# 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:** | 2020/62/91847/W |
| **Site Address:** | 9, Le Marchant Avenue, Lindley, Huddersfield, HD3 3DF |
| **Description:** | Erection of extensions and external alterations |
| **Recommending Officer:** | Laura Yeadon |

**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: 10-Nov-2020**

**Officer Report**

**https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f91847**

**Site Description**

9 Le Marchant Avenue is two storey detached dwelling located within an area of land without notation pf the Kirklees Local Plan. The property is located within a sloping site where the garden areas are located on a land level than the finished floor level of the property. The property is separated from the roadside by a front garden and has a driveway to the side leading to an attached garage. The property itself is constructed from stone to the ground floor with render to the first floor and hosts a concrete tiled roof. A larger garden is located to the rear of the property. The building has been extended by way of side and rear extensions. The surrounding area is predominantly residential and comprised of mainly detached and semi-detached properties.

**Description of Proposal**

Permission is sought for erection of extensions and external alterations.

*Front elevation*

It is proposed that first floor extension would be located on the front elevation of the property which would infill a section of building work which is currently set back from the front elevation of the property. The extension would lie flush with the ground floor elevations of the structure and would tie into the existing eaves.

*Proposed wrap around extension*

It is proposed that a two storey wrap-around extension would be located on the existing side elevation and rear elevation of the property. The extension would lie flush with the front elevation of the property and would project to the side by 2.3 metres. The extension would span the full depth of the property at two storey height and would then project 4 metres from the rear elevation of the property at single storey level. The two storey side section would have an eaves height and a ridge height that would be a continuation of the existing and would replace the existing single storey extension. To the rear of the property the 4 metre projection would be a single storey flat roof section with a two storey extension sitting between the existing single storey extension and the proposed single storey projection. The width of the two storey section would be 6.4 metres. The eaves height would match the existing and the ridge would be set down from the existing by 0.4 metres.

The proposed construction materials are to match the existing which would be stone at ground floor with render above with concrete tiles for the roof.

*External alterations*

External alterations are proposed would be to the existing single storey extension which proposes to remove the existing door and window and replace the opening with patio doors.

It is also proposed that new 1.2 metre high boundary wall with 0.6 metre railings would be constructed along the site frontage.

**History of negotiations/amendments received**

No negotiations have taken place and no amended plans sought or received.

**Relevant Planning History**

1986/00906 Extension to form garage and kitchen and bedroom and extension to form shower room
*Granted Conditionally*

**Representations**

Final publicity date expired 30th July 2020 – 2 representations received with the following being a summary of comments:

- Restricted parking for residents and insufficient parking
- No family bathroom on plans and could be potentially 10 additional vehicles associated with the property if each double en-suite bedroom is occupied by two adults
- Property already been extended and the proposed property will be extensive, impacting on the character of the area
- Application form says no trees but 5 mature trees on the site
- Position of garage is not as shown - was re-sited in 1975
- New single storey extension would be more prominent from No. 7 due to the closesness and being and No. 7 being on a lower ground level
- Overbearing – southern aspect of both single and two storey walls would be within 350mm with the boundary of No. 7
- New roof eaves and guttering could extend beyond the boundary line
- Southern elevation would be only rear outside access to the rear of the property as the northern side was built up to the boundary with No. 11 in around 1986
- Close proximity to the boundary with No. 7 will increase the sense of being hemmed with a side view of 13.5 metres of continuous wall varying from 3 metres to 6 metres in height
- Proposal alters the character of the area by infilling the visual gaps and reduces the amenity space to the southern and western aspects
- Previous extension and combined with the proposed will appear incongruous and would harm the character of the area particularly

considering the other houses, No's 5, 7 and 11 were built with the same footprint
- No indication on plan for fence treatment on the southern aspect from the new wall to the boundary at the rear

Parish/Town Council comments – not applicable

**Consultation Responses**

None required

**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 notation on the Kirklees Local Plan.

**Kirklees Local Plan:**

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 24** – Design
- **LP 33** – 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, 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
- Chapter 14 – Meeting the challenge of climate change, 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. 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 National Planning Policy Framework. LP1 goes on further to stating that:

"The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

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

2 –Impact on visual amenity:

The proposed extension would be in the form of a first floor front extension, two storey side extension and single and two storey rear extension. Alterations are proposed to the fenestration in the existing single storey rear extension along with changes to the site frontage.

The design of the two storey element of the extension to the side of the property would have an eaves height and roof ridge height to match the existing dwelling. This element of the extension would not appear subservient to the host building however the context of surrounding development should be afforded weight. The street scene is comprised of dwellings of varying scale and design and as such it is considered that this part of the scheme would complement this character. The development would result in elevations and roof lines which are in keeping with the host property with the two storey rear extension having a roof line which is set down from the existing. It is considered that the overall size, scale and massing is acceptable given the existing building lines of the host and surrounding properties. The proposed extension to the front of the property is also in keeping with the existing dwelling and considered to be acceptable.

The proposed construction materials would match the host building and would therefore be stone at ground floor, render at first floor with a concrete tiled roof. These are considered appropriate for the development.

In accordance with Policy LP24 the cumulative impact of the extensions has been assessed taking into account the scale of the host and any previous extensions. This is very much a balanced decision in this instance. Whilst the scale of development is quite significant it is considered that the building can withstand further extension. The surrounding development is characterised by large buildings extending to the side boundaries in many cases. Whilst the extensions proposed will increase the overall mass it is considered that the scale will not be harmful to visual amenity and can, on balance, be supported.

The combination of the proposed and existing extensions are not considered to result in an overdevelopment of the plot however it is considered that once extended, the site has reached its maximum in terms of built development and as a consequence, it is considered that the property should have its permitted development rights removed for any further extensions or outbuildings.

The alteration to the site frontage would result in 0.6 metre high railings above a 1.2 metre high boundary wall. Other properties within the street scene have similar frontages and therefore the proposed would not be particularly out of character.

The dwellings within the street scene vary in terms of size, scale and design and it is considered that the design overall design concept of the extended dwelling would not detract from the character of the area.

Taking into account the above, it is considered that the proposal is acceptable in terms of visual amenity in accordance with local and national policy.

3 – Impact on residential amenity:

In terms of the impact of the scheme on residential amenity, the neighbour to the south of the application site is No. 7 which is also a detached property and is set on a lower ground level than the application site. Openings are located in the ground and first floor of the side elevation of this property and whilst the built form of development would be closer to the neighbouring dwelling a degree of separation would be retained as the properties are separated by the driveway to the adjacent dwelling. The application site is to the north of the neighbour and therefore there would be little loss of direct sunlight from the resultant development. The section of rear elevation which would be closest to this neighbour would be single storey in height and would have a 4 metre projection, which is in line with current permitted development regulations, and the site plan indicates that the garage to the neighbouring property would partially screen the extension. There are no openings within the side elevation of the extensions that would overlook this property and the two storey element of the scheme is set in from the shared boundary by approximately 6.5 metres and therefore there would be little harm from the impact of this section of extension. It is considered that the size, scale and massing of the proposal along the shared boundary is considered to be acceptable.

No openings are proposed within the side elevations of the extension facing this property other than a ground floor door and therefore, it is not considered that there would be significant harm from overlooking.

In terms of the impact on No. 11, the application site is to the south of this dwelling. The two storey element of the rear extension is set in from the shared boundary by the width of the single storey extension and the two storey extension would attach to it. As the two storey element is set in from the existing side elevation, it provides a level of separation which would mitigate against overshadowing from this element of the extension.

Given the separation distances between the proposed extensions and the properties to the rear, it is not considered that the development would cause undue harm. Whilst it is recognised the overall scale of the building will be increased it can be, on balance, supported in this instance due to the remaining space and relationships as set out above

4 – Impact on highway safety:

There is existing garage provision for the property however the internal dimensions fall short of current standards for the parking of a vehicle. The number of bedrooms would not be increased by the proposal and off-street parking is available within the site. As such, it is considered that the existing situation is acceptable.

5 – Other matters:

*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. The construction materials are considered to be sustainable and thermally efficient which meets the requirement of climate change mitigation.

*Trees* – 2 no. protected trees are located to the front of the property. As the development (with the exception of the proposed front boundary treatment) is proposed to be to the side and rear of the property, away from the protected trees, it was not considered necessary to consult with a Tree Officer. Any works to the trees would require a tree works application to be submitted.

6 – Representations:

- Restricted parking for residents and insufficient parking

Response: There would be no loss of parking as a result of the proposal

- No family bathroom on plans and could be potentially 10 additional vehicles associated with the property if each double en-suite bedroom is occupied by two adults

Response: Noted

- Property already been extended and the proposed property will be extensive, impacting on the character of the area

Response: This has been addressed within the visual amenity section of this report

- Application form says no trees but 5 mature trees on the site

Response: The impact on the protected trees as been addressed above

- Position of garage is not as shown - was re-sited in 1975

Response: The plans appear to be an accurate representation of the existing and proposed development

- New single storey extension would be more prominent from No. 7 due to the closesness and being and No. 7 being on a lower ground level

Response: The impact on No. 7 has been addressed within this report

- Overbearing – southern aspect of both single and two storey walls would be within 350mm with the boundary of No. 7

Response: The impact on No. 7 has been addressed within this report

- New roof eaves and guttering could extend beyond the boundary line

Response: The plans do not indicate that gutters would overhang however it is the responsibility of the applicant to ensure that the development does not encroach onto land outside of ownership

- Southern elevation would be only rear outside access to the rear of the property as the northern side was built up to the boundary with No. 11 in around 1986

Response: Noted

- Close proximity to the boundary with No. 7 will increase the sense of being hemmed with a side view of 13.5 metres of continuous wall varying from 3 metres to 6 metres in height

Response: The impact on No. 7 has been addressed within this report

- Proposal alters the character of the area by infilling the visual gaps and reduces the amenity space to the southern and western aspects

Response: This has been addressed within the assessment of the application

- Previous extension and combined with the proposed will appear incongruous and would harm the character of the area particularly considering the other houses, No's 5, 7 and 11 were built with the same footprint

Response: This has been addressed within the assessment of the application

- No indication on plan for fence treatment on the southern aspect from the new wall to the boundary at the rear

Response: The property hosts permitted development rights and therefore can construct a fence up to a maximum of 2 metres high along the side boundary without the requirement of planning permission.

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:** 2020/91847

**Officer Recommendation:** Approve

**Conditions**

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 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, LP24 and LP33 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3. The external walls 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 Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

4. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification) works within Classes A-H inclusive shall be erected in the area shown red on the approved plan without the prior written approval of the Local Planning Authority.
**Reason:** In the interests of visual amenity and to prevent an overdevelopment of the site in accordance with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

Plans and specifications schedule:-

| Plan Type | Reference | Version | Date Received |
|---|---|---|---|
| Location plan | 1901 – LOC | | 18th June 2020 |
| Existing site plan | 1901 – 03 | | 18th June 2020 |
| Existing elevations | 1901 – 02 | | 18th June 2020 |
| Proposed site plan | 1901 – 04 | | 18th June 2020 |
| Proposed elevations | 1901 – 05 | | 18th June 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. No negotiations have taken place as it was considered that the proposal was acceptable as submitted.

**Report Dated:** 6th November 2020

Coal - low