

**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: 2020/62/94078/E

Site Address: 1A, Water Royd Avenue, Mirfield, WF14 9LR

Description: Erection of single storey front, side and rear extensions and detached garage and associated works

Recommending Officer: Josh Kwok

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: 21-Jan-2021

Officer Report

Site Description

1A Water Royd Avenue consists of a brick-built detached bungalow, with a detached garage and garden store, a driveway to the side and spacious gardens to the front and the rear. The boundary treatments comprise substantial hedges and a few trees. The site and its surroundings are predominately residential, characterised by various house types including two-storey, semi-detached and terraced houses, as well as bungalows. These houses are all constructed in different materials, which contribute to the diverse street-scene of Water Royd Avenue.

Description of Proposal

Planning permission is sought for erection of single-storey, front side and rear extensions, a detached garage and associated works. The external dimensions of these extensions and the garage are provided in the submitted drawings. The facing materials are render and timber cladding, whereas the roofing material is to match existing.

History of negotiations/amendments received

A minor amendment was sought to the fenestration of the front extension. The revised drawing was received on 08-Jan-2021. No further changes of details were sought thereafter.

Relevant Planning History

2020/92208 – Erection of single storey front, side, and rear extensions with outbuilding and associated works (1A, Water Royd Avenue) – Refused

Representations

This application was publicised by neighbour letter only, which expired on 13-Jan-2021. No written representations have been received following this publicity.

Mirfield Town Council – no comments received.

Consultation Responses

No consultations required for this application.

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 (KLP):

- **LP 01** – Achieving sustainable development
- **LP 02** – Place shaping
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **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 2 – Achieving sustainable development
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- 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:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan. This policy stipulates that proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

2 – Impact on visual amenity:

This application seeks to demolish an existing outbuilding and replace it with a single-storey side extension, to erect a single-storey front extension, and to alter the detached garage. The development concerned would significantly increase the size of the bungalow but not to an extent that it would have a visually dominating and overbearing impact. The rectangular form of the existing building would be largely retained. The front extension, by reason of its size, would inevitably attract a degree of prominence when viewed from Water Royd Avenue. However, the impact arising from this element would be satisfactorily mitigated by the stone walls and dense evergreen hedges along the eastern boundary. Overall, the scale of development could be, on balance, acceptable in terms of visual amenity.

The facing materials would be coloured render and timber cladding, whilst the roofing material is to match existing. The chosen materials of construction, despite not being identical to those used in the construction of the adjoining buildings, could be acceptable on this occasion, as the existing bungalow is already faced with a mix of stone and brick. In addition, the nearby buildings are also constructed with a variety of materials. To ensure the development achieves a satisfactory appearance upon completion, a condition should be imposed to stipulate the materials of construction.

Concerning design, the front and side extensions as well as the detached garage would have a dual pitched roof to match the host building and those surrounding it. The height of all these extensions would not exceed that of the bungalow, allowing a subservient relationship to be achieved in accordance with policy LP24 of the KLP. The new window and door openings would be comparable to those of the main house in terms of their size, position, and detailing. The rear extension would have a flat roof. Despite looking different to the host building, it is acknowledged this element is at the rear of the house and, hence, unlikely to prejudice the street-scene of Water Royd Avenue. The proposal also includes some minor alterations of the bungalow, which are also acceptable in terms of design.

The current proposal has adequately addressed the reasons for refusal, detailed in the decision notice for the previous application. The scale, design and siting of the development has been amended significantly to minimise the potential of impact on visual amenity and on the local street-scene. The proposal, as amended, is considered to be now compliant with the aims of policy LP24 of the KLP and chapter 12 of the NPPF in scale, layout, design, and materials. As such, it could be supported from a visual amenity perspective.

3 – Impact on residential amenity:

The development under consideration would infill an area between the main house and the rear garden of no.12 Water Royd Lane. However, it is not anticipated to result in any harm to the living conditions of these residents. This is because the side and rear extensions concerned would be no higher

than the existing building on site. In addition, the height of the extensions would drop gradually towards the site boundary, due to the design of the roof. The potential for overshadowing and overbearing impacts arising from this development is considered low and acceptable.

There would be no additional openings in the rear elevation facing no.12 and its garden. Hence, the occupants of this adjacent house would not experience a greater impact on their privacy than the current situation. In the interests of residential amenity, a condition should be imposed to restrict new openings being inserted in the western elevation of the rear extension. Subject to this, the proposal would preserve the living conditions of these residents.

There is a pair of semi-detached houses on the opposite side of Water Royd Avenue, which, potentially, could be overlooked from the kitchen window of the front extension. Nevertheless, the front garden of these houses is already readily visible from the road and there is an appropriate separation distance between the development and these neighbouring houses. With these factors in mind, officers find the potential of overlooking impact would not be unduly detrimental to the living conditions of the occupiers of these houses.

No other houses in the vicinity of the site would be adversely affected by the development in question. In summary, the proposal is appropriate from a residential amenity perspective. It would conform to policy LP24(c) of the KLP, in terms of minimising the impact on residential amenity of the future and neighbouring occupiers.

4 – Impact on highway safety:

The proposed development would intensify the residential use of the existing building and affect the parking arrangement of the site. The enlarged house would have four bedrooms in total. For a dwelling with more than three bedrooms, three off-street parking spaces should normally be made available to its occupants, in line with the Highway Design Guide SPD and policy LP22 of the KLP.

In this case, officers are satisfied, based on the submitted information, that there would be enough space within the site for parking of three vehicles. As such, there would be no issues in terms of parking, subject to a condition requiring the existing driveway to be widened, drained, and surfaced to serve the detached garage before the extensions are brought into use. Thereafter, the garage should be retained for car parking.

The enlarged bungalow would be occupied by one household, as existing. Thus, the proposed development would not give rise to a significant increase in traffic generation that could prejudice highway safety. Overall, the potential of impact on highway safety is acceptable in respect of policy LP21 of the KLP.

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 proposal is a small-scale domestic development to an existing dwelling. As such, no specific measures are required in terms of the planning application, with regards to carbon emissions. However, there are controls in place 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.

Ground condition

The development concerned would fall within a "Development High-Risk Area" identified by the Coal Authority. In this case, the proposal is for extensions to an existing residential property. Given that, it would be exempted from the requirement of Coal Mining Risk Assessment, in accordance with the Coal Authority Exemption List. The site is considered suitable for the development in question.

There are no other matters considered relevant to the determination of this application.

6 – Representations:

No representations were received following the statutory publicity.

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: 2020/94078

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 Policies LP21, LP22 and LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external walls of the single storey extensions and garage hereby approved shall be faced with white coloured render and timber cladding in accordance with the approved details received on 20-Jan-2021 and the roofs shall be covered with matching roof tiles and flat roof membrane.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of 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 western elevation of the single storey rear extension hereby approved at any time without the prior written approval of the Local Planning Authority.

Reason: To not detract from the amenities of the occupants of the adjoining property 12 Water Royd Lane by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

5. The single storey extensions and detached garage hereby approved shall not be brought into use until the existing driveway between the external front wall of the bungalow and the edge of Water Royd Avenue has been widened, to serve the garage, drained and surfaced 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) the driveway shall be so retained, free of obstructions and available for parking and access thereafter.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for parking and turning, to ensure that any hard standing area within the site is appropriately drained, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, and Chapters 9 and 14 of the National Planning Policy Framework.

6. The single storey extensions hereby approved shall not be brought into use until the detached garage has been erected in accordance with the details shown in the approved drawings. 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), the detached garage shall thereafter be retained for parking of vehicles.

Reason: In the interests of highway safety, to ensure an appropriate level of parking provision remains available to the occupants of the enlarged bungalow and to avoid parked vehicles being displaced onto Water Royd Avenue, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

Plans and specifications schedule:

| Plan Type | Reference | Version | Date Received |
|-------------------------------|------------------|----------------|----------------------|
| Proposed plans and elevations | (20)001 | | 27-Nov-2020 |
| Existing plans and elevations | (EX)001 | | 27-Nov-2020 |
| Site plan | (20)002 | | 27-Nov-2020 |
| Location plan | (EX)002 | | 27-Nov-2020 |
| Materials | | | 20-Jan-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 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. No amendments were sought in this case, as the development is considered acceptable in its submitted form.

Report Dated: 20-Jan-2021

