

**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: 2021/62/90984/W

Site Address: 35 , Woodedge Avenue, Dalton, Huddersfield, HD5 9UX

Description: Erection of two storey and single storey extensions, dormer windows to rear, demolition of existing conservatory and associated alterations

Recommending Officer: William Simcock

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: 09-Jun-2021

Officer Report 2021/90984

35 Woodedge Avenue, Dalton

Site Description

35 Woodedge Avenue is a two-storey semi-detached house (the right-hand half of a pair). Its front elevation faces north across the public footway and a landscaped area. Most of the amenity space is at the side or front. It is located in a residential area comprising mostly dwellings of similar design.

Description of Proposal

The proposal is for the erection of two-storey and single-storey extensions, dormers to the rear, the demolition of the existing conservatory and associated alterations.

The two-storey extension would be to the side, projecting 2.9m and almost the full length of the existing side elevation, just set in by 300mm at the front.

The front single-storey extension would be 5.9m wide so as to be almost the full width of the front elevation, set in by about 150mm at the side boundary, projecting 1.1m and with a lean-to roof, the junction just below the existing first-floor windows.

The rear single-storey extension, which would replace the existing conservatory, would be 5.5m wide and project 3m, with the western corner angled.

Materials would be brick and render to match, the dormer being clad in dark grey thin profile tiles.

History of negotiations/amendments received

08-Jun: Amended plan eliminating the upper floor part of the proposed rear extension.

The amended plan was not subject to new publicity since it was a reduction on the original plans and therefore not considered to raise new planning issues.

Relevant Planning History

None.

Representations

Final publicity date expires: 23-Apr-2021 (publicity by neighbour letter only in accordance with the requirements of the Development Management Procedure Order)

No representations received.

Consultation Responses

None were deemed necessary in this instance.

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 designation on the Local Plan.

Local Plan:

- LP 21:** Highways and access
- LP 22:** Parking
- LP 24:** Design

Supplementary Planning Documents: The House Extension & Alteration SPD is at Final Draft stage. As it is so far unadopted, only limited weight will be placed on it.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 24th July 2018, 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 – Requiring good design

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity (including any heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Representations
- 7) Conclusion

1 – Principle of development: The site is without designation in the Local Plan. Of particular relevance is Policy LP24(c) which requires that extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials, and details and minimise impact on residential amenity of future and neighbouring occupiers. Any implications for highway safety will also be considered as required by Policies LP21-22.

2 –Impact on visual amenity: The existing dwelling is somewhat unusual in its layout within the plot in that most of the amenity space is at the side and the front, not the rear. Compared to many dwellings on the estate, such as 30-44 and 1-11, which are built on relatively long but narrow plots and face the street squarely, no. 35 has more potential to be extended at the side and front, but much more limited potential to be extended at the rear.

The plans have been amended so as to show a single-storey extension at the rear since the original proposal for a two-storey extension would, in the case officer's view, have led to a cramped appearance. It is considered that, as amended, all the single- and two-storey extensions would complement the appearance of the existing dwelling and would be subservient to it.

The rear dormer would not be an attractive feature and some reduction in size would ideally have been preferred, but since the combined volume of extensions to the roof would amount to 43 cubic metres, as against the maximum of 50 cubic metres allowed under Part 1 Class B of the General Permitted Development Order, there would potentially be a permitted development fall-back position if the side extension were built first. So taking this factor into account it is considered that a refusal would be difficult to defend, and it is on balance judged acceptable provided that suitable facing materials are used (blue slates or artificial blue / grey slates as indicated on the drawings and subsequently confirmed by the agent).

In conclusion it is considered that the proposal as a whole would avoid overdevelopment and would respect the character of the townscape and visual amenity, thereby complying the aims of LP24(a&c)

3 – Impact on residential amenity: The proposed two-storey rear extension was deleted from the scheme partly because of the possible impact it would have on the adjacent property in by reason of overlooking and overbearing impact. It has now been replaced with a single-storey extension which it is considered would have no material impact.

The two-storey side extension and front extension would face towards the applicant's garden and to the street beyond rather than on to neighbouring land and would not be in a position to obstruct the outlook from, or light to, any neighbouring windows or amenity space. The front extension would project to roughly the same extent as that of the adjoining property.

In summary it is considered that the development would avoid harm to residential amenity or to neighbouring land and would thereby accord with the aims of Policy LP24(b).

4 – Impact on highway safety: The proposed side extension would reduce the amount of space that is currently available for parking. The plans indicate that additional parking space is to be created in the western part of the curtilage, using part of the existing front and side lawn, so as to provide space to park three vehicles. Based on the partial site plan it is doubtful that it would be possible to fit in three parking spaces of standard dimensions, but there should be no difficulty in accommodating two cars, which would be an improvement upon existing provision.

Subject to the area being provided and laid out before the extension is first brought into use, it is considered that the site would provide an acceptable amount of parking for the amount of living accommodation, and would not compromise the safe and convenient use of the highway. It would thereby accord with the aims of LP21-22.

5 – Other matters:

Biodiversity:

The site is in the bat alert layer but on the basis of an external viewing would appear to have no bat roost potential. The standard precautionary note will be added to the decision notice.

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.

In this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. As the proposal is for an extension to an existing dwelling within an urban area it is considered however that that it would contribute to making more efficient use of land in a relatively sustainable location. It is considered that in the circumstances the applicant does not need to demonstrate further measures to combat climate change and the proposal is deemed to be in accordance with the aims set out above, and set out in NPPF Chapter 14.

6 – Representations:

No representations were made.

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: 2021/90984

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 with Policy LP24 of the Kirklees Local Plan.

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. The face and cheeks of the dormer extension shall be faced in blue slate or artificial blue or grey slate (thin profile flat grey tiles).

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

4. Before any part of the first- or second-floor extension is first brought into use, all areas indicated to be used for the parking of vehicles on the plan 02 Revision B shall have been 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 (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the parking of vehicles.

Reason: To ensure adequate space within the site for parking in the interests of traffic safety, in accordance with the aims of Policies LP21-22 of the Local Plan.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) with regard to obtaining this permission and approval of the construction specification.

Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			10-Mar-2021
Location plan, existing plans and elevations	01		10-Mar-2021
Plans and elevations as proposed	02	B	08-Jun-2021
Proposed block plan			18-Mar-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. The case officer undertook negotiations with the applicant to secure amended plans reducing the scale of the development (specifically the rear extension) in the interests of visual and residential amenity.

Report Dated: 08-Jun-2021