

**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: 2020/62/92511/W

Site Address: 1, Mendip Avenue, Lindley, Huddersfield, HD3 3QG

Description: Erection of two storey side and single storey rear extensions

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: 11-Jan-2021

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f92511>

Site Description

1 Mendip Avenue is a two storey detached property located within an area of land without notation on the Kirklees Local Plan. The property is located within a sloping site being set on a lower ground level than the adjacent property 1 Brecon Avenue to the south and slightly above the adjacent property No. 3 Mendip Avenue to the north. There is a garden area to the front of the property with a driveway to the side which leads to a detached single garage. To the rear of the property is a further lawned garden with the area to the rear of the garden protected by a blanket Tree Preservation Order.

Description of Proposal

Permission is sought for the erection of a two storey side and single storey rear extension.

The proposed two storey extension would be located on the side elevation of the dwelling lying flush with the existing front and rear elevations of the property, projecting to the side by 2.6 metres. The extension would have an eaves height that would match the existing with the overall height of the hipped roof being a continuation of the existing.

The proposed single storey extension would be located on the rear elevation of the property and would span the full width of the dwelling and proposed side extension. The projection from the rear of the property would be 3 metres with an eaves height of 2.4 metres and overall height of 3.6 metres to the ridge of the lean-to roof.

The proposed construction materials would be oatmeal buff rustic brick with smooth chocolate brown soldier courses, all to match the existing and the roof would be finished with concrete interlocking tiles, also to match the existing.

Openings are proposed within the front and rear elevations of the two storey extension and within the rear elevation of the single storey extension. No openings are proposed within any side elevation.

History of negotiations/amendments received

Following a site visit, concerns were raised to the Agent that the two storey element of the proposal would be oppressive on the neighbouring property to the south which has a rear elevation which would face the application site. In response, further information has been submitted with regards to the relationship between the two properties in the form of an email and street scene elevation. The further information was submitted on 9th

December 2020 and have been considered as part of the assessment of the proposal.

Relevant Planning History

- 1986/02960 Outline application for residential development
Granted Conditionally
- 1987/03552 Reserved matters application for 80 no. dwellings
Granted Conditionally
- 1990/00599 Residential development
Conditional Full Permission
- 1991/02587 Erection of 19 dwellings with garages
Conditional Full Permission

Representations

We are currently undertaking the legal 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.

Final publicity date expired 16th September 2020 – one representation received within the following being a summary of comments:

- Insufficient room for the eaves and these will overhang onto neighbouring property
- Existing fence is the responsibility of the neighbour and should remain
- Construction leaves no access for repairs to the property
- Incorrect information on application form in relation to trees as there are trees covered by TPO to the rear of the site. Roots extend along the side of the garage and are near the surface where the ground regularly cracks and there is potential to unsettle the roots
- Two trees at the front could also potentially fall on the property which are not covered by TPO
- Application is not an issue but the dimensions and potential to unsettle the trees is

Parish/Town Council comments – not applicable

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

K.C. Trees – informal discussions – no concerns

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

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 is in the form of a two storey side extension and single storey rear extension.

The design is such that the two storey element of the extension would have an eaves height and roof ridge height that would match the existing. Whilst this would result in a structure that would not be proportionally subservient to the host dwelling, there a number of properties within the street scene with a similar design and therefore the development would be characteristic. As such, the cumulation of both the two storey and the single storey elements would be in keeping with surrounding development both in design and scale. As such, in terms of size, scale, massing and visual appearance, the proposal is acceptable.

The proposed construction materials would match the host property and would therefore comply with the requirements of Policy LP24 of the Kirklees Local Plan which cites that materials should match the existing building.

The property once extended is within a moderately sized plot and it is not considered that the scheme would not result in an overdevelopment of the site.

3 – Impact on residential amenity:

In terms of the impact of the scheme on residential amenity, the two neighbouring properties that would be affected by the proposal would be 1 Brecon Avenue to the south of the application site. This property is turned so that the rear elevation of the dwelling faces the side elevation of the application site. Further the neighbouring property is set on a higher ground level. There is a single storey rear extension located on the neighbouring property that has a rear elevation facing the application site. The impact of the side extension, in terms of the extension potentially being oppressive on the neighbouring property, have been fully considered. Officers requested that a street scene elevation be submitted for the impact on this property to be fully assessed. Details submitted with the additional plan cite that the rear elevation of No. 1 Brecon Avenue is a distance of 10.1 metres from the side elevation of the proposed extension. The information goes on to state that the

nearest point of the existing conservatory to the rear of Brecon Avenue would be approximately 7.3 metres from the proposed extension with most of its length would be set behind the two storey element of the extension and would face the side elevation of the single storey extension. This information corresponds with the information held by the LPA. As such it is considered that due to the difference in levels between the two properties and location of the conservatory on the rear elevation of the neighbouring property it is considered that on balance, in terms of the impact of the extension on 1 Brecon Avenue that the proposal is acceptable in terms of the impact from scale and massing. There are no openings facing the property within the side elevations and due to the orientation of the two properties, it is considered reasonable and necessary to add a condition to the decision notice stating that there are to be no windows or other openings within the side elevations of either the two storey or single storey extension without the prior written approval of the Local Planning Authority. Whilst noting the potential for a bedroom window within bedroom 4/study would be brought closer to this neighbouring property, it is not considered that there would be significant harm to privacy due to the properties being set at an oblique angle.

In terms of the impact of the scheme on the property to the north, No. 3 Brecon Avenue, this property would not be impacted on by the two storey extension due to its location on the southern elevation. The single storey rear extension would be closest to No. 3 however the properties are detached and the extension is limited to 3 metres in projection with no openings facing the property. As such, in terms of residential amenity, it is proposed that that the impact is acceptable.

Taking all the above into account, it is considered that the proposal is acceptable in accordance with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

4 – Impact on highway safety:

To accommodate the proposal, the existing garage would be required to be removed from the site. It is proposed that the driveway to the front of the property would be widened and surfaced with a permeable surface to accommodate 2 no. vehicles. This is considered acceptable for the level of accommodation proposed and given the location of the development on a street with available on-street parking provision.

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. It is considered that the development would assist with climate change in the respect of materials which would be sustainable and likely be locally sourced.

Trees – Whilst there are mature trees within close proximity these are not considered to pose restriction to the development of the site. The application has been discussed with the KC Tree Officer and no objections have been raised. As such it is considered the development is in accordance with Policy LP33 of the Kirklees Local Plan.

6 – Representations:

One representation has been received with the following being a summary of comments and LPA response:

- Insufficient room for the eaves and these will overhang onto neighbouring property

Response: The plans demonstrate that no part of the construction work would overhang the neighbouring property

- Existing fence is the responsibility of the neighbour and should remain

Response: Noted

- Construction leaves no access for repairs to the property

Response: Private rights of access are not a material planning consideration and is a private matter between landowners. A note can be added to the decision notice stating that planning permission does not override private rights of access and that it is the applicants responsibility to ensure that they have the legal right to carry out the approved works which includes construction and future maintenance

- Incorrect information on application form in relation to trees as there are trees covered by TPO to the rear of the site. Roots extend along the side of the garage and are near the surface where the ground regularly cracks and there is potential to unsettle the roots

Response: Informal discussions have taken place with the Council's Tree Officer who raised no concerns regarding the development

- Two trees at the front could also potentially fall on the property which are not covered by TPO

Response: Noted

- Application is not an issue but the dimensions and potential to unsettle the trees is

Response: Informal discussions have taken place with the Council's Tree Officer who raised no concerns regarding the development

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: 2020/92511

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 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed

in the side elevation walls of the extensions facing 1 Brecon Avenue at any time without the prior written approval of the local planning authority.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

Note: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan			4 th August 2020
Existing ground floor plan			4 th August 2020
Existing first floor plan			4 th August 2020
Existing and proposed elevations			4 th August 2020
Proposed ground floor plan			4 th August 2020
Proposed first floor plan			4 th August 2020
Proposed site plan			4 th August 2020
Proposed site section	20D42-FBA-ZZ-XX-DR-A-0701-P01		9 th December 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. Following a site visit, concerns were raised to the Agent that that the two storey element of the proposal would be oppressive on the neighbouring property to the south which has a rear elevation which would face the application site. In response, further information has been submitted with regards to the relationship between the two properties in the form of an email and street scene elevation. The further information was 8th January 2020 nber 2020

Report Dated: 8th January 2021

Coal - low

