

**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: 2019/62/93850/W

Site Address: 9, Stainecross Avenue, Crosland Moor, Huddersfield,
HD4 5HZ

Description: Erection of single storey rear extension, porch to front,
alterations to roof to form dormer windows to front
and rear and external alterations

Recommending Officer: William Simcock

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: 20-Jan-2020

Officer Report

Site Description

9 Stainecross Avenue is a detached bungalow, built in brick and tile. It has not been previously extended except by a small conservatory at the rear. The front elevation faces north and there is a driveway at the east side of the property giving highway access. It has front and rear gardens. The site is near level but there is a general upward gradient towards the west along the street, which consists mainly of detached bungalows but which incorporate a range of styles and materials. To the rear, where the land is a little lower, there are more modern bungalows.

Description of Proposal

The proposal is for:

1. The erection of a first-floor and roof extension, which is to raise the roof ridge by approximately 750mm and increase the rear eaves by 1.6m whilst keeping the eaves height the same at the front. A small pitched-roof dormer is to be formed at the front and two small gables at the rear to provide bedrooms.
2. The erection of a single-storey rear extension, aligned towards the eastern side wall, projecting 5m and with a width of 3.7m, to provide a kitchen.
3. The erection of a front porch, projecting 2.3m overall, of which the outermost 1m is to be an open canopy, also with a pitched roof.

The application form states that the materials are to be brick and render, but the architect has clarified in an email that the exterior of the existing building and extension both be faced in smooth render and painted once it is externally complete.

History of negotiations/amendments received

None.

Relevant Planning History

None

Representations

Final publicity date Expires: 02-Dec-2019

One representation received. Summary of concerns raised:

1. Impact on privacy from dormer windows;
2. The upper floor addition would be out of character with neighbouring properties.

Consultation Responses

No consultations were deemed necessary.

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 designation on the Kirklees Local Plan.

The development is not considered to raise access or other Equality Act considerations.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **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, 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 (including any heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Representations

7) Conclusion

1 – Principle of development: The site is without designation in the Local Plan. Of particular relevance is Policy LP24(c) which requires that extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials, and details and minimise impact on residential amenity of future and neighbouring occupiers. Any implications for highway safety will also be considered as required by Policies LP21-22.

2 –Impact on visual amenity: The development would result in only a modest increase in the roof ridge height and no increase in the wall height on the street elevation. It would be seen in close proximity to no. 11, which is set higher, and is separated from the lower property, no. 7, by a driveway each side of the boundary. Given the relationship with neighbouring properties and the lack of uniformity of house design along the street, it is considered that the proposed first-floor extension would be in harmony with its surroundings. There are few, if any, examples of front dormers on this street, but the proposed dormer would be relatively small and subordinate to the main roof, and it is therefore considered an appropriate feature.

The proposed rear extension would be of simple design with a double-pitched roof, and it is considered that the overall footprint and bulk of the extensions proposed would not amount to overdevelopment of the plot. The proposed porch would not extend very far beyond the outermost front wall and is, again, judged to be an appropriate addition in terms of scale and design.

A number of rendered dwellings can be seen close to the site (either pebble-dashed or smooth and painted) and the rendering of the dwelling would therefore not detract from visual amenity provided that the whole property is rendered to give a uniform appearance (which can be conditioned). This option might be preferable to using a non-matching brick. It can be conditioned that the rendering is either a light brown or off-white. The dormer materials are unspecified on the form. It is considered that either tiles or dark coloured cladding as suggested by the architect in email correspondence (timber or synthetic) would be appropriate. A condition can be added to control this.

In conclusion, the development thus conditioned would respect the character of the area and street scene and would thereby accord with the aims of LP24(a&c).

3 – Impact on residential amenity: The kitchen extension is larger than average for a domestic rear extension, but it is noted that it would be separated from the eastern neighbouring dwelling (no. 7) by the width of two driveways, and there is a detached garage adjoining the boundary on no. 7's side. It is therefore considered that it would have negligible impact upon this property's outlook or living conditions. Owing to the distance from the

respective boundaries to the west and south, it is considered that impact on these properties, including from windows, would also be minimal.

It is considered that the raising of the eaves and ridge height would not be perceived as overbearing to neighbouring dwellings. However, any potential impact on privacy arising from new first floor windows, especially to the dwelling bordering the site at the rear (6 Dryclough Avenue) must be given due consideration.

There is a potential fall-back position under permitted development rights. Maximum headroom within the attic appears to be roughly 2.5m, so there appears to be no reason a useable bedroom could not be formed by building a flat-roofed dormer out to the rear while keeping the ridge height the same. This would potentially be within permitted development limits (which the submitted scheme would not be) and would be similar in terms of any potential for overlooking. The proper weight to be placed on a potential permitted development fall-back position depends on a number of factors, in particular whether the fall-back position is proven by a Certificate of Lawful Development having been obtained, and the likelihood of it actually being implemented. In the absence of a Certificate of Lawful Development it is considered that only limited weight should be placed on this factor.

The distance from the rear wall of the existing house to the rear boundary has been measured at 12.8m on the Kirklees mapping system (the applicant's site plan shows it at 13.5m, but the Kirklees map should be treated as being more accurate). It is noted that the area is characterised by single-storey dwellings – both the existing property and its immediate side neighbours are bungalows, as are most properties on Dryclough Avenue. It is noted that Stainecross Avenue is somewhat elevated compared to Dryclough Avenue and that the formation of first-floor windows would, arguably, allow a greater degree of mutual overlooking than occurs at present. However, the new bedroom windows would not face directly towards no. 6's rear windows but only one corner of their rear garden. Giving due weight to the relationship between the two properties, with the rear elevations thus offset from each other, and to the overall distance between the new windows and the rear boundary, it is considered on balance that the extension would not give rise to any significant loss of amenity arising from increased overlooking. Assessing the scheme on its own merits it is deemed acceptable.

Again, the separation distances between dwellings facing each other across the street is considered sufficient to avoid any loss of privacy arising from the front dormer.

Summing up, it is considered that taking all relevant factors into account, the proposed development would avoid causing any significant loss of amenity to neighbouring properties by reason of overbearing impact, loss of privacy, or other factors. It would thereby accord with the aims of LP24 (b&c).

4 – Impact on highway safety: The proposed development would not interfere with existing parking or access arrangements and is considered not to raise any highway safety implications.

5 – Other matters: The site is not within the bat alert layer. It is considered that the development has no biodiversity implications.

6 – Representations: Concerns relating to visual and residential amenity have been examined in the main part of the Assessment but are highlighted here together with officer responses.

1. Impact on privacy from dormer windows;

Response: It is acknowledged that if the extension were built, the degree of perceived overlooking to the rear could be greater than exists at present. But it is considered on balance, for the reasons set out in section (3) above, that the degree of overlooking would not be such as to cause a significant impact on amenity, and it would not be possible to justify a refusal of permission on this basis.

2. The upper floor addition would be out of character with neighbouring properties.

Response: As noted in section (2) of the Assessment, there is a lack of uniformity in house design on Stainecross Avenue and there are some two-storey houses, and so it is considered it would not be out of keeping with the area.

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: 2019/93850

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 Policy LP24 of the Kirklees Local Plan.

3. The external walls of the extensions, and those of the existing building, shall have a coat of cement render applied, which shall either be through-coloured or painted (off-white or a light brown colour to match the stonework on buildings in the vicinity of the site) before any part of the development is first brought into use. Roofing materials shall be flat profile tiles or blue slates.

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

4. The face and cheeks of the new front-facing dormer shall be clad in either flat tiles or using timber or synthetic cladding which shall be a dark brown or dark grey colour.

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

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			28-Nov-2019
Location plan	1945.1		28-Nov-2019
Existing ground floor plan	1945.2		28-Nov-2019
Proposed ground floor plan	1945.3		28-Nov-2019
Proposed first-floor plan	1945.4		28-Nov-2019
Existing front and rear elevation	1945.5		28-Nov-2019
Existing side elevations	1945.6		28-Nov-2019
Proposed front and rear elevations	1945.7		28-Nov-2019
Proposed side elevations	1945.8		28-Nov-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. The case officer requested clarification on materials but did not request amended plans as these were not considered necessary.

Report Dated: 20-Jan-2020