

**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: 2020/62/91181/W

Site Address: 28, Cumberland Avenue, Fixby, Huddersfield, HD2 2JJ

Description: Erection of extensions and alterations to dwelling and detached garden gym

Recommending Officer: Sam Jackman

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: 01-Jul-2020

SITE DESCRIPTION - 2020/91181

28 Cumberland Avenue Fixby is a detached stone fronted gable, red brick dormer bungalow with a flat tiled roof, located within a fairly large flat mature garden. The property benefits from an attached double garage, a rear conservatory and rear entrance lobby with store.

The current roof is a-symmetrical with the east facing side elevation having a gable and the west facing elevation being hipped, to the front is a small stone gable. Within the roof space is a single bedroom, shower room and store, with a window in the east facing gable elevation and a small rear dormer for the shower room.

DESCRIPTION OF PROPOSAL

The proposal is to change the hipped roof to a gable and raise the ridge of the roof by 1m keeping the eaves at 2.8m.

The ridge of the front gable will be increased in height to match the new ridge line of the main property with the eaves being raised by approx. 1.5m. the upper part will be cladded in oak boarding <https://www.cedral.world/en-gb/cladding/our-products/cedral-lap/> or similar.

A new front dormer and larger rear dormer, to create 3 bedrooms and 2 bathrooms upstairs, which also be cladded in oak boarding are also proposed.

A single storey rear extension is proposed which will replace the conservatory and porch with an extension across the whole rear elevation including the garage. The extension would project 2.5m from behind the garage and 6m replacing the conservatory. The ground floor alterations would create a new lounge open plan kitchen dinner with sitting area a new boot room/WC.

Also, the application includes a detached 'L' shaped gym and office measuring a max of 10m by 9m with the gym being 5m deep and the office 4m at a height of 2.7m with a flat roof. The gym would be within 1m of the rear

boundary and 1.8m with its neighbour No. 30 and will be cladded in cedar cladding.

Materials proposed for the main dwelling are stone to the front gable and brick for the extended gables.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f91181>

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

Negotiations have taken place with the applicant/agent with regards the gym in order to move it away from the neighbour's trees and window details. Along with clarification on the materials.

RELEVANT HISTORY

None

PUBLIC/MEMBERS RESPONSE

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter.

As such, we have publicised this application via neighbour notification letters which expired on the 4.6.20, whereby no representations have been received.

The amended plans were considered to have a reduced impact on neighbours than the original submission and as such were not publicised

CONSULTATION RESPONSES

K.C. Trees – no objections

POLICY

The statutory development plan comprises:

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 30 - Biodiversity and geodiversity

LP33 - Trees

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, together with Circulars, Parliamentary 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
- **Chapter 14** – Meeting the challenge of climate change, flooding & coastal change.
- **Chapter 15** – Conserving and enhancing the natural environment

ASSESSMENT

Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 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 LP1 goes on further to stating that “the council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design.

In the case of this application, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity and highway safety.

Impact on visual amenity:

The proposed property is a large 2/3-bedroom bungalow, surrounded by mixed style properties with both bungalows and 2-storey dwellings neighbouring the site.

The proposal is to raise the ridge of the roof by approx. 1m retaining the eaves as existing resulting in a slightly steeper pitched roof, albeit the front gable would raise the eaves by 1.5m. The front roof slope would also include 1 small dormer.

It is accepted that the new roof alterations will be seen from neighbouring properties and Cumberland Avenue, however it is considered the increase of 1m retaining the eaves height will have little impact on the street scene itself. The altered hipped roof to gable along with the front gable is also considered to have little impact on the street scene given that the property is set back from the road with 2-storey properties opposite and to the right.

The proposed front dormer is small in scale, centrally placed within the front facing roof slope, and would have a flat roof, albeit not ideal having a flat roof, it is small in scale with similar ones in the area, therefore again they would have little impact on the street scene and would leave the main roof as the principal feature.

The proposed rear dormer is larger with a flat roof again, however, is set in from the gables therefore there is limited direct view of the dormer from the highway if any, reducing its impact on the street scene.

The single storey rear extension would, in part, have a flat roof, with a new gabled roof over the newly created lounge. The rear gable would reflect the front gable as existing and albeit a flat roof over part reduces the bulk of extension being added to the property.

Finally, the detached gym is located at the bottom of a long garden, over 26m away from the property once extended, therefore would have little impact on the visual amenity of the area. Being tucked into the corner and retaining ample amenity space it would not result in overdevelopment. Furthermore the outbuilding it is incidental to the dwelling house retaining the site as one planning unit which should remain the case in order to avoid appearing cramped. It is also noted that permitted development rights exist for outbuildings adding weight to the acceptability of the proposed development.

With regards to the character of the area, the extension will be in keeping with the host dwelling due to the materials being used and the style of roof, where the alterations would be seen as a subservient addition. Albeit the development introduces an alternative materials in terms of the proposed cladding, however, this is considered acceptable in this case as there are a mixed palette of materials within the area.

Therefore, the proposal is in accordance of Policy LP24 of the Kirklees Local Plan that states “extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details”. The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area.

Impact on residential amenity:

The front elevation of property faces almost due south. The combination of being a detached property and being set in from both side boundaries results in separating it from its neighbours. The property to the East is a 2-storey

property located at right-angles to the application site and a bungalow is situated to the West.

With regards overshadowing or overbearing it is considered that raising the ridge by 1 meter and introducing a hip to gable on the west gable along with the new rear extension and dormers is considered to have limited impact on neighbours given the separation distance of the alterations to the neighbouring properties in this case.

With regards overlooking there are no windows in the side dormer cheeks or the altered gables. There are no properties located directly behind the property with adequate separation distance and mature planting along the shared boundaries. As a consequence, the development will not result in any overlooking at close quarters with regards ground floor windows and neighbouring properties.

Due to the design and scale, it is considered there will be no undue impact on any occupants of neighbouring properties, in terms of overshadowing, overbearing or overlooking. The proposed development is away from the shared boundaries with neighbours with no direct overlooking windows.

With regards to the detached gym and office this is again set in slightly from the boundaries and is over 25m from neighbour properties, having a flat roof it is unlikely to create any overbearing or overshadowing. With regards to overlooking the main windows face back to the application property, with 1 window in the east facing elevation facing No 28 Dorchester Road, with over 10m to the boundary which appears to be fairly well screened.

The proposal therefore accords with policies LP1, LP2 & LP24 of the Kirklees Local Plan which states “extensions...minimise impact on residential amenity of future and neighbouring occupiers.” Having considered the above factors affecting neighbouring properties and relevant policies, the proposed extensions are not deemed to result in any significant harm upon the residential amenity, as well as chapter 12 of the National Planning Policy Framework.

Impact on highway safety:

In terms of highway safety there are no highway issues as the drive or garage is not being affected by the proposal, as such would meet the aims of Policy LP22 of the Kirklees Local Plan with respect to highway safety and advice in Chapter 12 of the National Planning Policy Framework.

Other matters:

Currently the property is situated within large grounds, where the proposed detached building is located over 20m from the property. therefore, to prevent it being used as a separate unit, which has not been assessed which could have an impact on neighbouring properties. A condition should be included to prevent this (condition 5) retaining the building as ancillary.

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 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.

Due to the size, scale and limited nature of development, it was not considered necessary to request specific measures to address the developments' resilience to climate change. It is noted the development incorporates an office and may offer space for home working thereby reducing the need to travel contributing to the aims of sustainable development.

K.C. Biodiversity – the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance.

This is due to the fact the property appears to be in a good state of repair with existing rooms already within the roof space however it would be appropriate to add a footnote if bats are found.

As such the development would have little impact on bats and would be in accordance with Chapter 15 of the National Planning Policy Framework and Policy LP30 of the Kirklees LP.

K.C. Trees – There are no protected trees at the property however the proposals would have no negative effects on trees within or adjacent to the property and therefore there are no objections to these proposals. The development can be carried out in accordance with Policy LP33 of the Local Plan.

Representations:

No letters of representation have been received.

The amended plans were considered to have a reduced impact on neighbours than the original submission and as such were not publicised.

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.

Decision Authorisation - Delegated Powers

Application Number: 2020/91181

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 51 of the Planning and Compulsory Purchase Act 2004.

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 LP01, LP02 & LP24, of the Kirklees Local Plan and advice in the National Planning Policy Framework.

3. The external walls of the rear extension and 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 LP01, LP02 & LP 24 of the Kirklees Local Plan and advice in the National Planning Policy Framework.

4. The external walls of the extended gables, hereby approved, shall in all respects match those used in the construction of the host building.

Reason: In the interests of visual amenity and to accord with Policies LP01, LP02 and LP24 of the Kirklees Local Plan and advice in the Chapter 12 of the National Planning Policy Framework.

5. The use of the detached building hereby approved shall remain ancillary to the occupation of the main dwelling and shall not at any time be occupied as separate residential accommodation.

Reason: So as not to result in overdevelopment of the site or detract from the amenities of the adjoining property by reason of loss of privacy and to accord

with Policy LP24 of the Local Plan and advice in the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and 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 to 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.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Detached outbuilding	19-048-03C		4.6.20
Existing layout & elevations	19-048		21.4.20
Proposed layout & elevations	19-048-01C		21.4.20

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 Planning 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 undertake negotiations with the agent with regards the detached gym to reduce its impact on neighbours.

Recommendation and Authorisation Box

Report Dated:

25.6.20

Coal – low risk