

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: 2021/62/90900/E

Site Address: 5, Harewood Avenue, Heckmondwike, WF16 0DB

Description: Erection of single storey and two storey extensions, dormer windows to front and rear and Juliet balcony's to front and rear

Recommending Officer: Jennifer Booth

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: 07-May-2021

OFFICER REPORT

Site Description

5 Harewood Avenue is a brick built semi-detached dwelling with an existing single storey side and rear extension. The property is set down from the level of the road with a drive to the side, garden to the front and paved yard area to the rear.

The property has similar dwellings to each side, a bungalow opposite and a bungalow at a much lower level to the rear.

Description of Proposal

The applicant is seeking permission for a single storey front extension with juliet balcony, two storey side extension, first floor rear extension with juliet balcony and front and rear dormers.

The front extension would project 1.5m from the original front wall of the dwelling extending across the width of the dwelling including to the front of the side extension. The roof form is proposed to be lean to with a pitched detail over the central front door.

The side extension would lie flush with the front of the house at first floor with a projection of 2m and the roof form would be pitched to match the main house.

The first-floor rear extension would be set in 0.4m from the shared boundary with the adjoining property and would project 2.9m from the original rear wall extending across the full width of the dwelling including to the rear of the proposed side extension. The roof would cat slide from the existing apex of the dwelling and includes a juliet balcony.

The extensions would be constructed using brick for the walling, tiles for the roof covering and shows stone quoins.

The front dormer would have a width of 3.3m and a height of 1.75m within the original roof plane and would be clad with horizontal uPVC cladding.

The rear dormer would have a width 7.2m with a height of 1.4m set up within the new steep roof slope and would be clad with horizontal uPVC cladding.

Relevant Planning History

2020/92513 - erection of side and rear extension and dormers in the front and rear - approved

2011/90322 - two storey side and single storey rear - approved

2008/90661 - use of dwelling to operate 1 taxi - approved

2007/95269 - use of dwelling as taxi office to operate 3 cars - refused

History of negotiations

The submitted plans raised significant concerns in terms of design of the front extension given the initially proposed flat roof form and balcony. The Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants. As such, amended plans were sought and received to amend the roof design of the front extension to overcome the concerns. As the alteration was minor and did not substantially increase the scale of the development, the amended plans have not been advertised.

Representations

The application was advertised by neighbour letters, which expired on 20/04/2021.

Following the above publicity, one representation was received. The material considerations raised are summarised as follows:

- The rear extensions would result in overlooking over the neighbouring property to the rear.

No other issues were raised.

Consultation Responses

None.

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 Proposals Map.

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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design

Kirklees Council is currently in the process of producing its supplementary planning guidance on House extensions. Although this is at the draft stage, it does need to be considered in the assessment of planning applications with some weight attached. The general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character the host property and the wider street scene.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the NPPF published 19th February 2019, and 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

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conditions
- 7) Conclusion

1 – Principle of development:

The site is without notation on the 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. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

It is noted that the property has a recent approval for a side extension, rear extension and front and rear dormers. The current proposal is for a modified scheme which will now also include a front extension.

2 –Impact on visual amenity:

The host property is located on a residential street with properties of a similar age and style on the same side of the road with several extensions and alterations. There are bungalows on the opposite side of the road and at a lower level to the rear of the property. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

The proposal under consideration consists of five distinct elements, which shall be addressed below.

Single storey front extension

The limited scale and single storey nature of the front extension together with the use of matching materials is such that the front extension can be considered acceptable in terms of visual amenity.

Front dormer

The size of the front dormer would still allow the roof to remain the dominant element. It is also noted that there is another such development nearby at 15 Harewood Avenue and as such this would not be out of character in the wider street scene. As such, the front dormer is considered acceptable in terms of visual amenity.

Two storey side extension

The scale of the side extension is considered acceptable as it allows the original house to remain the dominant element. Although it would be preferable to have a setback and set down, there are other extensions in the area so this would not be out of place. The materials proposed would match the main house and the detailing is considered acceptable. The side extension is, therefore, considered to be acceptable in terms of visual amenity.

First floor rear extension with juliet balcony

The works to the rear would not increase the footprint of the dwelling. The materials proposed would match the main house. The detailing including the use of a juliet balcony and the sloping roof would form an acceptable relationship with the main house. Indeed, there is a similar extension to the rear of 15 Harewood Avenue and as such this would not be out of character with the wider area. The first-floor rear extension is therefore considered to be acceptable in terms of visual amenity.

Rear dormer

The rear dormer is a box like structure proposed within the roof plane. The design is clearly based on function rather than form and given the elevated position of the dwelling, there would be views of this from the road to the rear. However, there is a similar structure to the rear of 15 Harewood Avenue, and this would not be out of character with the wider area. It is also noted that there is a fall-back position to form a dormer under permitted development. As such and on balance the dormer is considered acceptable in terms of visual amenity.

Summary

It is noted that this proposal comprises several elements, which have been addressed above and whilst cumulatively, there is quite a lot going on. However, each element works together and would not overdevelop the property. The original house will still be clearly seen within the street scene and the property would have amenity spaces to the front and rear. It is considered appropriate to remove permitted development rights for any further works within classes A – E as the property has reached its reasonable limit of extension.

Having taken the above into account, the proposed extensions would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the KLP (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building and the aims of chapter 12 of the NPPF.

3 – Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out in terms of policy LP24 c), which states that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

There are no properties directly to the rear of the host property. However, there is an angled relationship with both 33 Cawley Lane and 10 Fernlea Close.

Impact on 33 Cawley Lane

The extension to the rear would reduce the space between the host property and the garden area of the neighbouring 33 Cawley Lane to approx. 17m. The oblique angling together with the land level difference would limit the impact the proposed first floor extension to the rear in terms of the amenities of the occupiers of the neighbouring 33 Cawley Lane.

The dormer would be set up within the existing roof plane and would not have any particular opportunity to affect the neighbouring 33 Cawley Lane.

Impact on 10 Fernlea Close

This neighbour to the rear occupies a significantly lower position with an angled relationship relative to the host property. There is a separation of 22m however, the land level differences do exaggerate the relationship between the properties. The proposals would see the first floor extended further back. Although the projection is limited to 3m which would not have a significantly greater impact than the existing arrangements. It is noted that there would be a juliet balcony, which could give the perception that there would be increased overlooking. However, this is in effect a larger window in terms of its height with the lower sections offering no significant opportunity for overlooking. The angled relationship together with the separation are considered to off set the potential impacts of the extension with the elevated position of the host property.

The rear dormer is set up within the roof plane and given the position would not offer any further opportunity for overlooking than exists at present.

It is also important to note that the works to the rear have already been approved under 2020/92513.

Impact on 3 Harewood Avenue

Although it would be constructed along the shared boundary with the adjoining property, the limited scale of the front extension would have no significant impact on this adjoining dwelling.

The front and rear dormers would be set up within the existing roof plane and given the positions would have little impact on the adjoining dwelling.

The side extension is proposed to be located on the opposite side of the dwelling to the adjoining property.

The first-floor rear extension would be constructed along the shared boundary with the adjoining dwelling and could have the potential to cause an oppressive impact on the garden area. However, the projection is limited to 3m which is generally considered to be acceptable. Furthermore, permission was already granted for this level of development under 2020/92513.

The impacts of the extensions on the amenities of the adjoining 3 Harewood Avenue are not considered to be significant.

Impact on 7 Harewood Avenue

The limited scale of the front extension would have no significant effect on the amenities of the occupiers of this adjacent property.

The front and rear dormers are to be set within the roof plane and given the positions together with the scale, would have no significant effect on the amenities of the occupiers of the adjacent dwelling.

The side and rear extensions would be built along the shared boundary. However, taking into account the existing extensions to the host property and the garage in the neighbour's rear yard together with the modest separation afforded by the neighbour's drive, officers are satisfied that there would be no significant impact on the amenities of the occupiers of the adjacent 7 Harewood Avenue.

Impact on 6 & 8 Harewood Avenue

The properties on the opposite side of the road occupy elevated positions relative to the host property with the road and their own gardens between. Given this relationship, the proposed front extension, side extension and front dormers would not have any significant impact on the amenities of the occupiers of the neighbouring 6 & 8 Harewood Avenue.

Having considered the above factors, the proposals are considered not to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the KLP (b) in terms of the amenities of neighbouring properties and Paragraph 127 (f) of the NPPF.

4 – Impact on highway safety:

This development would intensify the residential use of the existing house by creating two additional bedrooms. For a house with more than three bedrooms, three off-street parking spaces should normally be provided for use of its occupants. In this case, the remaining driveway would be large enough to provide parking for one vehicle. Another vehicle could, potentially, be parked directly to the front of site. This would give rise to a shortfall of only one parking space.

It is noted that a few houses on the same road have already had a similar sized extension without having to provide three off-street parking spaces. Moreover, given the natural terrain of the site and its surroundings, the front garden could not be reconfigured to provide additional parking spaces without substantial engineering works, which might be harmful to visual amenity. Harewood Avenue is a quiet residential neighbourhood and most houses currently benefit from some form of off-street parking provision. It is, therefore,

considered that the potential displacement of parked vehicles onto the public highway, in this context, would not substantially prejudice highway safety and efficiency.

The enlarged house would be occupied by one household as existing. Hence, there is unlikely to be a material increase in traffic generation, when compared with the current situation. Given that, the proposal could be, on balance, acceptable in terms of highway safety, efficiency and parking, in accordance with policies LP21 and LP22 of the KLP.

5– Other matters:

Carbon Budget

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

There are no other matters for consideration.

6 – Representations:

One representation has been received. The material considerations raised are summarised as follows:

- The rear extensions would result in overlooking over the neighbouring property to the rear.

This relates to residential amenity which has been full addressed with respect to each neighbour in section 4 of this assessment.

No other issues were raised.

7 – Negotiations:

None.

8 – Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions:

- Accordance with the approved plans, to ensure the development is carried out in line with the officer's assessment.

- Matching materials, to ensure that the extensions harmonise with the host property, as using alternative materials would look out of place within the street scene.
- Use of grey uPVC cladding for the dormers, to ensure a satisfactory appearance.
- Removal of permitted development rights for any further works within classes A – E of the GPDO, to prevent overdevelopment.

9 – Conclusion:

This application to erect a single storey extension to the front, two storey extension to the side, first floor extension to the rear with a juliet balcony along with front and rear dormers at 5 Harewood Avenue has been assessed against relevant policies in the development plan as listed in the policy section of the report, the NPPF and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered acceptable.

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.

As set out above, 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: 2021/90900

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 with Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The external walls and 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 and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of chapter 12 of the National Planning Policy Framework.

4. The external walls and cheeks of the front and rear dormer windows hereby approved shall be faced with grey coloured uPVC cladding and the roof shall be covered with flat roof membrane, in accordance with the approved details.

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.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification)) no development included within Classes A through E of Part 1 of Schedule 2 to that Order shall be erected within the red line boundary of the application site shown on the approved plans at any time.

Reason: In the interests of visual amenity and to avoid overdevelopment of the application site, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing

access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

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 may control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:

Plan Type	Reference	Web ID	Date Received
Proposed plans	PL01a	868639	30/04/2021

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 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.

The submitted plans raised significant concerns in terms of design of the front extension, given the initially proposed flat roof form and balcony. The Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants. As such, amended plans were sought and received to amend the roof design of the front extension to overcome the concerns. As the alteration was minor and did not substantially increase the scale of the development, the amended plans have not been advertised.

Report Dated

06/05/2021

