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:	2020/62/91833/E
Site Address:	20, Lea Drive, Shepley, Huddersfield, HD8 8HA
Description:	Erection of single storey rear extension with raised decking, replacement dormers to sides and external 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.

Paul Dowd

AUTHORISED OFFICER

Date: 09-Oct-2020

Officer Report

Site Description

20 Lea Drive is a detached dormer bungalow in Shepley. It is constructed from brick for the external walls to the sides and rear with stone and timber cladding to the front. The dwelling is set back from the access road with a driveway to the side and garden areas to the front and rear. There is an existing extension to the rear of the property.

The site is in a residential area. Whilst Lea Drive comprises several dormer bungalows of a similar appearance, there are also other properties, which vary in terms of their type, style and design.

Description of Proposal

The application seeks planning permission for the erection of single-storey rear extension, with raised decking, replacement dormers to sides and external alterations. Amendments have been made to the scheme, which has been assessed as follows:

The extension would project 3.6m from the rear elevation of the dwelling. It would be designed with a gable roof form which an eaves height of 3m and a maximum height of 4.3m. It would be finished in materials to match the host property. Raised decking would project an additional 3m from the rear of the extension, raised 0.6m above ground level. The decking would be framed with balustrade.

The replacement dormers would project 2.5m from the roof plane, set in from the front and rear elevations of the dwelling by 0.25m, up from the eaves by 0.55m and down from the ridge by 0.95m. They would be designed with flat roof forms and finished in grey uPVC cladding. The existing cladding on the front elevation of the dwelling would be replaced with grey uPVC, to match the proposed dormers as part of the proposal.

History of negotiations/amendments received

The following amendments were requested during consideration of the application:

- Introduction of flat roof to dormers and reduction in width to reduce bulk and massing.

Amended plans were submitted by the agent changing the roof form of the dormers from mono-pitched to flat roofed. The colour of the proposed cladding was also amended. The plans, as amended, are set out above.

Due to the nature of the revisions, which reduced the height and massing of the dormers and changed the colour of the proposed cladding, it was considered not to be necessary to advertise the amended plans, in this instance.

Relevant Planning History

No relevant planning history at the site.

At 1 Lea Drive –

2017/92470 – Erection of single storey rear extension, two storey side extension and dormer extension to the side. Granted.

At 2 Lea Drive –

2005/92849 – Erection of two storey extension, bay window and alterations. Granted.

At 12 Lea Drive –

99/92398 – Erection of two dormer extensions and conservatory. Granted.

Representations

The application was advertised by neighbour letters which expired on 25th August 2020.

No representations were received following the above comments.

Kirkburton Parish Council comments: responded with no comments.

Consultation Responses

No consultations were considered necessary.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 21 – Highway and access
- LP 22 – Parking
- LP 24 – Design
- LP 30 – Biodiversity and geodiversity
- LP 51 – Protection and improvement of local air quality

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 costal 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 and alterations, by virtue of their scale and design, are considered subservient to the host dwelling, which would remain the dominant feature following development.

It is considered that the single-storey extension, whilst relatively large in projection, would not appear overly dominant on the rear elevation. It would be finished in materials to match existing and would be set down in relation to the existing dwelling. Whilst the extension would differ in terms of its design from the host property, given its limited scale and single-storey nature, it is considered that this would not be detrimental to the visual amenity of the host dwelling. The raised decking, due to its scale and height above ground level, is considered acceptable in terms of visual amenity.

The dormers, whilst large in scale, would be set in from the front and rear elevations of the dwelling, up from the eaves and down from the ridge. Taking this into consideration, it is considered, on balance, that they would not appear overly dominant on the side elevations of the property. The dormers would be significantly larger than existing and would be finished in grey uPVC. As this material is also proposed to replace the existing timber cladding on the front elevation, it is considered that the impact of these elements on the visual amenity of the host property would be, on balance, acceptable.

Whilst the dormer extensions and replacement cladding would be visible from the street scene, it is noted that several of the properties along Lea Drive

have been previously extended to include dormers of a range of styles and design. Whilst grey uPVC does not appear on the dwellings immediately adjacent to the site, this material does appear within the wider street-scene. The impact of the development on the visual amenity of Lea Drive and the wider area is considered, on balance, to be acceptable.

Having taken the above into account, it is considered in the view of officers that the proposed extensions and alterations would not, on balance, cause significant harm to the visual amenity of either the host dwelling or the wider street-scene. The proposal would therefore comply with Policy LP24 of the Kirklees Local Plan and the aims of chapter 12 of the NPPF.

3 – Impact on residential amenity:

Impact on 18 Lea Drive

The proposed rear extension would be set in from the boundary shared with the adjacent property. It is considered that the distance retained, as well as its single-storey nature, would be sufficient to prevent this element from having a significant overbearing or overshadowing impact. The extension would have a limited projection beyond the existing integral garage. It is considered however, that the distance retained, as well as the slight level difference between the two properties, would be sufficient to prevent harmful overlooking should a secondary opening be installed in this elevation. Whilst the raised decking may increase the potential for overlooking into the rear amenity space of the property, it is considered that the distance retained, as well as the fact that the amenity space of the property appears to be set at a slightly lower level, would be sufficient to prevent this impact from being significantly detrimental. The dormer proposed for the north-east elevation would not project beyond the roof plane of the dwelling and would face onto the blank gable wall of the property. It is considered that this would be sufficient to prevent the dormer from having a significant overbearing or overshadowing impact, as well as preventing harmful overlooking.

Impact on 22 Lea Drive

The rear extension would project 3.6m from the rear elevation of the dwelling, with the majority of the extension, and the raised decking, sitting alongside an existing integral garage at the adjacent property, which is also located a slightly higher land level. Whilst the property benefits from an entrance porch and high level opening on the side elevation, it is considered that the distance retained, and the nature of these openings would be sufficient to prevent the extension from having a significant overbearing or overshadowing impact. Additionally, it is considered that the existing boundary wall and integral

garage at the adjacent property would be sufficient to prevent harmful overlooking from any future openings in the side elevation of the extension as well as from the raised decking. The proposed dormer would not project beyond the roof plane of the dwelling and the potential for significant overbearing and overshadowing is considered limited. The openings would face onto the roof plane of the property which would limit the potential for overlooking. Whilst there would be the potential for overlooking of the front garden of the property from the proposed bedroom opening, it is noted that this area is already open to public view, with the private amenity space located to the rear of the property.

Impact on 193-199 Abbey Road

It is considered that sufficient distance would be retained between the dormers and rear extension and these properties, which are located to the rear of the site, to prevent the development from having a significantly harmful overbearing or overshadowing impact. Whilst the raised decking would project closer to the properties than the existing raised patio, it is noted that this would be set in from the boundary. It is considered that this, along with existing boundary treatment and the fact that the properties are set at a lower land level, would be sufficient to prevent harmful overlooking into the rear elevation of the properties and their rear amenity space.

Impact on 13 Lea Drive

The extensions and alterations would not project the dwelling closer to this property, which is located to the front of the site, than existing. Whilst additional bulk would be introduced to the roof form, it is considered that the distance retained would prevent there from being a harmful overbearing or overshadowing impact. New openings are located to the side of the dwelling which would prevent harmful overlooking.

No other properties would be impacted by the proposed development.

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 NPPF.

<u>4 – Impact on highway safety</u>:

The proposed development would introduce an additional bedroom to the property. The existing integral garage would, however, be retained and the existing driveway is of a sufficient length to accommodate two additional

parking spaces, which are considered sufficient to serve the dwelling following development. Therefore, the scheme would not represent any additional harm in terms of highway safety and, as such, complies with Policies LP21 and LP22 of the Kirklees Local Plan.

5 – Other matters:

Biodiversity

The site is identified as being located within the bat alert layer and, therefore, consideration must be given to the impact of the proposed development on bats and bat roosts. Following a site visit, the building appeared to be well-sealed and there was no evidence of bat roosts, nor of bat roost potential. As a precautionary measure, a footnote has been added to the decision notice to provide the applicant with advice, should bats or evidence of bats be found during construction. This would accord with the aims of chapter 15 of the NPPF and policy LP30 of the KLP.

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 relates to a 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 and which will require compliance with national standards. For this reason, the proposed development is considered to comply with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the NPPF.

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: 2020/91833

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 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 rear 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. Before the dormer extensions hereby approved first come into use, the dormer face and cheeks shall be faced in grey cladding. The cladding shall in all respects match that proposed for the front elevation of the existing dwelling. The cladding shall be thereafter retained or replaced on a like-for-like basis.
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.

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.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received

Plan Type	Reference	Version	Date Received
Location Plan			24/06/2020
Existing Elevations	2020/227/01		24/06/2020
Existing Floor Plans	2020/227/02		24/06/2020
Proposed Front Elevation	2020/227/03	B	29/09/2020
Proposed Rear Elevation	2020/227/04	B	29/09/2020
Proposed Right Elevation (as amended)	2020/227/05	B	08/10/2020
Proposed Left Elevation	2020/227/06	B	29/09/2020
Proposed Ground Floor	2020/227/07		24/06/2020
Proposed First Floor	2020/227/08		24/06/2020
Proposed Sections	2020/227/09		24/06/2020

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 has, 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 requested, and submitted by the agent, to address officers' concerns regarding the impact on the development on visual amenity.

Report Dated: 09/10/2020