
Report of the Head of Development Management

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Apr-2017

Subject: Planning Application 2017/90423 Erection of two storey extension to side and rear (modified proposal) 82, Heaton Road, Paddock, Huddersfield, HD1 4JB

APPLICANT

Mr Imran Saleem

DATE VALID

06-Feb-2017

TARGET DATE

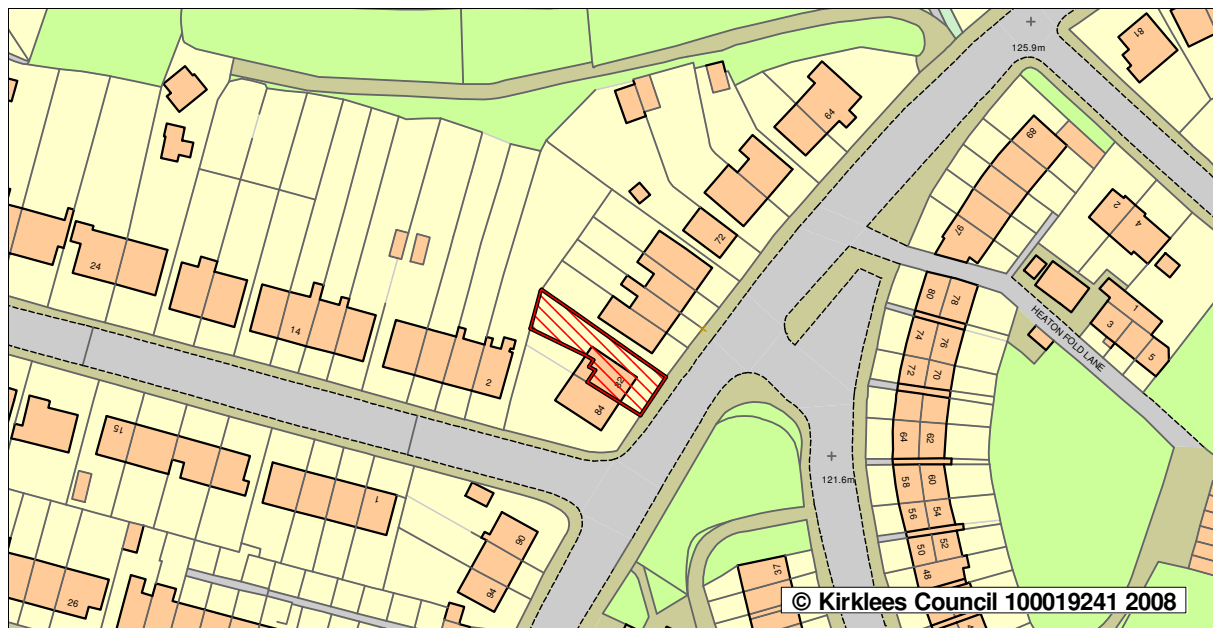
03-Apr-2017

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: **Greenhead**

Ward Members consulted

No

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.

1.0 INTRODUCTION:

- 1.1 This application is reported to Sub-Committee as the applicant is related to a member of staff who works in Investment and Regeneration. This is in accordance with the delegation agreement.

2.0 SITE AND SURROUNDINGS:

- 2.1 82 Heaton Road, Paddock is a semi-detached property located close to the junction of Heaton Road with Fir Road. To the north east is a terraced row of 4 properties. No 80, adjacent the application site, has a single storey rear extension. This property is close to the shared boundary with No 82 where the ground level is at a higher level than No 82 Heaton Road.
- 2.2 The host property is faced in stone to the ground floor with render to the first floor and has a hipped roof. Whilst forming a semi-detached property it is not identical to the attached no. 84. No. 82 is half the depth of its neighbour with a small gable for the side elevation facing towards the adjacent terrace property. The unique relationship of nos. 82 and 84 is highlighted in the 'red line' application site plan. This indicates that to the rear of the property there are a couple of flat roofed extensions/outhouses, with the rear outhouse owned by No 84. These are in line with the rear elevation of No 84.
- 2.3 It is understood that the pair of properties are within the ownership of the same family and are currently internally linked using the same kitchen. However the proposal is for no.82 only. To the right of the property there is a single width drive accessed from Heaton Road which appears to serve both properties which extends to the rear boundary.

3.0 PROPOSAL:

- 3.1 The proposal is a modified scheme to that approved by committee last year. The application still seeks to demolish the existing single storey rear extensions and build a new two storey extension. The previous extension would have extended across the rear of the property to a point 0.4m off the north eastern boundary with no. 80. The extension has been reduced in width to 6m, allowing a 0.9m gap to the boundary with this property. The depth of the extension would be just over 5.7m, remaining the same as the approved drawings. Extending over the existing drive the extension at ground floor would still provide a kitchen but the approved car port, previously an open structure supporting the first floor extension by piers, would be infilled to provide a dining room. The first floor, would provide a bedroom with en-suite bathroom and walk in wardrobe. The extension would be set back around 4.5m from the front elevation of the property, again this is unchanged from the approved scheme.
- 3.2 The external appearance of the extension is a simple gabled structure with an overall height of approx. 7.5m. It would have windows in the front and rear elevations, with a blank gable facing no. 80. The application form sets out that this would be faced in 'stone and brick walls' with a 'tile' roof.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2017/90060 – non material amendment - refused
- 4.2 2016/92180 – two storey side extension – similar proposal approved 2016
- 4.3 2007/91179 – rear extension to no. 80 Heaton Road. The side facing window towards no. 82 was deleted from the approved plans by condition. There is no record of any alternative details being submitted to or approved by the local planning authority for a window to serve the extension. This, in effect, means the extension is unauthorised. However, as there is evidence that it was erected more than 4 years ago it is now immune from enforcement action. The relationship between this opening, which is obscure glazed, and the proposed extension is assessed in the report below.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 There have been no amendments requested as part of this application.

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 (adopted 1999) remains the statutory Development Plan for Kirklees.

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

D2 – unallocated land
BE1 - Design principles
BE2 – Quality of design
BE13 – Extensions to dwellings (design principles)
BE14 – Extensions to dwellings (scale)
T10 - Highways

6.4 National Planning Guidance

It is considered that the following part of the NPPF is relevant:
NPPF Requiring good design (Chapter 7)

7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 The Council has advertised the application by site notice /neighbour letters which expired on 23.3.2017, with no objections received.

8.0 **CONSULTATION RESPONSES:**

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

8.2 **Non-statutory:** There were no non - statutory consultees.

9.0 **MAIN ISSUES**

- Principle of development
- Visual amenity
- Residential amenity
- 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]”. All these considerations are addressed later in this assessment.

- 10.2 The general principle of making alterations to a property is assessed against Policies BE1, BE2, BE13 and BE14 of the Unitary Development Plan and advice within Chapter 7 of the National Planning Policy Framework regarding design. Highway safety issues will be considered against Policy T10 of the UDP. All these require, in general, balanced considerations of visual and residential amenity, highway safety and other relevant material considerations.

Visual amenity

- 10.3 The proposed extension would result in a significant addition to the host dwelling but in an amended form to that previously approved. No. 82 is a small property adjoined by a complicated arrangement to no. 84. The extension would remove a series of structures to the rear and simplify this arrangement with the erection of a single gabled extension matching the ridge height of the existing roof. From Heaton Road this would appear as a projection to the side of the property extending to a point some 900mm from the shared boundary with no. 80. This adjacent dwelling is set on rising land and there is 2m gap between its side wall and the shared boundary. This means there would be no potential for a terracing effect to occur, as the distance to the boundary has now been increased slightly.
- 10.4 The extension, whilst matching the ridge height of the main property, is set back from the front elevation and a considerable distance from the road. The revised plans have removed the large open carport on the front elevation and replaced it with a solid walling with a window matching the first floor above and other windows in the dwelling. The side and rear elevations are not visible from public viewpoints but notwithstanding this the general form and appearance are considered acceptable. Subject to the use of matching materials, (comprising coursed stone to the ground floor, render to the first floor and red coloured flat profiled tiles for the roof) it is considered that the proposal as amended is acceptable. The design harmonises with the principal dwelling, no. 84 and the general pattern of development in the streetscene. Although matching the ridge height of the dwelling the significant set-back of the front elevation, and the fact that no. 80 next door is on higher ground, further reduces the prominence of the mass. This would comply with Policies D2, BE1, BE2, BE13 and BE14 of the UDP and Chapter 7 of the NPPF.

Residential Amenity

- 10.5 The adjacent property at no. 80 Heaton Road would be affected by this proposal. However, the two-storey extension would now be sited further from the shared boundary with this property, 0.9m. This is approximately 2.9m from the obscure glazed side facing window serving the rear extension to no.

80. It was considered that the previously approved extension would not have an unduly prejudicial impact on the amenities of no. 80 Heaton Road by reason of loss of light and outlook to this window. Although the ground floor would now include a solid wall facing this window this continues to the conclusion again. The affected window is a secondary opening to the room it serves and is obscurely glazed. Notwithstanding this a condition is recommended to be added restricting windows in the side elevation of the newly created dining room.

- 10.6 The extension in the remaining aspects remains principally the same although the height of the structure is shown to be 7.5m, the same height as the ridge of the host dwelling. This is the same, visually, as the previous proposal although the plans were drafted indicating that this equated to 6.5m in height.
- 10.7 In assessing the application it has been acknowledged that most planning approvals are likely to interfere to some extent, with adjoining/adjacent occupier's enjoyment of their property. However, the test is whether this is proportionate balancing the rights of the developer to develop and the rights of those affected by the development. In this instance it is considered that undertaking this balancing exercise the impact of the development as amended would be acceptable. The proposal is deemed to comply with Policies BE14 and D2 of the UDP and core planning principles of the NPPF in regards to residential amenity.

Highway issues

- 10.9 In terms of highway safety the property currently benefits from off-street parking for 4 cars. The previous approval, including the carport, would have retained this level of parking. The revised scheme would reduce the number of on site spaces to 2 in total. This is still considered sufficient to serve the dwelling as extended. The development complies with Policies D2 and T10 of the UDP.

Representations

- 10.10 There have been no objections received as a result of the publicity.

11.0 CONCLUSION

- 11.1 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, in particular the impact on No 80 Heaton Road. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

12.0 CONDITIONS

1. 3 years time limit permission
2. The development hereby permitted shall be carried out in complete accordance with the approved plans
3. Materials shall comprise coursed natural stone to the ground floor, render to the first floor and red flat profiled tiles for the roof covering.
4. Removal of PR Rights for window and door openings

Background Papers:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f90423>

Certificate of Ownership – Certificate B signed:

Notice served on: No 84 Heaton Road

Mr M Salim 84 Heaton Road Huddersfield HD1 4JB
Mrs S Akhtar 84 Heaton Road Huddersfield HD1 4JB