the height along the boundary shared with the adjoining property, it was not considered necessary for them to be advertised in this instance.

Relevant Planning History

2018/93968 – Erection of single and two storey rear extension. Granted Conditional Full Permission.

2018/93462 – Prior notification for single storey rear extension of 6m projection. Prior Approval Not Required.

Representations

The application was advertised by site notice and neighbour letter(s). Due to the location of a Public Right of Way to the rear of the site, the application was also advertised in the press. Final publicity expired on 2nd January 2020.

As a result of the above publicity, two representations has been received. The following concerns were raised:

- The two storey element will block light into my house and garden. Our bedroom window will look onto a brick wall.
- Personal circumstances require me to spend a large amount of time within the rooms that will be effected.
- Would it be possible for someone to visit the site to assess the impact on the neighbouring properties? The plans do not show our property and its relationship with the proposed development.

Officer comments will be made in Section 6 of this report.

Parish/Town Council comments: not applicable.

Consultation Responses

No consultations were considered necessary during the course of the application.

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).

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highway safety
- LP 22 – Parking
- LP 23 – Core walking and cycling networks
- 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, and 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 2 – Achieving sustainable development
- 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
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

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. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

These issues along with other policy considerations will be addressed below.

Furthermore, the previous application for the prior notification for a single storey extension (2018/93462) is considered as a material consideration and will be assessed below. It is considered to establish the principle of having a single storey extension with a 6.00 metre projection at the site. In addition, application 2018/93968 also granted planning permission for the extent of extension being proposed under this application; the differences shall be referred to in the main assessment below.

2 –Impact on visual amenity:

The proposed extension differs from the approved application 2018/93968 by virtue of the roof form proposed for the single storey element. Alterations to the fenestration of the extension are also proposed from those previously approved.

The single storey rear extension would be designed with a gable roof form which would be offset from the gable roof form at first floor level due to the differing width of the extensions. The gable roof form would also introduce additional bulk to the extension. Whilst the change in roof form would have some impact on the appearance of the rear elevation of the property, it is not considered, on balance, that it would be significantly harmful in terms of visual amenity. The extensions would not be visible from the street scene which would limit the impact that the development would have on the character of the surrounding area. The modified openings proposed for the rear and side elevations of the extensions are considered to be in keeping with the character and design of the existing property.

The design of the first floor extension, with the exception of the modified openings on the rear elevation, would not differ from that previously approved.

As established under the previous application, it is considered that the proposal would remain subservient to the host property. Whilst the scheme would introduce a large amount of development to the site, the footprint of the extensions would be no greater than previously approved. As such, it is not considered that the proposal would amount to an overdevelopment of the site.

The proposal is considered acceptable from a visual amenity perspective in line with policy LP24 of the Kirklees Local Plan and the aims of chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

The first floor element of the extension has already been assessed in terms of the impact on residential amenity. Under the current application, the proximity of the extension to the boundary shared with the adjoining property would be reduced by 0.10 metres and the ridge height by 0.20 metres. It therefore not considered that the impact on the neighbouring properties would be greater than as previously approved.

The ground floor element of the extension would be of an equal projection and a slightly reduced width to that approved under the previous application (2018/93968). The roof form would be altered to include a gable roof form

which would have an eaves height of 3.00 metres and a maximum height of 4.10 metres. Whilst the maximum height of the extension would be increased by 0.30 metres, it is noted that the gable roof form would move some of the bulk away from the boundary's shared with the neighbouring properties. As such, it is not considered that the potential overbearing or overshadowing impact would be significantly greater than previously approved. No openings are proposed for the side elevations of the extensions which would prevent overlooking. In line with the previous approval, it is considered acceptable to condition that no openings shall be erected in the south western side elevation of the single storey extension. It is considered that existing boundary treatment is sufficient should any new openings be erected to the north east. The restrictions of the General Permitted Development Order (GDPO) would prevent overlooking from any future openings which may be inserted at first floor level in the side elevations of the extension.

On balance, it is not considered that the modified proposal would have a significantly greater impact on the amenity of the occupants of the neighbouring property than as previously approved. It is not considered that the proposed roof lights would impact on the amenity of the properties.

The window proposed for the side elevation of the original dwelling was approved under the previous application (2018/93968).

Due to the location of the extensions to the rear, it is not considered that the proposal would impact on the amenity of the properties which are located to the front of the site on the opposite side of Vernon Road.

Having considered the above factors, the proposal is not considered, on balance, to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan and Paragraph 127 (f) of the National Planning Policy Framework.

4 – Impact on highway safety:

The proposal would introduce a fourth bedroom to the property as assessed under the previously approved application (2018/93968). Whilst the property does not currently benefit from off-street parking, it is considered that there is sufficient on-street parking to the front of the site. The proposal has as such been considered on balance acceptable in regards to highway safety and as a result, complies with policies LP21 and LP22 of the Kirklees Local Plan.

5 – Other matters:

Permitted Development

The applicant is able to construct a larger homes extension under permitted development. The projection of the proposed extensions is therefore considered to be, on balance acceptable, as the principle of development has been established. Whilst the single storey element is proposed to have a maximum height of 4.10 metres, which is limited to 4.00 metres under permitted development, it is not considered that the additional 0.10 metres would have a significantly greater impact on the amenity of the neighbouring properties, and as such, is considered to be acceptable in this instance.

Biodiversity

The site is located within a bat alert layer. Following a site visit, the building appeared to be well sealed and there was no evidence of bat roosts or bat roost potential. As a precautionary measure, a footnote has been added to the decision notice to provide the applicant with advice should bats or evidence of bats be found during construction. This would accord with the aims of chapter 15 of the NPPF and policy LP30 of the KLP.

Public Right of Way

Public Right of Way footpath HEC/12/10 runs to the rear of the site. The impact on of the development on the amenity of users of the footpath was assessed under the previous approval (2018/93968) and was considered acceptable. It is not considered that the change in roof form of the single storey extension would increase this impact and it is noted that the extensions would project any closer to the footpath than approved. As such, the application is considered to comply with the aims of policy LP23 of the Local Plan.

Carbon Budget

The proposal is a small scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

6 – Representations:

As a result of the above publicity, two representations has been received. The following concerns were raised:

- The two storey element will block light into my house and garden. Our bedroom window will look onto a brick wall.

Officer Response: The impact of the development on neighbouring properties has been addressed above. However, it is important to note that the first floor element was assessed and approved under the previous application (2018/93968). Other than minor reductions to the width and height of this element as well a change in the fenestration to the rear, no other amendments have been made to this element.

- Personal circumstances require me to spend a large amount of time within the rooms that will be effected.

Officer Response: Medical issues are not a material planning consideration that can be taken into account as part of this application. Notwithstanding this, it is noted that the first floor element has been assessed under the previous application (2018/93968). The impact on neighbouring properties as a result of the amended ground floor element has been addressed within this report.

- Would it be possible for someone to visit the site to assess the impact on the neighbouring properties? The plans do not show our property and its relationship with the proposed development.

Officer Response: The application property was visited during the course of the application. The impact of the development on the neighbouring properties has been addressed within this report. The first floor element of the proposal and a single storey element of a reduced height was also assessed under the previous approval (2018/93968).

The comments received as a result of the statutory publicity have been carefully considered. However, as set out throughout the main assessment, this is a modified proposal to a previously approved scheme which has previously established the extent of extension proposed. This proposal relates to the changes in the overall design and, when assessed in relation to relevant material planning considerations, is considered acceptable following receipt of the amended plans (and subject to conditions) for the reasons set out in 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: 2019/93705

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

3. The external walls of the extensions 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. The roof forms of the extensions hereby approved shall be finished in slate roof tiles and concrete roof tiles in accordance with the submitted plans.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.

5. 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 doors, windows or any other openings, other than those expressly permitted by this development, shall be created in the south western side elevation of the extensions hereby approved.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with 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.

NOTE: Public Right of Way HEC/12/10 runs adjacent to the application site.

This Public Right of Way shall not be interfered with or obstructed at any time before, during or after the construction period. For further information, please contact publicrightsofway@kirklees.gov.uk.

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 the works may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	IM/01		15/11/2019
Existing & Proposed Plans	IM/02	C	29/01/2020

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. During the course of the application, amendments were sought and received from the agent reducing the overall height of the single storey rear extension to address officer's concerns regarding the impact that the development could have on the residential amenity of the occupants of the adjoining property.

Report Dated: 04/02/2020