

**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: 2021/62/92581/E

Site Address: 65, Fountain Drive, Roberttown, Liversedge, WF15 7PY

Description: Erection of first floor extension to rear, demolition of existing garage and erection of new garage

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: 18-Aug-2021

OFFICER REPORT

Site Description

65 Fountain Drive is a brick built, semi-detached bungalow, with gardens to the front, a drive to the side, leading to a detached garage at the rear and an enclosed garden to the rear.

The property backs onto open fields and is located with similar dwellings to either side and the front.

Description of Proposal

The applicant is seeking permission to modify the existing permission for a first-floor rear extension and erection of a replacement garage.

The extension would not be altered from the approved scheme, to extend upwards from the eaves of the dwelling to the rear and form a full width first floor, with a perpendicular pitched roof form. The works include the insertion of a window in the existing gable of the property, this is not shown as being obscurely glazed.

The garage would have a width of 4m, a depth of 6m, an eaves height of 2.2m and an overall height of 3.5m. The roof would have an asymmetrical roof form as approved. However, the eaves height along the shared boundary would be increased from the approved 2.2m to 2.65m.

The walls of the extension and the garage are proposed to be constructed using brick with tiles for the roof covering.

Relevant Planning History

2021/90093 - erection of first floor rear extension and replacement garage – approved

Representations

The application was advertised by site notices and neighbour letters, which expired on 06/08/2021.

Following the above publicity, one representation was received, which does not object to the works proposed. However, it expresses concerns that the garage will extend onto common land.

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

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP22** – Parking
- **LP24** – Design

House Builder Design Guide Supplementary Planning Guidance

Kirklees Council has recently adopted its supplementary planning guidance on design guidance for house builders. Although the period for a potential judicial review has not yet expired, it is now being considered in the assessment of planning applications for new dwellings, with some weight attached. This guidance indicates how the Council will usually interpret its policies regarding such built development, although 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 of area and the wider street scene. As such, it is anticipated that this SPG will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the NPPF published 20th July 2021, 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) Negotiations
- 7) Conditions
- 8) Conclusion

1 – Principle of development:

The site is without notation on the KLP, policy LP1 of which 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.

This is a modified proposal, where both the first-floor extension and the replacement garage have been considered as part of the previous application. As the alterations relate to the garage, only the altered element of the scheme shall be addressed below.

These issues along with other policy considerations will be addressed below.

2 –Impact on visual amenity:

The host property is located on a residential street, with properties of similar ages and styles, although some properties have been extended with either front and rear dormers or single storey rear extensions. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

The previous report assessed the garage and approved the structure on the basis that it would replace an existing structure, which is old and in a poor state of repair, with a modern garage. The host property was considered to have sufficient curtilage to support the proposed garage, without overdeveloping the site and a reasonable amenity space would be retained. The materials proposed would utilise brick and tiles, which will match the main house. Furthermore, there are other such structures in the area and, as such,

this would be not be out of character with the wider area. The changes proposed to the garage would not increase the footprint of the dwelling. The host property currently has a garage, as do several of the neighbouring properties. The materials proposed include the use of brick for the walling and tiles for the roof covering, which would match the host property. The slight increase proposed for the eaves of the garage on the shared boundary would not, overall, change the relationship this structure will have with the wider area. As such, the amended garage is considered acceptable in terms of visual amenity.

Having taken the above into account, the proposed garage, as modified, would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, thus complying with policy LP24 of the KLP 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 to the rear of the dwelling, which would be affected by the works proposed.

Impact on 63 Fountain Drive

The garage is set well back from this adjoining neighbouring house and would be a single storey structure replacing an existing garage. Officers are satisfied that this would not cause any significant impact to the amenities of the occupiers of the adjoining 63 Fountain Drive.

Impact on 67 Fountain Drive

The garage has already been approved in this location, along the shared boundary with the adjacent dwelling, as it would replace an existing structure and there is also a garage in the grounds of this adjacent dwelling. The modest increase of the eaves proposed would not have an increased impact over and above the approved scheme. Therefore, officers are satisfied that there would be no significant impact to the amenities of the occupiers of the adjoining 63 Fountain Drive.

Having assessed the above, the proposals are considered not to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, thereby complying with policy LP24 of the KLP (b) in terms of the amenities of neighbouring properties and paragraph 130 (f) of the NPPF.

4 – Impact on highway safety:

The proposals will result in some intensification of the domestic use. However, the area to the front and side of the property would not be affected by the proposed extension and the scheme includes the provision of a garage, which is considered to represent a sufficient parking provision. As such, the scheme would not represent any additional harm in terms of highway safety and, therefore, it complies with policy 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 are 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:

Following the publicity, one representation was received, which did not object to the works proposed. However, it expressed concerns that the garage would extend onto common land. *This is not a material planning consideration. However, the plans indicate the garage would be wholly on the applicant site.*

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.

9 – Conclusion:

This modified scheme for the first-floor rear extension and detached garage to the rear of 65 Fountain Drive 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 it is, therefore, recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2021/92581

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 extension and garage 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.

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
Location plan	-	880722	24/06/2021
Existing plans	01	880728	24/06/2021
Proposed floor plans	02	880729	24/06/2021
Proposed elevations	03	880730	24/06/2021
Proposed elevations	04	880724	24/06/2021
Proposed floor plans	05	880731	24/06/2021
Proposed garage	09	880726	24/06/2021

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.

As the submitted plans were considered acceptable, no changes were sought.

Report Dated

10/08/2021