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**Report of the Head of Development Management**

**HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

**Date: 06-Apr-2017**

**Subject: Planning Application 2017/90333 Erection of single storey side and rear extensions Copse House, 10, Blenheim Drive, Westborough, Dewsbury WF13 4NH**

**APPLICANT**

Shabir Pandor

**DATE VALID**

10-Feb-2017

**TARGET DATE**

07-Apr-2017

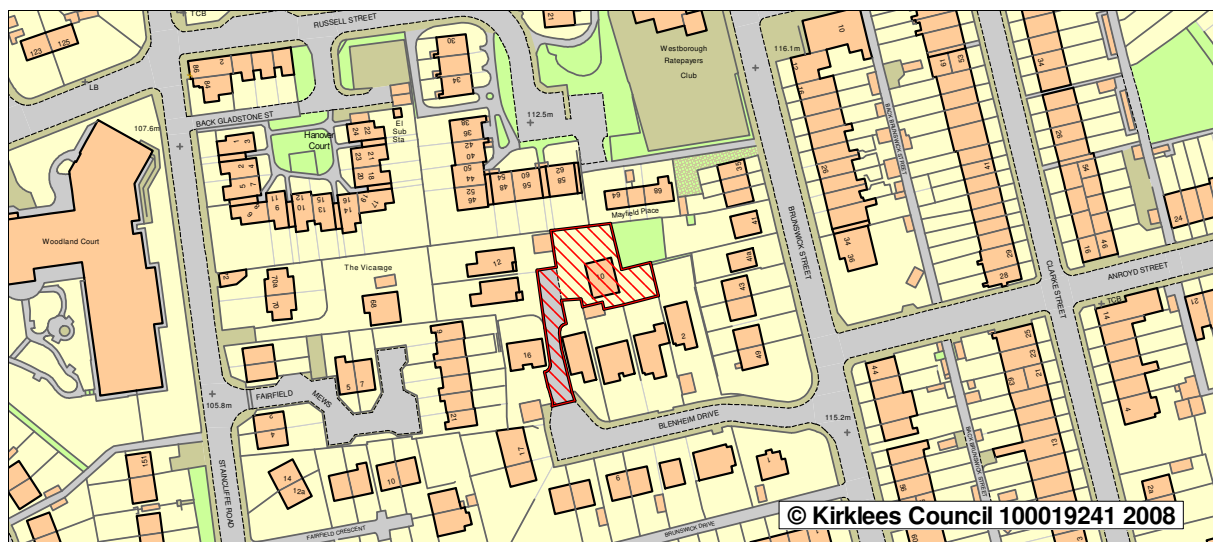
**EXTENSION EXPIRY DATE**

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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**

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**Electoral Wards Affected: Dewsbury West**

No

Ward Members consulted

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**RECOMMENDATION:**

**DELEGATE approval of the application and the issuing of the decision notice to the Head of Development Management in order to complete the list of conditions including those contained within this report and the matters as set out below:**

**1. Await the expiration of the publicity period (30 March 2017)**

**1.0 INTRODUCTION:**

1.1 The application is brought to the Heavy Woollen Planning Sub-Committee as the applicant is Councillor Shabir Pandor. This is in accordance with the Council's scheme of delegation.

**2.0 SITE AND SURROUNDINGS:**

2.1 The application site is Copse House, Blenheim Drive, Batley. The site comprises a modern detached two storey dwelling located within a cul-de-sac of similar properties, located off Brunswick Street. The property has an enclosed garden to the side and rear and detached garage to the front.

2.2 The dwelling is located within an established residential area of suburban character which has a mixture of house types and densities, and is located approximately 1km north west of Dewsbury Town Centre. The Northfields Conservation Area lies to the east.

**3.0 PROPOSAL:**

3.1 Permission is sought for the erection of single storey extensions to the side and rear of the dwelling. These would comprise of the following:

Dining Room Extension

3.2 This would be located to the northern elevation of the dwelling, 4.3m x 4.5m with a hipped roof and constructed of materials to match the existing dwelling.

### Kitchen Extension

- 3.3 This would be located to the east and south elevations, with overall length of 8.0m and width of 7.4m, having a “wrap-a-round” nature, with hipped roof and constructed of materials to match the existing dwelling.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 2001/93728 – Demolition of existing dwelling and erection of 8 dwellings with garages – approved 8 April 2002

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Through the course of the application, the agent was requested to submit a block plan demonstrating the proposals in relation to adjacent dwellings. This has now been submitted.

#### **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.

The application site is unallocated on the Kirklees UDP proposals map.

#### **6.2 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:**

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

### 6.3 National Planning Guidance:

**Chapter 7** - Requiring Good Design

**Chapter 11** – Conserving and enhancing the natural environment

**Chapter 12** – Conserving and enhancing the historic environment

### 7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 The application was publicised by site notice, neighbour notification letter and press advert. The final publicity period ends 30 March 2017. To date, one representation has been received. The concerns raised are summarised as follows:

- The scale of the development will be out of keeping with surrounding properties
- No.10 is already a large house and the proposed extensions would more than double the overall floor area with the rear extension very close to and along the boundary fence
- Proposal will have an unacceptable adverse impact on surrounding properties
- Proposal would result in overdevelopment of the site
- The proposal fills up the width and length of the garden and would be disproportionate and overbearing
- Proposed rear extension will dominate the aspect from the living room of No.4 Blenheim Close, resulting in an oppressive view
- Any future addition of a window facing No.4 would impact on the privacy of those neighbouring occupiers
- Location of extractor fan on side elevation of rear extension would impact on enjoyment of garden by occupiers of No.4 as a result of noise/odour nuisance
- Impact from past coal mining legacy – question the advisability of ground disturbance in these circumstances

7.2 Should any further representations be received, they shall be reported to Members in the update.

### 8.0 **CONSULTATION RESPONSES:**

#### 8.1 **Statutory:**

None

#### 8.2 **Non-statutory:**

None

### 9.0 **MAIN ISSUES**

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

## **10.0 APPRAISAL**

### Principle of development

- 10.1 The site has no specific allocation in the UDP. Policy D2 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]”. All these considerations are addressed later in this assessment. Subject to these not being prejudiced, this aspect of the proposal would be acceptable in principle in relation to policy D2.

### Urban Design issues

- 10.2 Policies BE1 and BE2 of the UDP are considerations in relation to design, materials and layout. The layout of buildings should respect any traditional character the area may have. New development should also respect the scale, height and design of adjoining buildings and be in keeping with the predominant character of the area. Chapter 7 of the NPPF emphasises the importance of good design.
- 10.3 Policies BE13 and BE14 of the UDP are specifically relevant to the extension of dwellings.
- 10.4 The extensions would be constructed of materials which are sympathetic in appearance to those of the host building and by virtue of their single storey scale, would appear subordinate in relation to the host dwelling. By virtue of their location, the proposed extensions would be only partially visible from within the street scene. Furthermore, the dwelling is located within a generous plot, and for this reason, it is the opinion of Officers that the proposals would not result in overdevelopment of the site.
- 10.5 The proposed extensions are considered to be acceptable from a visual amenity perspective and would comply with the aims of policies D2, BE1, BE2, BE13, and BE14 of the UDP as well as Chapter 7 of the NPPF.

### Residential Amenity

- 10.6 The application site is surrounded by other residential properties and the proposals would bring development closer to the shared boundaries with these properties. The impact of the proposals with respect to residential amenity considerations is set out as follows:

### Dining Room Extension

- 10.7 The proposed dining room extension would be located on the north elevation of the dwelling, and well screened due to the presence of existing boundary treatments. This aspect of the proposals would contain openings to the front, side and rear elevations, although an adequate distance would be retained to all boundaries which would ensure that no loss of privacy would result to adjoining occupiers.

- 10.8 Due to the single storey scale of the extension, its design with hipped roof, and adequate distance to shared boundaries as noted above, it is not envisaged that the proposal would have an overbearing impact upon adjoining occupiers, nor would it result in overshadowing to those adjacent properties.

#### Kitchen Extension

- 10.9 The proposed kitchen extension would bring development close to the boundary with nos.4 and 6 Blenheim Drive.

#### Impact on nos.4 and 6 Blenheim Drive

- 10.10 The proposed kitchen extension would bring development within close proximity of the shared boundary with these neighbouring properties. No openings are proposed within the south (side) elevation of the proposed kitchen extension, and it would be partially screened by the existing solid timber boundary fence. As such, Officers do not consider that a loss of privacy would arise from this element of the proposals.

- 10.11 In addition to the above, the proposal would be oriented to the north of nos. 4 and 6 Blenheim Drive, on relatively level land, and as a result of this orientation, and the single storey scale of the development, it is considered that there would be no significant detrimental overbearing impact, nor would the proposal result in a significant impact from overshadowing.

- 10.12 For the reasons set out above, the proposals would not impact unduly upon the residential amenity of adjacent occupants, and would accord with the aims of Policy D2 of the UDP.

#### Highway issues

- 10.13 The proposals would not impact upon the existing off street parking provision serving the site. Therefore, it is not considered to result in any adverse highway safety implications, in accordance with Policies D2 and T10 of the UDP.

#### Representations

- 10.14 One representation has been received. The concerns raised are addressed by officers as follows:

- 10.15 Scale of development is out of keeping with surrounding properties

**Response:** The application relates to a detached dwelling within a small development of similar properties. The proposals relate to the erection of single storey extensions which are considered to be subordinate in relation to the host dwelling.

- 10.16 No.10 is already a large house and the proposed extensions would more than double the overall floor area with the rear extension very close to and along the boundary fence  
**Response:** This has been addressed in the visual and residential amenity sections above.
- 10.17 Proposal will have an unacceptable adverse impact on surrounding properties  
**Response:** This is addressed in the residential amenity section of this report.
- 10.18 Proposal would result in overdevelopment of the site  
**Response:** This has been addressed in the visual amenity section above.
- 10.19 The proposal fills up the width and length of the garden and would be disproportionate and overbearing  
**Response:** The application relates to a detached dwelling within a small development of similar properties. The proposals relate to the erection of single storey extensions which are considered to be subordinate in relation to the host dwelling. It is considered by officers that a reasonable garden area would still be retained.
- 10.20 Proposed rear extension will dominate the aspect from the living room of no.4 Blenheim Close, resulting in an oppressive view  
**Response:** The proposal would extend part way along the rear boundary of no.4. However, this would be single storey in scale and partly screened by the existing boundary fence.
- 10.21 Any future addition of a window facing no.4 would impact on the privacy of those neighbouring occupiers  
**Response:** The proposed extension would be partly screened by the existing boundary fence, however it would be possible to impose a condition preventing the addition of further openings within the south elevation of the kitchen extension, if this was considered to be necessary.
- 10.22 Location of extractor fan on side elevation of rear extension would impact on enjoyment of garden by occupiers of no.4 as a result of noise/odour nuisance  
**Response:** The application relates to a householder application, where the use of a domestic kitchen would be considered to be incidental to the enjoyment of the dwelling house. As such, it is considered that the level of use of the kitchen should not give rise to significant noise or odour nuisance.
- 10.23 Impact from past coal mining legacy – question the advisability of ground disturbance in these circumstances  
**Response:** The site is located within a High Risk Area as defined by the Coal Authority. In most instances where development is proposed within a High Risk Area, the applicant is required to submit a coal mining risk assessment which demonstrates how the risk of past coal mining legacy will be mitigated. However, certain types of development, including householder proposals, are exempt from such a requirement. In these circumstances, the imposition of a footnote, reminding the applicant of their responsibilities with regard to past coal mining legacy, is proportionate to the scale of the development.

## Other Matters

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

### **11.0 CONCLUSION**

11.1 The proposals would have no detrimental impact on residential or visual amenity, highway safety or the character of the area. 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.

11.2 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.

### **12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Development Management)**

1. Standard time limit for implementation of development (3 years)
2. Development to be carried out in accordance with approved plans
3. Facing and roofing materials to match those on the host dwelling
4. Permitted Development Rights removed for additional openings

### **Background Papers:**

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f90333>

Certificate of Ownership – Notice served on the occupants of nos. 8, 12, 14 and 16 Blenheim Drive.

Certificate B signed and dated 8 February 2017.