

**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: 2020/62/90133/E

Site Address: 1, Chapel Royd, Emley, Huddersfield, HD8 9GN

Description: Erection of extension to garage and front and rear dormer windows

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: 20-Mar-2020

Officer Report

Site Description

1 Chapel Royd is a two storey semi-detached dwelling in Emley. It is constructed in coursed natural stone and is designed with a gable roof form which is finished in blue slate roof tiles. An integral garage is located to the north west of the property which forms part of the original dwelling. An original dormer is also located to the rear. The property benefits from a single storey extension to the rear and an entrance porch to the front. The dwelling is set back from Church Street and accessed by a shared driveway. There is a driveway to the front and a garden to the rear.

The site is located in a predominantly residential area. Whilst the properties immediately adjacent to the site are of a similar character, the wider area comprises properties which vary in terms of their style and design. The predominant material of construction within the surrounding area is stone.

Description of Proposal

The application seeks planning permission for the erection of an extension to the existing garage and front and rear dormer windows. Amendments have been made to the scheme which is being assessed based on the following:

The proposed extension would project 3.20 metres from the front elevation of the existing garage/store and would have a width of 3.80 metres, sitting flush with the side elevation of the property. The extension would be designed with a catslide roof form which would have an eaves height of 2.50 metres and a maximum height of 4.20 metres to connect to the roof form of the existing garage. The extension would be finished in coursed natural stone and blue slate roof tiles to match existing.

The front and rear dormers would project 2.00 metres from the roof plane of the existing integral garage. They would have a width of 1.50 metres and would be designed with a gable roof form which would have an eaves height of 1.10 metres and a maximum height of 1.80 metres. The dormer extensions would be set in from the side elevation of the integral garage by 1.20 metres and the host property by 0.80 metres. They would be set down from the ridge of the integral garage by 0.20 metres. The front dormer would be set 0.10 metres above the catslide roof form of the proposed garage extension whilst the rear dormer would be set 0.90 metres above the eaves height of the existing integral garage.

The dormer extensions would be finished in lead cladding and blue slate roof tiles.

History of negotiations/amendments received

Officers raised concern with the agent regarding the relationship between the garage extension and the host property and suggested that this element be removed from the proposal. The agent submitted amended plans replacing the original gable roof form with a catslide roof form. The amended plans are considered to, on balance, address officers concerns.

Whilst the amended plans would result in a small increase in the maximum height of the garage extension, as a result of the introduction of a catslide roof form, it is considered that the overall impact on the adjacent properties would be reduced. As a result, and due to the nature of the amendments which replace the proposed roof form of the garage extension, it was not considered necessary to advertise the amended plans in this instance.

Relevant Planning History

2017/91164 – Demolition of existing conservatory and erection of single storey rear extension and front entrance porch. Conditional Full Permission.

2007/94467 – Erection of dwelling with addition of conservatory (modified proposal). Conditional Full Permission.

Representations

The application was advertised by site notice and neighbour letter which expired on 11 March 2020.

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

Denby Dale Parish Council comments: no objections.

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).

The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 22 – Parking
- LP 24 – Design
- LP 51 – Protection and improvement of local air quality
- LP 53 – Contaminated and unstable land

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 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate, flooding and coastal change
- 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.

2 –Impact on visual amenity:

The proposed extensions, as a result of their design and location on the property, would be subservient to the original dwelling which would remain the dominant feature following development. The proposed dormer extensions would be relatively small in scale and are considered to be sympathetic to the host property in terms of their design. The roof form of the dormers would be finished in blue slate to match existing. The walls would be finished in lead cladding which are considered to correspond with the roof form of the host property in terms of their colour. It is also noted that the property benefits from an original dormer to the rear which is finished in the same material. Taking the above into consideration, it is not considered that the dormer extensions would look out of place on the property.

The proposed garage extension would project from the front elevation of the existing integral garage. Whilst the extension is larger than what would usually be supported on the front elevation of a property, the extension is considered to be in keeping with the host dwelling in terms of its character and design. Taking this into consideration, along with the location of the property away from the access road and within a cluster of properties which vary in terms of their style and design, it is not considered, on balance, that the extension would have a significantly detrimental impact on the visual amenity of either the host dwelling or the adjacent properties.

Due to the location of the property within Chapel Royd, the proposed extensions would have limited visibility from the street scene and wider area. Taking this into consideration, it is not considered that the proposal would have a significant impact on the visual amenity of the surrounding area.

Whilst it is acknowledged that the dwelling currently benefits from a large extension to the rear, it is noted that amenity space would be retained to the rear of the property following development. As such, it is not considered that the proposal would amount to an overdevelopment of the site.

Having taken the above into account, it is not considered on balance, that the proposed extensions would cause 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 52 Church Street

Due to the orientation of application site in relation to 52 Church Street, the proposed garage extension would be located within close proximity to the rear of the property and its private amenity space. The property appears to benefit from an integral garage to the south west with living accommodation above. The front of the garage would project roughly in line with the side elevation of the integral garage. Taking this into consideration, along with the sloping roof form of the extension, it is not considered that this element of the proposal would have a significant overbearing impact on the property. Whilst the extension would be located due south of the property, taking the above into consideration, along with the single storey nature of the property, it is not considered the overshadowing impact would be significantly detrimental to the amenity of the occupiers of the property. Due to the orientations of the application dwelling in relation to the property, it is not considered that proposed dormers would allow overlooking into the property or its amenity space.

Impact on 50 Church Street

Due to the fact that the side elevation of the property sits in line with the front elevation of the application dwelling, it is not considered that the proposed garage extension would have a significant overbearing or overshadowing impact on the property. Due to the orientation of the dwelling in relation to the property, it is not considered that the proposed dormers would allow overlooking into the rear of the dwelling or its private amenity space.

Impact on 48 Church Street

It is considered that sufficient distance would be retained between the dormer extension which is proposed for the rear elevation of the property to prevent

overlooking into the side and rear of the property, as well as its associated amenity space, that is located to the rear of the application site.

Impact on 2 Chapel Royd

It is considered that sufficient distance would be retained between the proposed extensions and the adjoining property to prevent the development from having a significant overbearing or overshadowing impact. No openings are proposed for the side elevation of the garage extension, which along with its proposed use would prevent overlooking into the front of the property. Due to the location of the dormer extensions and the fact that they would not project beyond the roof plane of the dwelling, it is not considered that they would have a significant impact on the residential amenity of the occupiers of the property.

Impact on 3 Chapel Royd

It is considered that sufficient distance would be retained between the proposed extension and 3 Chapel Royd to prevent the development from having a significant overbearing and overshadowing impact on the property. Due to the orientation of the application dwelling in relation to the property, it is not considered that the proposed front dormer would allow for harmful overlooking into the property.

It is considered that sufficient distance would be retained between the property and Emley Methodist Church to prevent overlooking from the front dormer window into the opening which is located on the side elevation of the building.

Having considered the above factors, the proposal is, on balance, not considered to result in an adverse impact upon the residential amenity of the 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 proposed garage extension would project across a section of the existing driveway, however would accommodate the off-street parking space which would be lost as a result. The proposed dormer extensions would serve an existing bedroom and as such, would be unlikely to result in an intensification in the domestic use of the property. A site plan has been submitted alongside the application showing two further parking spaces to be provided on the existing driveway. Whilst one of these spaces would fall short of the

recommended spacing requirements, it is noted that the proposal would not reduce the number of parking spaces from existing. As such, it is not considered that the scheme would represent any additional harm in terms of highway safety and as such, complies with Policy LP22 of the Kirklees Local Plan.

5 – Other matters:

Contaminated Land

The site has been identified as being located on land which is potentially contaminated. The Environmental Health officer has been consulted during the course of the application and has recommended a condition relating to the reporting of unexpected contamination. On the basis of this, application is considered to comply with Policy LP53 of the Kirklees Local Plan.

Carbon Budget

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 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.

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: 2020/90133

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 and roofing materials of the garage 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 cheeks of the dormers hereby approved shall be finished in lead cladding as shown on the approved plans.

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. The external roofing materials of the dormer 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 and the aims of Chapter 12 of the National Planning Policy Framework.

6. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that

remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the local planning authority.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and the aims of Chapter 15 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared in accordance with *Model Procedures for the Management of Land Contamination – Contaminated Land report 11* (CLR11), National Planning Policy Framework (NPPF) and the Council's advice for Development documents or any subsequent revision of those documents.

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
Existing Plans	15072D-10	P01	15/01/2020
Proposed Plans	15072D-11	P02	12/03/2020
Site Plan	15072D-121	P01	12/03/2020

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 during the course of the application to address officer concerns regarding the impact that

the proposed garage extension could have on the visual amenity of the host property.

Report Dated:

19/03/2020