
Report of the Head of Development Management

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Mar-2017

Subject: Planning Application 2016/93680 Erection of two storey rear extension 40, Springwood Avenue, Springwood, Huddersfield, HD1 4BH

APPLICANT

Mr Iqrar Hussain

DATE VALID

04-Nov-2016

TARGET DATE

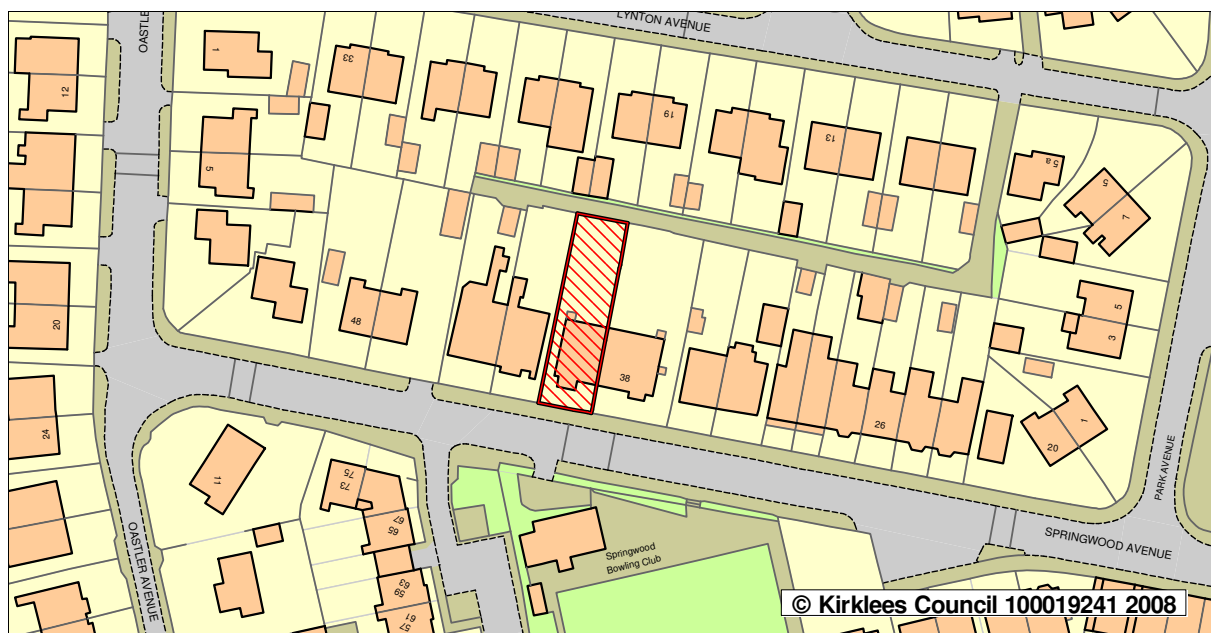
30-Dec-2016

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Newsome

No

Ward Members consulted
(referred to in report)

RECOMMENDATION:

REFUSE for the following reason:

1. It is considered that the proposed rear extension, owing to its projection and its relationship to neighbouring dwellings, would have an overbearing and oppressive impact upon the occupants of neighbouring properties resulting in loss of residential amenity, contrary to the aims of Policies BE14 and D2, and the NPPF Core Planning Principles.

1.0 INTRODUCTION:

1.1 This application is brought before Sub-Committee at the request of Ward Councillor Andrew Cooper, for the following reason:

“I can confirm that having been out to look at the site for the proposed extension I am happy to refer this application to committee if it is recommended for refusal. I’ve looked at the plans and its relationship to surrounding properties and do not believe it would have a detrimental impact on neighbouring properties.”

1.2 The Chair of the Sub Committee has confirmed that Councillor Cooper’s reason for making this request is valid having regard to the Councillors’ Protocol for Planning Sub Committees.

2.0 SITE AND SURROUNDINGS:

2.1 40 Springwood Avenue is a large 2-storey semi-detached dwelling situated on the north side of the highway. It has a small front yard enclosed by a stone wall with. Most of the amenity space at the rear, where the land has been surfaced to form a patio and parking area taking access to Lynton Avenue by means of a shared unadopted track. The dwelling is built in stone and blue slate. It does not have any extensions except a small single-storey utility room at the rear.

- 2.2 It is situated within a row of 19th Century properties which are either semi-detached or large terraced houses, with a bowling green and club house on the opposite side of the road, and more modern semi-detached houses to the rear (north) which front onto Lynton Avenue.
- 2.3 The wider area is mostly residential, mostly 19th Century houses of mixed type. There is a gentle downward gradient along the street from west to east, with the adjoining property, no. 38, being lower.

3.0 PROPOSAL:

- 3.1 The proposal is for the erection of a two-storey rear extension. It is to project 5.6m and is to be 5.4m wide, just over half the width of the existing rear elevation, aligned towards the western side wall of the existing dwelling. It would have a hipped roof, height to eaves to be 6.0m, or 1.7m below that of the existing dwelling. It would replace the existing 2.8m single-storey extension. Materials are to match the existing building.
- 3.2 The extension would form a kitchen with breakfast bar at ground floor with a master bedroom above. The kitchen would have folding glazed doors to the rear and a secondary window to the east side. According to the design and access statement it is envisaged that a fence is erected along each side boundary, which is also shown on the plans to a height of approximately 2.0m above yard level, built up from the existing stone wall. The main outlook to the master bedroom would be to the rear, with secondary windows to the east side. The plans indicate that the lower part of the window would have obscure glazing up to 1.7m above internal floor level.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 None.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 21-Dec-2016: Case officer requested amended plans clarifying the height of the extension relative to the original building and reducing its projection, but did not specify a figure that would be acceptable. Plans were submitted reducing it from 6.25m to 5.6m projection.

6.0 PLANNING POLICY:

- 6.1 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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan

progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.2 **Kirklees Unitary Development Plan:**

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)

National Planning Guidance:

6.4 National Planning Policy Framework – Core Planning Principles.

7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 Publicity expires 15th December 2016. No representations have been made.

8.0 **CONSULTATION RESPONSES:**

8.1 **Statutory: There were no statutory consultees**

8.2 **Non-statutory: No consultations were considered necessary.**

9.0 **MAIN ISSUES**

- Principle of development
- Urban design issues
- Residential amenity
- Housing issues
- Highway issues
- Representations
- Other matters

10.0 **APPRAISAL**

Principle of development

10.1 The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted

provided that the proposals do not prejudice [a specific set of considerations]”. Other UDP Policies of relevance include BE1 and BE2 (development should be visually attractive and contribute to a sense of local identity), BE13 (extensions should respect the design features of the existing building), BE14 (extensions should not have an adverse impact on adjacent properties or land), and T10 (development should not create or materially add to highway safety problems). The main relevant policy within the NPPF is the Core Planning Principle which states that planning should always seek to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Urban Design issues

- 10.2 It is considered that the scale, proportions and design details of the extension would respect the appearance of the property and its surroundings and would not harm visual amenity.

Residential Amenity

- 10.3 Policy BE14 of the UDP states that extensions to the rear of semi-detached dwellings will usually be acceptable provided they do not exceed 3.0m in overall projection. This is not taken to be an absolute maximum – larger extensions may be allowed if it can be demonstrated that they would not have a detrimental impact on neighbouring properties or land. The 3.0m figure is however a starting point for the assessment of extensions requiring planning permission and any extension substantially in excess of this requires justification.
- 10.4 As it is a two-storey extension, there is a 3m limit on projection under permitted development rights, so it could not be built without planning permission even if it were 2m away from both side boundaries.
- 10.5 Along the north side of Springwood Avenue, there are some larger extensions but these are very old. The two-storey extensions to nos. 30-32 which project approximately 6.5m, appear on the 1922 historic Kirklees map, as do the somewhat smaller extensions to 22-26 further east. To the west, nos. 44 and 42 both have extensions projecting 5.6m or more but these are single-storey and again are not recent, as they too appear on the 1922 map. None of the extensions on Springwood Avenue can therefore be held to set a precedent for the current proposal.
- 10.6 On the east side the dwelling adjoins no. 38, which is also two-storey but has floor levels set lower on account of the natural change in ground levels. It is noted that the extension would maintain a substantial gap on this side, the distance from the eastern side wall of the proposed extension to the neighbour’s curtilage boundary being 3.3m.

- 10.7 In the other direction, towards no. 42, the extension would be 1.4m from the common boundary, and there is also a passageway between the boundary and the side wall of no. 42, so that the combined separation distance between the two side walls would be 2.8m.
- 10.8 Both side neighbouring properties have ground floor habitable room windows fairly close to the boundary with no. 40. Both would be liable to experience some reduction in direct sunlight as a result of the extension, with no. 42 being affected in the mornings and no. 38 in the evenings.
- 10.9 It is noted that the extension, although two storeys in height, would have a lower eaves height than the existing dwelling. This, and the separation distance from the side boundaries, would go some way towards mitigating its impact.
- 10.10 With the privacy measures (the fence and obscure glazing) indicated on the plans and in the design and access statement, any adverse impacts on privacy could be avoided. It is considered on balance however that an extension of this scale, which would project 2.6m beyond the recommended limit for rear extensions as set out in BE14, would have an overbearing and oppressive impact upon the occupants of neighbouring properties resulting in loss of residential amenity, contrary to the aims of Policies BE14 and D2, and NPPF Core Planning Principle 4.

Highway issues

- 10.11 The development would not affect parking or access arrangements and sufficient space to park at least two vehicles would remain within the curtilage. It is therefore considered it would not have any impact on highway safety and would accord with Policy T10.

Representations

- 10.12 No representations have been made.

Other Matters

- 10.13 The site is not in the bat alert layer and the development would appear to have no ecological implications.

11.0 CONCLUSION

- 11.1 It is considered that the proposed rear extension, owing to its projection and its relationship to neighbouring dwellings, would have an overbearing and oppressive impact upon the occupants of neighbouring properties resulting in loss of residential amenity, contrary to the aims of Policies BE14 and D2, and the NPPF Core Planning Principles.

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f93680>

Certificate of Ownership – Certificate A signed: