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:	2020/62/92572/W
Site Address:	27, Whitebeam Park, Birkby, Huddersfield, HD2 2GZ
Description:	Erection of two storey rear extension, dormers to front and rear, relocation of solar panels and alterations
Recommending Officer:	Sam Jackman

DECISION – Full Conditional 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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 08-Dec-2020

SITE DESCRIPTION – 2020/92572

27 Whitebeam Park, Birkby is a modern stone detached property located in a cul-de-sac with a concrete tiled roof.

The property benefits from an integral garage with a first-floor extension above. The property also has a detached building in the rear garden.

DESCRIPTION OF PROPOSAL

The proposal it to create a new front dormer, 2 rear dormers and erect a 2-storey rear extension. Also 2 new rooflights on the front elevation and relocation of existing solar panels

The front dormer would be located within the roof space of the previous extension over the garage and would be 3m wide x 2.6m depth x 2.2m high with a pitched roof, set just below the ridge and back from the eaves.

The rear dormers would be approx. the same size as the front one

The rear extension would be 4.35m wide x 4m depth at ground floor and 3m at first floor x 7.2m in height with a rear gable.

The proposal would create a garden room and change the property from a 5 bedroom with 3 bathrooms to 7 bedrooms with 5 bathrooms.

The extension would be built from materials to match the host property

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f92572

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

The original plans showed 2 front dormers, where one has now been removed and the rear 2-storey extension original projected 5m which has been reduced to 4m at ground floor and 3m at first floor.

RELEVANT HISTORY

94/92692 Erection of 38 dwellings
Refused

95/91007 Erection of 39 dwellings
Conditionally full permission

2003/94209 First floor bedroom extension and porch
Conditional Full Permission

The garage has been converted into additional living accommodation.

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 28th Sept 20, where 1 letter of representation has been received objecting to this application.

- Block view
- Would be an eyesore

The neighbour mostly effected by the proposal has been notified of the amended plans and acknowledge the difference with no further objections received.

CONSULTATION RESPONSES

None

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
- LP24 – Design

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.

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 this case the application, the principle of development on the application site is acceptable and shall be assessed against other material planning considerations below.

Impact on visual amenity:

27 Whitebeam Park, is part of a new development of 2-storey properties, where the dwellings are sited in relatively close proximity to each other however most are separated from the neighbour by their garage, but each differs in their design and includes pitched, mainly gabled roof forms. Due to the topography of the area, there is a gradual slope from the west to the east resulting in the neighbour property directly east being at a lower level and furthermore is set further forward in the plot than the host property.

The proposed front dormer is small in scale which would be set below the ridge and back from the gutter, therefore an acceptable size and design not to have an acceptable impact on visual amenity. However it is unclear of the materials proposed therefore for the dormer to reflect the roof materials the dormer front and cheeks should be tiled hung in a dark grey, (condition 4) in

order for it to be acceptable and compliant with the requirements of policies LP1, LP2 & LP24 of the Local Plan and advice in the National Planning Policy Framework.

The proposed two dormers and 2-storey extension would be located on the south facing rear elevation of the property. The two dormers are small in scale and equally spaced on the rear elevation. The 2-storey extension extending 4.4m across the back of the property on the east side and projecting 4m at ground floor and reduced to 3m at first floor where there would be no part visible from the street. Therefore, will not harm the appearance of the street scene. The extension will be constructed of materials to match those of the existing building and will remain subordinate to the host building. The extension is considered to relate satisfactorily to the host building and will have an acceptable impact on visual amenity, thereby acceptable and compliant with the requirements of policies LP1, LP2 & LP24 of the Local Plan and advice in the National Planning Policy Framework.

The property has already been extended to the side with a first floor extension over the garage, with a detached building in the grounds of the property, where the combined structures are in themselves are considered, on balance, to remain subordinate to the host building, future alterations may not. Although there is limited scope to extend further, it would be appropriate to remove permitted development rights for alterations within the roof space of the host property, rear extensions and further detached buildings, in this case. This would be to prevent the overdevelopment of the site in the interests of visual amenity. (condition 5)

The proposal therefore accords with Policy 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 side extension is not deemed to result in any significant harm upon the residential amenity.

Impact on residential amenity:

The proposed front and rear dormers are set in from the gables either side, small in scale so unlikely to create any overshadowing or overbearing of its neighbours either side.

With regards overlooking from the dormers, where there are no windows in the side dormer cheeks and the separation distance to the rear is over 25m and to the front approx. 21 meters , therefore adequate separation distance in order not to create overlooking at close quarters.

The rear extension would project 4m at ground floor and 3m at first floor, which would be set in from the neighbour’s boundary at no. 29 by 11m, therefore at an adequate distance not to create an overbearing or overshadowing affect.

With regards the neighbour at no 25, which is both at a slightly lower level and set further forward within the plot, there is some potential for the extension to create an overshadowing and or overbearing effect on the occupiers of the property. it is clear that they use an area close to the boundary for socialising where the extension would have some impact on late afternoon/evening sun. However, the applicant could build a ground floor 4m extension without planning permission, therefore the additional impact is the 3m first floor extension.

Most planning approvals are likely to interfere to some extent, with an adjoining occupier's enjoyment of their property. However, the test is whether this is proportionate. In the case of this application given the first-floor extension projects only 3m and is set in from the boundary by approx. the proposed 2-storey extension would not cause undue overshadowing or overbearing of the neighbour's rear garden.

The proposed rear extension wouldn't create any undue overlooking given the position of windows within the rear elevations, where the neighbours to the rear, being at an acceptable distance of over 27m. there are no windows in the east elevation of the proposal which should be conditioned (condition 6) given the slight difference in levels.

However, there are proposed windows in the west facing elevation in the form of bifolds at ground floor and a Juliette balcony at first floor. There is adequate screening for the ground floor windows not to create any overlooking with the neighbour at No29. With regards the Juliette balcony, there is potential for overlooking, however there would be a separation distance of 11m to the boundary where the neighbour already has a conservatory which will partially screen their outdoor amenity space, furthermore there is already a Juliette balcony within the extension over the garage and no objections have been received

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 rear extension is 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, the existing garage has already been converted into additional living accommodation, where the current property as extended is a 5-bedroom property. the alterations proposed would increase it to 7 bedrooms. Where the highway design guide indicates 3 spaces for over 4 bedrooms, in this case an additional 2 spaces would be required, following informal advice with highways. This should be done by condition (condition 7), which has been agreed verbally with the agent 4/12/20, therefore provided a condition is added the proposal 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:

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 however noted that proposal indicates the existing solar panels will be retained providing solar gain.

Representations:

1 letter of representation has been received objecting to this application.

- Block view

Response: - the application has been amended to address this in part.

- Would be an eyesore

Response: - this has been addressed in the report

The neighbour mostly effected by the proposal has been notified of the amended plans and acknowledge the difference with no further objections received.

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: 2020/92572

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 LP1, LP2 & LP24, of the Kirklees Local Plan and advice in 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 LP1, LP2 & LP24 of the Kirklees Local Plan and advice in the National Planning Policy Framework

4. The hereby approved dormer windows shall be clad in dark grey hung tiles to match the tiles used on the existing roof of the host 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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes AA, B or E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority within the area outlined in red on the location plan on Dwg. No. 1812-20-001.
Reason: In the interests of visual amenity and to preserve the amenities of nearby residential properties and to accord with LP24 of the Kirklees Local Plan and Policy in Chapter 12 of the National Planning Policy Framework.

6. 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 1995 (or any order revoking or re-enacting that Act or Order with or without modification) no additional door or window

openings other than those expressly authorised by this permission shall be constructed in the eastern (side) elevation of the extension on the approved plan at any time.
Reason: So as not to detract from the amenities of the adjoining property by reason of loss of privacy and to accord with policies LP01, LP02 & LP24 of the Kirklees Local Plan and advice in the National Planning Policy Framework.

7. Notwithstanding the approved drawings, 2 additional spaces should be provided to the front of the property in the site outline in red on the location plan on Dwg. No. 1812-20-001, prior to the development being brought into use and shall be laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the use.
Reason: To ensure adequate space within the site for vehicle parking and in accordance and to ensure adequate drainage of surface water within the site in accordance with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

Footnote: In respect of condition 7, information on permeable surfacing and the use of soakaways can be obtained in the DCLG/Environment Agency Publication 'Guidance on the permeable surfacing of front gardens. http://www.communities.gov.uk/documents/planningandbuilding/pdf/pavingfrontgardens.pdf

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Existing layout & elevations	1812-20-001		10.8.20
Proposed layout & elevations	1812-20-002	C	8.10.20

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 requested amended plans during the process of the application to seek an amendment which would reduce the impact of the development on the visual & residential amenity of nearby residents. This decision is based on the amended/additional documents submitted.

Report Dated: 4.12.20

Coal – low risk