

**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: 2020/62/93103/W

Site Address: 27, George Avenue, Birkby, Huddersfield, HD2 2BD

Description: Erection of single storey extension to rear, dormer windows to front and rear and demolition of existing garage

Recommending Officer: Ellie Worth

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: 28-Jan-2021

Officer report

Site description

27 George Avenue, Birkby is a semi-detached dwelling in which is constructed from render and stone with a tiled roof. The property currently benefits from a small area of hardstanding to the front, a driveway to the side and private amenity space to the rear. Alongside the above, there is also a detached garage to the South East of the host property. Pedestrian and vehicular access can be taken from the Northern boundary onto George Avenue. Boundary treatment consists of small stone walling to the front and timber fencing and hedging to the side and rear.

The site is situated within a predominantly residential area, whereby some of the properties vary in design and form. The site is unallocated on the Kirklees Local Plan; however, the rear boundary is situated adjacent to Edgerton Conservation Area. There is also a PROW in which runs to the south of the site.

Description of development

The applicant is seeking permission for the erection of a single storey rear extension, dormer windows to the front and rear, the demolition of the existing garage and alterations to convert the existing hipped roof into a gable. The measurements of the scheme are as follows:

Single storey rear extension:

- 4m in projection
- 6m in width
- 2.3m in height to the eaves; 3.4m in overall height

Front dormer:

- 1.7m in width
- 2.4m in height
- 3.5m in depth

Rear dormer:

- 5.3m in width
- 2.4m in height
- 3.5m in depth

Hip to gable:

- 3.3m in additional width
- 7.6m in additional width
- 8.1m in overall height to match the ridge roof height on the host property

The walls of the rear extension will be constructed from stone with a tiled roof to match. The dormers will be finished in a dark clad. New windows will be

white UPVC to match the existing. Internally, the works will create the additional living accommodation required by the applicant.

On-site parking will be retained as existing.

History of negotiations/amendments sought

Officers have entered into discussions with the agent regarding the overall projection of the single storey rear extension and the size of the front dormer. As such, amended plans have been sought in line with officers' recommendations. These were received on the 18th January 2021.

Relevant Planning History

None at the application site.

Representations

The application has been advertised by site notice, neighbour notification letters and the press.

Final publicity expires: 4th December 2020.

As a result of the above publicity, no representations have been received.

Given the amendments sought to reduce the projection of the rear extension and the overall size and scale of the front dormer, officers did not consider it reasonable to re-advertise the scheme.

Consultations responses

None necessary.

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 unallocated on the Kirklees Local Plan, however, the rear boundary is adjacent to Edgerton Conservation Area.

Kirklees Local Plan:

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP21 – Highway safety
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity
- LP35 – Historic environment

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 design places
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic 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 highways
5. Other matters
6. Representations
7. Conclusions

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. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

As such, the principle of extending the property has been considered acceptable, subject to the other material planning considerations below.

2. Impact on visual amenity

The NPPF provides guidance in respect of design in chapter 12 (Achieving well designed places) with 124 providing an overarching consideration of design stating ‘the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’.

Kirklees Local Plan policies LP1, LP2 and importantly, LP24 are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Policy LP24 states that all proposals should promote good design by ensuring the following: ‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’ and that ‘extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details an minimise impact on residential amenity of future and neighbouring occupiers’.

In this case, it has been considered that the proposed extensions would appear subservient to the host property, as the rear extension would be retained at single storey with a shallow lean to roof. The alterations to the existing roof form from hip to gable will also ensure that the overall height of the property is not increased as part of this proposal. Concerns have been raised regarding the size of the front dormer and therefore amendments have been received. The rear dormer would also be set up from the eaves.

Whilst there would be additional bulk and massing at the host property, officers have noted that the application site, and the neighbouring properties all benefit from generous plot sizes. As such, the works proposed would not result in the overdevelopment of the site. The proposed design is considered to contribute to the existing character of the street scene, as the properties in which line George Avenue appear to be semi-detached properties with either a hipped or gable roof form.

Single storey rear extension

The design of the rear extension has been considered acceptable, as the development on balance would appear relatively small in size and scale when compared against the backdrop of the two storey property. Amendments have also been sought to reduce the projection of the extension from 5m to 4m, which will also help alleviate some of the bulk and massing. The submitted plans show the works to be constructed from stone, in which will match the stonework used on the host property.

In terms of fenestration, a rectangular window will be inserted into the rear elevation. This has been considered acceptable, as it will sit above the kitchen units. Double doors will be inserted into the rear elevation in order to provide a flexible space for the occupants. The submitted plans also show three roof lights to be inserted into the lean to roof, in which will allow more natural light penetration into the open plan kitchen. No new windows will be inserted into either side elevation.

Alterations to form a gable roof

It has been considered that there would be some impact upon visual amenity from altering the existing hipped roof into a gable. These, concerns are also intensified given the fact that, no. 29 the attached dwelling, also currently has a hipped roof. As such, there would be some impact upon the pair and wider street scene and the context in which the host property is read against.

However, it has been noted that the property benefits from its permitted development rights and therefore such works could be undertaken without acquiring planning permission. Therefore, given the above, any impact on amenity is not considered to be undue, over and above what could be constructed under permitted development.

There is also a mixture of gable and hipped roof forms within the vicinity and therefore such alterations will to some degree, harmonise with the wider street scene.

Front and rear dormers

It has been assessed that the rear dormer would appear relatively large in terms of its size and scale, and therefore has been designed based on function rather than form. Amendments have also been sought to reduce the size and scale of the front dormer, with officers also suggesting that the addition is situated above the existing bedroom window. However, given the internal layout of the roof space, the applicant wishes to keep the dormer within a central location, and therefore an on balanced decision has been made.

Both dormers would be set up from the eaves on the host property and would be finished in dark grey cladding. The use of this material has been considered satisfactory and therefore a condition will be attached to the decision notice accordingly.

The demolition of the existing garage would not require planning permission and therefore does not require a full assessment.

Alongside the above, the application has been assessed by the impact it would have on the character and setting of Edgerton Conservation Area. In this case, it has been noted that the additional development would interrupt the largely linear form of George Avenue as viewed from the Conservation Area. This would be as viewed from the public right of way. It is however, considered this would have a neutral impact on the setting of the conservation area, in light of George Avenue being clearly a later development of suburban housing. As such, officers are satisfied that there would be no harm to the setting of the Conservation Area.

Conclusion on visual amenity

In summary the proposed extensions would be of a satisfactory design and would be in keeping with the character of the area in accordance with Policies LP24 and LP35 of the KLP and Chapters 12 and 16 of the NPPF.

3. Impact on residential amenity

The impact of the development on each of the surrounding properties will be assessed in turn.

29 George Avenue is the attached property to the West of the application site. It has been considered that there would be some additional impact upon the amenity of these neighbours, given the works proposed. However, officers have noted that the rear extension would be retained at single storey with a shallow lean to roof. Amendments have also been sought to reduce the projection from 5m to 4m, which will also help alleviate some of the bulk and massing. As such, any overbearing is not considered to be undue.

With regards to overshadowing, any impact would only be evident within a morning and therefore can be supported. The submitted plans also show no additional openings to be inserted into the western facing side elevation, which will help protect these neighbour's private amenity space from any

overlooking. Nonetheless, future permitted development rights for new openings within this elevation, will be removed.

There would be some additional bulk and massing from the front and rear dormers, however these would be set up within the roof space and therefore would not intervene with these neighbours' existing openings. There would also be limited overshadowing and therefore any impact can be supported. Whilst the plans show two windows to be inserted into the face of the rear dormer, the outlook would be restricted into the applicant's rear garden and therefore no concern has been raised.

There would also be no further impact on these neighbour's amenity, as a result of altering the existing hipped roof into a gable, as the submitted plans show the overall roof height to be retained as existing.

Having taken into account the above, it has been considered that there would be an acceptable level of amenity retained at these neighbours.

25 George Avenue is the neighbouring property to the East of the application site. There would be some impact upon these neighbour's amenity, however officers do not consider this to be detrimental. This is due to the works to form the gable, being adjacent to these neighbours existing roof, in which does not currently benefit from any openings. As such, any overbearing and overshadowing is not considered to be undue.

Furthermore, any impact from the front and rear dormers would not be material, given the fact that a separation distance of approximately 6m will be retained. The submitted plans also show no windows to be inserted into the cheeks of the dormers and therefore there would be no significant loss of privacy.

The demolition of the existing detached garage will also help reduce some of the bulk and massing along the shared boundary between these neighbours and therefore this welcomed.

43 – 47 Birkby Lodge Road are the neighbouring properties to the North of the application site. Given the fact that there would be a substantial separation distance retained, including a highway, officers do not consider there to be any undue overbearing, overshadowing and overlooking.

To the rear of the site is Urban Green Space.

In summary the application is considered to have an acceptable impact on residential amenity and therefore complies with LP24 of the KLP from this perspective.

4. Impact on highway safety

It has been noted that the proposal has the potential to intensify the domestic use at the property, by creating additional accommodation within the roof

space. Nonetheless, officers are satisfied that the existing driveway to the east of the site, has sufficient space for three parked vehicles.

This has been considered acceptable from a highways perspective and therefore the application is considered to comply with the aims of Policies LP21 and LP22 of the KLP.

5. Other matters

Bats

The application site lies within the bat alert layer on the Council's GIS system. As such, careful attention has been paid when looking for evidence of bat roof potential. In this instance, the property appeared well sealed around the eaves and roof area and it was judged unlikely to contain roosting bats.

Even so, as a cautionary measure, a note will be added to the decision notice stating that if bats are found development shall cease and the advice of a licenced bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

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 predates 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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures. However, it has been noted that the rear extension would be constructed from stone, in which is considered to be a natural material that can be sourced locally. The use of large areas of glazing to habitable rooms will also help to reduce the use of artificial light and improve passive solar gain.

Public Right of Way

The PROW (HUD/345/10) runs along the rear boundary at the site. In this instance, it has been noted that the host property benefits from a large, elongated garden and therefore the main bulk and massing would be to the North. For these reasons, it has been considered that there would be no undue impact upon the users of the PROW nor its setting. This is to accord with Policy LP24 (d) of the Kirklees Local Plan.

6. Representations

As a result of the above publicity, no representations have been sought.

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 materials considerations. It is considered that the development would constitute to sustainable development and is therefore recommended for approval.

Recommendation Approve

Decision Authorisation - Delegated Powers

Application Number: 2020/93103

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 so as to ensure the satisfactory appearance of the development on completion, and to accord Policies LP1, LP2, LP21, LP22, LP24, LP30 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The stonework used on the single storey rear extension hereby approved, shall in all respects match the stone used in the construction of the host property, in accordance with the details shown on the approved plan.

Reason: In the interests of visual amenity to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

4. The roofing materials of the extensions hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity to accord with Policy LP24 of the Kirklees Local Plan and the aims of 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 doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created at ground floor, within the side elevations of the single storey rear extension.

Reason: So as not to detract from the amenities of adjoining/neighbouring properties by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan.

6. The front and rear dormers hereby approved shall be externally clad in dark grey cladding to match the materials used on the existing building. The dormers shall thereafter be retained with this finish.

Reason: In the interests of visual amenity and to accord with LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours Mondays to Fridays

08.00 and 13.00 hours , Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

NOTE: The granting of planning permission does not overrule private legal 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 or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

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. 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
Existing floor plans	1529/01	-	5 th October 2020
Existing elevations	1529/01	-	5 th October 2020

Location plan, site plan, block plan and proposed elevations	1529/03C	-	18 th January 2021
Proposed floor plans and roof plan	1529/02C	-	18 th January 2021

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. In this instance, officers have entered into discussions with the agent regarding the overall projection of the single storey rear extension and the size of the front dormer. As such, amended plans have been sought in line with officers recommendations. These were received on the 18th January 2021.

Report Dated: 28th January 2021