

**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: 2019/62/93771/E

Site Address: 39, Sunnyside Avenue, Roberttown, Liversedge,
WF15 7NW

Description: Demolition of existing garage, erection of extensions
and exterior alterations

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.

Rebecca Drake

AUTHORISED OFFICER

Date: 07-Feb-2020

Officer Report

Site Description

39 Sunnyside Avenue is a two storey semi-detached property in Liversedge. It is constructed in brick and render and is designed with a hipped roof form which is finished in concrete roof tiles. The dwelling benefits from a single storey extension to the rear and a detached garage which is located to the side. The dwelling is set back from the access road with a small garden and driveway to the front and a larger garden area and amenity space to the rear.

The site is located in a predominantly residential area which comprises properties of a similar character and style to the application site. Whilst there is some variation in the design of the properties with a number benefiting from previous extensions, the predominant materials of construction within the area are brick and render.

Description of Proposal

The application seeks planning permission for the demolition of the existing garage and the erection of extensions and exterior alterations.

Each element of the proposal is set out below:

Two Storey Side Extension –

The extension would project 4.10 metres from the side elevation of the property and would sit flush with the existing front and rear elevations. It would be designed with a hipped roof form which would form a continuation of the roof form of the property.

Single Storey Rear Extension –

The extension would project 3.00 metres from the rear elevation of the property and would sit flush with the side elevation the proposed side extension. It would be set in from the eastern side elevation by 0.20 metres. The extension would be designed with a lean-to roof form which would have an eaves height of 2.60 metres and a maximum height of 3.70 metres.

Single Storey Front Extension –

The single storey extension would project 1.50 metres from the front elevation of the property and would sit flush with the side elevation of the proposed side

extension. It would be set in from the eastern elevation by 2.80 metres. It would be designed with a lean-to roof form which would have an eaves height of 2.70 metres and a maximum height of 3.60 metres.

External Alterations –

A new first floor level opening is proposed on both the front and rear elevations of the existing property as part of the proposal.

History of negotiations/amendments received

Clarification was sought from the agent regarding the finish of the extensions. The agent confirmed that extension would be finished in brick to the side and rear. On the front elevation, the extension would be finished in brick at ground floor level and render at first floor level to match existing. The render would be off-white or cream. Amended plans were submitted by the agent to illustrate this.

Due to the nature of amendments, it was not considered necessary for them to be advertised in this instance.

Relevant Planning History

No relevant planning history at the site.

At 35 Sunnyside Avenue –

2006/94834 – Erection of two storey extension. Conditional Full Permission.

At 44 Sunnyside Avenue –

2014/93887 – Erection of side, rear and front extension. Conditional Full Permission.

At 48 Sunnyside Avenue –

2007/92803 – Erection of single and two storey extensions and re-siting of conservatory. Conditional Full Permission.

2007/93850 – Erection of single and two storey extensions and re-siting of conservatory (Modified Proposal). Conditional Full Permission.

Representations

The application was advertised by site notice and neighbour letter which expired on 24th December 2019.

As a result of the above publicity, no representations have been received.

Parish/Town Council comments: not applicable.

Consultation Responses

K.C. Highways Development Management (HDM) – Informal discussion during which no objections to the proposal were raised.

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.

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.

Kirklees Local Plan (LP):

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highways safety and access
- LP 22 – Parking
- 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

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.

2 –Impact on visual amenity:

The proposed extensions would represent a relatively large addition to the property. However, it is noted that they would replace an existing detached

garage and rear extension which would reduce some of the additional footprint that would be introduced as part of the proposal. Whilst the proposed side extension would occupy a prominent location on the side elevation of the property and would form a continuation of the existing roof form, it is not considered on balance, that the extension would appear overly dominant on the front elevation. It is noted that an extension of a similar scale and appearance has been approved and implemented at 35 Sunnyside Avenue (2006/94834). There are also other large scale extensions to the side elevations of a number of properties within the street scene. Taking this into account, it is considered that the principle of allowing this type of extension has already been established in this instance.

Both the existing dwelling and neighbouring properties are constructed using brick and render walls and concrete roof tiles. These materials would be replicated within the proposed extensions and would therefore be acceptable within the street scene.

The design of the extensions is acceptable and is considered to harmonise with the both the host dwelling and surrounding properties, with a number benefiting from previous extensions. The proposed front and rear extensions would be in keeping with the host property in terms of their design. The proposed front extension would be relatively small in scale and is not considered to look out of place on the front elevation of the dwelling. It is noted that a number of properties also benefit from extensions to the front elevation. The side extension would be designed with a hipped roof form which would match that on the host property. The application property is set forward of the adjacent property and at a slightly lower level. Taking this into consideration, along with the fact that adjacent property, which has previously been extended to the side, is set in from the boundary, it is not considered that a terracing effect would be created as a result of the development.

Having taken the above into account, the proposed extension would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying 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:

Impact on 41 Sunnyside Avenue

The proposed side and rear extensions would run along the boundary shared with the neighbouring property which benefits from a single high level opening on the side elevation at ground floor level. Whilst this, along with the fact that the rear extension would sit in line with the rear elevation of the property,

would limit the impact on the residential amenity of the property, it is noted that the side and front extensions would project beyond the front elevation of the property by 4.80 metres at ground floor level and 3.30 metres at first floor. The development therefore has the potential to have an overbearing and overshadowing impact on the front of the property which benefits from habitable room openings. Whilst the extensions would project beyond the front elevation of the property, it is noted that approximately 2.75 metres would be retained between the extensions and the property. Taking this into consideration, along with the fact that the application site is set at a slightly lower level to the property, on balance, it is not considered that this impact would be significantly detrimental. Given the orientation of the properties, it is not considered that overshadowing impacts would be significant. Whilst no openings are proposed for the side elevation of the extensions at ground floor level, it is considered that existing boundary treatment would be sufficient to prevent harmful overlooking should any be installed in this elevation in the future.

Impact on 37 Sunnyside Avenue

The proposed single storey extension would project 3.00 metres along the boundary shared with the adjoining property. Whilst the property benefits from a conservatory style extension to the rear which includes openings in the side elevation, it is noted that the principle openings are located to rear. It is also noted that the extension would replace an existing addition to the property at a similar projection. Taking the above into consideration, it is not considered that this element of the proposal would have a significant overbearing or overshadowing impact. Whilst no openings are proposed for the side elevation of the extension, in the interest of residential amenity, it is considered appropriate to condition that no openings shall be erected in this side elevation in the future. Given the limited projection of the front extension, its proposed use and the fact that it would be set in from the shared boundary by 2.80 metres, it is not considered that this element of the proposal would have an impact on the residential amenity of the occupiers of the property.

Impact on 44 Sunnyside Avenue

Given the limited projection of the proposed front extension and the distance that would be retained between the property, the proposed side extension and the new opening proposed for the front elevation, it is not considered that the proposal would have a significant impact on the residential amenity of the property.

Impact on 68 & 70 Lumb Lane

Given the distance that would be retained between the proposed rear extension, the new opening proposed for the rear elevation of the dwelling and the two properties located to the rear of the site, it is not considered that the proposal would have a significant impact in terms of residential amenity.

Having considered the above factors, the proposal is not considered 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 an additional bedroom to the property which would result in some intensification in the domestic use of the dwelling. The proposal would also result in the loss of the existing detached garage. It is noted that the proposal would include an integral garage. Sufficient space would also be retained to allow for the provision of an off-street parking space on the existing driveway. K.C. Highways Development Management (HDM) have been informally consulted and consider that there would be sufficient parking provision to serve the dwelling following development. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan.

5 – Other matters:

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:

No representations have been received during the course of the application.

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: 2019/93771

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 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 and the aims of Chapter 12 of the National Planning Policy Framework.

4. The external walls of the extension hereby approved shall be finished in brick and render as shown on the submitted plans. The render shall be of an off-white or cream colour and shall be applied before the extension is first brought into use and thereafter retained.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.

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 (apart from any expressly allowed by this permission) shall be created in the eastern side elevation of the single storey rear extension hereby approved.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

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			18/11/2019
Block Plan			18/11/2019
Existing Plans & Elevations	19/C/12		18/11/2019
Proposed Plans & Elevations (as amended)	19/C/12		24/01/2020

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.

Amended plans were received from the agent showing the materials of construction of the proposed extensions.

Report Dated: 05/02/2020