

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: 2020/62/90003/W

Site Address: 29, Malvern Road, Primrose Hill, Huddersfield, HD4 6DA

Description: Erection of two storey side and single storey rear extensions and dormer window to rear. Formation of parking spaces with retaining wall and creation of bin store

Recommending Officer: Ellie Worth

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: 20-Feb-2020

Officer report

Site description

29 Malvern Road, Primrose Hill is a two storey end terrace property constructed from stone at ground floor and render at first floor. The property benefits from a grassed area to the front and private amenity space to the rear. Pedestrian access can be taken for the front boundary at the application site onto Malvern Road. At the time in which the site visit was undertaken there was no evidence of onsite parking. To the front boundary treatment consists of stone walling alongside, stone walling, fencing and shrubs to the rear.

The site and the wider area is dominated by residential buildings, most of which are similar in design and form. Land levels also fall within the wider area from South East to North West.

Description of development

The applicant is seeking permission for a two storey side and single storey rear extension, rear dormer window and formation of parking spaces with retaining wall and bin store to the front. The measurements of the proposal are as follows:

Two storey side extension:

- 2.9m in projection beyond the south western facing side elevation
- 6.4m in length
- 5.4m in height to the eaves; 7.7m in maximum height

Single storey rear extension:

- 3.3 – 3.6m in projection from the rear elevations of the original dwelling and the two storey side extension
- 7.1m in width
- 3m in height

Rear dormer:

- 2.1m in height
- 4.4m in width
- 3.2m in depth

The two storey side extension will be constructed from stone and render to the front elevation and brick and render to the side and rear elevations. The rear extension will also be constructed from brick. Internally the extensions and rear dormer will provide additional living accommodation.

To the front of the property, the block plan shows the proposed onsite parking alongside the bin collection point.

History of negotiations/amendments received

No negotiations or amendments have been sought during the course of this application.

Relevant Planning History

At the application site

2020/90002 HHPD extension – Permitted Development

2019/91627 Erection of two storey side, single storey rear extensions and dormer window to rear – Granted

Representations

The application was advertised by site notice and neighbour notification letters.

Final publicity expires: 15th February 2020

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

Consultation responses

None 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 unallocated on the Kirklees Local Plan.

Kirklees Local Plan:

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP21 – Highway safety
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity

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 design places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Protecting 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 highways
5. Other matters
6. Representations
7. Conclusions

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. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case, the principle development on the application site is acceptable and shall be assessed against other material planning considerations below.

The previously approved application (2019/91627) for the Erection of a two storey side and single storey rear extensions and dormer window to rear is also a material consideration in which establishes the principle of having the above development at the application site.

2. Impact on visual amenity

It has been considered that the proposed extensions would appear subservient to the host property, as the two storey side extension would be set down and set back from the host property. The single storey rear extension would also adjoin the rear elevations of the host property and the two storey side extension and would have a maximum projection of 3.6m. With regards to the rear dormer, this would be slightly set down from the ridge roof line and up from the eaves. As such, it would still be possible to rear the original dwelling in which would still sit comfortably within its curtilage. Whilst it has been noted that there would be additional amenity space developed under this proposal, it would not result in the overdevelopment of the site as the host property benefits from an adequate amount of amenity space to the front and rear.

Two storey side extension

The design of the side extension has been considered acceptable in terms of visual amenity as the extension would follow the simple form of the original dwelling. The extension will also be constructed from stone and render to the front elevation and brick and render to the side and rear elevations to match the host property.

In terms of fenestration, this will also be of a similar appearance to those that exist on the host property and therefore can be supported.

Whilst the extension would extend beyond the south western facing side elevation at the host property, it would not result in an undesirable terracing effect, given the fact that the extension will be set down from the host property. There is also no immediate property to the south west of the application site and therefore, for these reasons the proposal is considered to comply with LP24 of the KLP.

Single storey rear extension

The design of the rear extension is also considered acceptable in terms of visual amenity as the construction materials would match those that exist on the host property.

In terms of its size and scale, it has been noted that this permission would intensify development to the rear of the property, more so than the previously approved application. This is due to the fact that the applicant is seeking permission for the extension to adjoin the rear elevation of the two storey side extension as well as the host property. However, no concern has been raised from a visual perspective, as the development will benefit from a flat roof in order to reduce the overall bulk and massing.

In terms of fenestration, the submitted plans show a large opening to be inserted into the rear elevation of extension. Whilst the location of this is somewhat unbalanced, it has been considered that any visual impact would not be significant. More importantly, the opening will provide additional natural light, alongside flexible space for its users. A lantern will also be inserted into the roof, as well as a high levelled window within the South western facing elevation to add natural light to the space.

The maximum projection of the rear extension would be 3.3m from the original rear elevation and 3.6m from the South Eastern facing elevation of the two storey side extension given the fact of slight staggered arrangement. Whilst this would result in additional amenity space being developed, it has been noted that the applicant has permission for a 6m rear extension in which could be constructed under permitted development along the original rear elevation of the dwellinghouse. Therefore, given that the fall-back position is considered to have a greater impact on amenity, any impact can be supported.

Rear dormer

It has been assessed that the rear dormer would be large in terms of scale and the design is clearly based on function rather than form. However, in this instance it has been noted that the applicant could construct a dormer of a similar size under permitted development. Alongside this, the dormer would be located on the rear roof slope and therefore would not appear as an obtrusive feature within the street scene.

The materials of the proposed dormer have not been specified as part of this proposal. Therefore, in order for this application to be consistent with the previous scheme a condition shall be attached to the decision notice which states that the dormer should be constructed from vertically hung tiles or dark grey timber cladding in order to ensure visual amenity is protected.

Formation of parking area and bin collection

In terms of the proposed parking area, this element will remain the same as previous application. This includes sufficient space for 2 parked vehicles to the front of the property. Given that the application site is set at a significant higher level than the road side this would require engineering works and a retaining wall in order to form the proposed parking spaces. This arrangement is typical when forming parking areas on sloping sites and is considered to have a satisfactory impact on visual amenity, as the principle of having a parking area and bin storage to the front of the site has already been established under the previous application.

Conclusion on Amenity

Having taken the above into account, it has been assessed that the proposed development would not cause any significant harm to visual amenity of either the host dwelling or the wider street scene, complying with the aims of LP24 of the KLP and Chapter 12 of the NPPF.

3. Impact on residential amenity

The impact of the development on each of the surrounding properties will be assessed in turn.

27 Malvern Road is the adjoining residential property to the North East of the application site. It has been assessed that there be no further impact on these neighbours as part of this application as the two storey side extension would be located at the opposite side of the host property.

With regards to the single storey rear extension, the maximum projection of the extension from the original rear elevation would be 3.3m as previously approved. From undertaking the site visit it was evident that there still remains sufficient boundary treatment, which is anticipated to be retained as part of this application. However, if it is to be lost, officers are satisfied that there would be no significant impact to these neighbours amenity to that which is experienced by the existing high hedge. For these reasons, any impact on overbearing and overshadowing has been considered acceptable.

The submitted plans also show no additional openings to be inserted into the north eastern facing side elevation of the rear extension which will mitigate against any undue harm on overlooking. Nonetheless, if future openings were to be inserted within this elevation, it has been considered that the existing change in levels and boundary treatment would alleviate against any material harm.

As previously outlined, the proposed dormer is also unlikely to have any significant impact on the amenity of these neighbours, as it will be slightly set up within the rear roof plane. For these reasons, any impact on overbearing and overshadowing can be submitted. There would also be no undue overlooking, as the windows proposed within the face on the dormer would look onto the amenity space of the application site. All in all, the harm to these neighbours amenity can be supported.

32 Malvern Road is the neighbouring property to the north west of the application site. It has been considered that there would be no further impact on these neighbours amenity as part of this modified proposal, as the changes proposed are to the rear of the application site. As such, any impact on overbearing, overlooking and overshadowing from the two storey side extension can be supported given the significant separation distances between these neighbours.

To the South of the application site is Primrose Hill Bowling Green, whilst the dwelling would be brought closer to the bowling green it is not considered that it would adversely impact on its operation.

In summary the application is considered to have an acceptable impact on residential amenity and therefore complies with LP24 of the KLP from this perspective.

4. Impact on highway safety

It has been considered that the modified proposal will not have any further adverse impacts on highways safety as a parking area will retain onsite parking for two parked cars.

Nonetheless, in order to ensure the driveway has been appropriately surfaced, a condition shall be attached to the decision notice setting out that it shall be drained and surfaced in accordance with the standard guidance to ensure the additional hard surface does not result in an increase in surface water run-off and flood risk. This would accord with Policies LP28 and LP34 of the Local Plan.

For these reasons, it has been considered that the proposal would have an acceptable impact on highways safety and flood management and therefore is considered to accord with LP21, LP22 of the Kirklees Local Plan.

5. Other matters

Bats

All of the application site lies within the bat alert layer on the Council's GIS system. As such, careful attention was paid when undertaking the site visit to look to evidence of bat roost potential. In this instance, the property appeared well-sealed around the eaves and roof area and it was judged unlikely to contain roosting bats. Even so, as a cautionary measure, a note will be added to the decision notice stating that if bats are found development shall cease and the advice of a licenced bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

Climate change

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 predates 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.

In this case, a condition will be attached to the decision notice in order to ensure that the extended driveway is appropriately surfaced and drained to ensure that the additional hardstanding does not result in surface water run-off and flood risk. Furthermore the extensions to the property would be constructed to modern building regulations which would aid in improving the overall thermal efficacy of the property.

6. Representations

No representations have been received as a result of the above publicity.

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 materials considerations. It is considered that the development would constitute to sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2020/90003

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 LP1, LP2, LP21, LP22 LP24 and LP30 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external walling forming the front elevation of the two storey side extension hereby approved shall be faced in stone at ground floor and render at first floor which in all respects matches those used in the construction of the existing building, in accordance with the details outlined within the application form.

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

4. The external walls forming the side and rear elevations of the two storey extension hereby approved shall be faced in brick at ground floor and render at first floor which in all respects matches those used in the construction of the existing building, in accordance with the details outlined within the application form.

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

5. The roofing materials of the two storey extension hereby approved shall in all respects match those used in the construction of the existing building, in accordance with the details outlined within the application form.

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

6. The external walls of the single storey rear extension hereby approved shall in all respects match those used in the construction of the existing building, in accordance with the details shown on the approved plan.

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

7. The face and checks of the dormer hereby approved shall be faced in vertically hung tiles which shall in all respects match those used in the construction of the existing building or dark grey cladding. The dormer shall thereafter be retained with this finish.

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

8. The extensions hereby approved shall not be brought into use until the proposed driveway as indicated on the approved 'Block Plan' has been constructed and shall be laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. 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) this shall be retained, free of obstructions and available for parking.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that the additional hardstanding area is appropriately drained to mitigate flood risk in accordance with Policies LP21, LP22, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

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 13.00 hours 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 work may be carried out

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. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: It has been noted that the applicant could constructed a 6m rear extension under permitted development. However, this cannot be built in conjunction with the hereby approved single storey rear extension.

Plans and specifications

Plan Type	Reference	Version	Date Received
Location plan	-	-	2nd January 2020
Existing floor plans and elevations and proposed ground floor plan	-	-	2 nd January 2020
Existing and proposed side elevations	-	-	2nd January 2020
Proposed elevations and proposed first and second floor plans	-	-	2nd January 2020
Proposed block plan	-	-	2nd January 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. In this instance, the application has been considered acceptable in its submitted form and therefore no amendments have been sought.

Report Dated: 20th February 2020