
Report of the Head of Development Management

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 18-May-2017

Subject: Planning Application 2017/90542 Erection of extensions 19, Churchill Grove, Heckmondwike, WF16 0BW

APPLICANT

Mr N Cheema

DATE VALID

22-Feb-2017

TARGET DATE

19-Apr-2017

EXTENSION EXPIRY DATE

23-May-2017

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: Heckmondwike

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 following a request from Councillor Steve Hall who states:

“I would like the committee to assess the application’s front extension as I am not in favour of the impact on the street scene”.

This is in accordance with the delegation agreement.

2.0 SITE AND SURROUNDINGS:

- 2.1 19 Churchill Grove is a two storey semidetached dwelling constructed of brick with stone cladding on the front elevation, tiles for the roof and upvc for the openings. The site has an area of grassed amenity space to the front of the site, a driveway to the side and an area of amenity space to the rear which includes a conservatory.
- 2.2 Surrounding the site is predominantly residential, with a mixture of semidetached houses and detached bungalows in the cul de sac – with a turning head located at the top of the street. As can be seen in the planning history section of this report, many of the surrounding dwellings have been extended (although it is important to note that there are no front extensions in the near vicinity, the surrounding extensions are to the rear and to the side of neighbouring dwellings). To the rear of the site lies a large area of playing fields.

3.0 PROPOSAL:

3.1 Planning permission is sought for the erection of extensions consisting of a two storey rear extension, a two storey side extension and a single storey front and wrap around side extension. Each individual element of the proposal will be described below.

3.2 Two storey rear extension (previously approved under 2014/91292)

The extension will project 3 metres from the rear of the site, will 6.5 metres in width and will be 6.8 metres in overall height (4.95 metres to the eaves).

3.3 Two storey side extension (previously approved under 2014/91292)

The extension will project 1.9 metres from the side of the dwelling, will be 6.7 metres in length and will be 6.25 metres in overall height (4.9 metres to the eaves).

3.4 Single storey wrap around front and side extension

The extension will project 1.5 metres from the front of the dwelling, will be 6.95 metres in width and will be 3.6 metres in overall height (2.5 metres to the eaves).

This extension will also wrap around the side at single storey level – it will project 1.9 metres from the side of the dwelling, 4.45 metres in length and will be 3.55 metres in overall height (2.4 metres to the eaves).

3.5 The extensions will be constructed from brick, stone and render for the external walls, concrete tiles for the roof and upvc for the openings.

4.0 RELEVANT PLANNING HISTORY:

4.1 2014/91292 – Erection of two storey side and rear extensions – approved (no. 19 Churchill Grove)

4.2 2009/91512 – Erection of two storey extension – approved (no. 21 Churchill Grove)

4.3 2004/92114 – Erection of single storey extension – approved (no. 17 Churchill Grove)

4.4 2009/92450 – Erection of first floor extension over existing porch - approved (no. 24 Churchill Grove)

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The case officer has been in negotiations with the agent with regards to the removal of the roller shutter at ground floor level serving the store. This feature is not considered to be in keeping with the residential nature of the area and acceptable amended plans (with this feature removed) have been received.

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 Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined 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 Policies 2007) 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 Safety

T19 – Parking Provision

- 6.4 National Planning Guidance

It is considered that the following part of the NPPF is relevant:

- Chapter 7 – Requiring good design
- Chapter 10 – Meeting the challenge of climate change, flooding and coastal change

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The Council has advertised the application by site notice /neighbour letters which expired on 21.03.2017. 4 representations have been received. These representations will be summarised and commented on in section 10.17 of this report.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:** The Health and Safety Executive (HSE) - awaiting consultation response.

8.2 **Non-statutory:** Highways Development Management (informal) – no objection subject to recommended condition requesting two parking spaces to be provided on site.

9.0 MAIN ISSUES

- Principle of development
- Visual amenity/local character
- 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]”. Visual amenity, residential amenity and highways safety will be assessed in this report.

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 and parking provision issues will be considered against policies T10 and T19 of the UDP. All these require, in general, balanced considerations of visual and residential amenity, highway safety and other relevant material considerations.

- 10.3 The below sections of the report will discuss the impact on residential and visual amenity in detail. Officers consider it is important to bring members' attention to the fact that the two storey rear and two storey side elements of the proposal benefit from an extant permission and are unaltered in size or design in this current application. This means that the main consideration for members is the single storey front and wrap around side extension.

Visual amenity/local character

- 10.4 The impact on visual amenity is acceptable. Each individual element of the proposal will be addressed below.
- 10.5 *Single storey front/side extension* – Following the receipt of amended plans which include the removal of the roller shutter, the impact on visual amenity is acceptable. The projection of 1.5 metres from the front of the host dwelling is considered to comply with UDP policy BE14 which states that front extensions must be “relatively small in scale”.
- 10.6 Small front extensions and porches are common features in residential areas. However, in this instance the proposal would be the first front extension in the street scene, making it an uncommon feature on Churchill Grove. Although the extension would create a feature that would alter the currently uniform building line of front elevations, the introduction of this element of the proposal on the streetscene and on the adjoining semidetached dwelling (no. 17) would be acceptable. The end result would be a dwelling that has an extension that would not dominate its principal frontage for the reasons discussed below.
- 10.7 The extension which would be located in a reasonably sized garden and given its significant set down from the ridge of the host dwelling, would be read as a subservient addition. For this reason, the extension would be sympathetic in scale to the host dwelling and is not considered to detract from its character. The proposed materials and openings match those of the host dwelling and although it is noted that there is render on the front elevation that would be a new feature in the immediate area, this will not make up the full front elevation and will therefore constitute a minor change to the overall appearance of the dwelling. The render feature is considered to complement the existing stone front elevation of the dwelling which is similar to many of the dwellings on Churchill Grove.
- 10.8 The wrap around side extension would be acceptable in terms of its design for the above reasons and given that there are several side extensions on Churchill Grove and the location of the side extension is not as prominent as the front extension, there will be no harm to the character of the area or the streetscene.

- 10.9 *Two storey side extension* – despite the extension being visible from the highway, there will be no harm to the character of the area and the streetscene. The character of the area is fairly varied, with several dwelling types in close proximity to the site and many of these dwellings have been extended (see planning history). The extension will be constructed from brick, stone and render for the external walls, concrete tiles for the roof and upvc for the openings. The design and materials of the openings replicate those in the host dwelling and the roof form is consistent with the host dwelling.
- 10.10 This two storey side extension element of the proposal has already been approved under 2014/91292 and for the above reasons is considered to be acceptable in terms of visual amenity. Additionally, it is noted that under app.ref 2009/92450 a two storey side extension of a similar design has been previously approved. The extension, by virtue of its set down and set in from the front elevation, would be read as a subservient addition to the host dwelling and would not be read incongruously in relation to the appearance of the host dwelling.
- 10.11 Because the extension is to the side, a terracing effect needs to be considered, in accordance with UDP policy BE14. In this instance, the side extension will be set down from the ridge of the host dwelling by a distance of 1.25 metres and will be set in from the boundary of the site by 1 metre. The two storey element of the proposed side extension will also be set in from the front elevation by a significant distance too. For these reasons, there will be no harmful terracing impact.
- 10.12 *Rear extension* - the extension will project 3 metres which is compliant with UDP policy BE14 and will not be visible from the streetscene. The materials and openings of the extension will match those of the host dwelling. For the above reasons, the rear element of the proposal will not detract from the character of the host dwelling or harm the visual amenity of the area (see planning history section of this report for examples of other rear extensions on Churchill Grove). Furthermore, the design of the extension, in terms of its roof form, fenestration detail and materials would also be in-keeping with the host dwelling. This element of the proposal has been approved under 2014/91292.
- 10.13 Condition 6 recommends that an additional parking space shall be created at the front of the dwelling to overcome concerns relating to parking provision (see highways safety section of this report). The formation of this parking space is likely to remove the majority of the small area of grassed amenity space to the front of the dwelling. Although this grassed area is important for visual amenity, many of the surrounding dwellings have large areas of hardstanding to the front of the site. It is considered that this small addition of hardstanding will not have a detrimental impact on the streetscene or character of the area.

- 10.14 Whilst it is acknowledged that the extensions will take up a large area of the site by virtue of extending to the front, rear and side of the original dwelling, there will be a reasonable sized area of garden area to the rear of the site (approximately 10 metres in length) remaining, as well as a small area of hardstanding to the front of the site. For this reason, the proposal is not considered to constitute overdevelopment of the site.
- 10.15 Overall, the development is considered to be acceptable in terms of visual amenity and compliant with UDP Policies D2, BE1, BE2, BE13 and BE14 as well as Chapter 7 of the NPPF.

Residential Amenity

- 10.16 The impact on residential amenity is acceptable. 4 representations have been received which have been assessed in the representations section of this report.
- 10.17 Impact on no. 21 Churchill Grove
- 10.18 With regards to the front extension, given that the extension has a relatively small projection and is set off the boundary with this site by over 3.5 metres, there will be no overbearing impact on the occupiers of no. 21 Churchill Grove. There are no openings in the side elevation facing this site. Should openings be inserted in the future, they would serve a non-habitable room (store) and would not lead to any overlooking/loss of privacy.
- 10.19 With regards to the side extension, there is a distance of 3.5 metres between the extension and no. 21. This distance, given that the extension is set down from the ridge of the host dwelling and the fact that the two storey element of the proposal is set in from the front elevation of the dwelling by 4.45 metres, is considered to be acceptable to avoid an overbearing impact on the occupiers of this dwelling. There is a window in the side elevation of no. 21 at first floor level and a porch at ground floor level but these openings serve a non-habitable space.
- 10.20 With regards to overlooking/loss of privacy, there are two openings proposed in the side elevation of this dwelling serving a shower room and a landing/non habitable space. A condition will be recommended to ensure that the shower room opening will be obscurely glazed. There will be no overlooking/loss of privacy.
- 10.21 With regards to the rear extension, this will project 3 metres from the rear of the dwelling and will be set off the boundary with this dwelling by 1 metre, with at least a further 2 metres to the dwelling itself. This distance along with the fact that the roof is hipped away from the boundary with this site means that there will be no overbearing impact on the occupiers of this dwelling. Additionally, the extension is set down from the ridge of the host dwelling which further reduces any overbearing impact.

- 10.22 Although an opening has not been proposed in the side elevation of this extension and there is currently an outbuilding in the rear garden of no. 21 shielding the majority of the views into the rear amenity space, this could be removed and there would be overlooking into private space. For this reason, a condition has been recommended to remove permitted development rights for new openings in the side elevation of this ground floor element of the extension. First floor side openings are controlled by the GPDO and therefore a condition is not required.
- 10.23 Impact on no. 17 Churchill Grove
- 10.24 The side extension to the southeast of the site will not impact on the occupiers of this dwelling to the northeast in any way.
- 10.25 The rear extension has been previously approved – it projects 3 metres from the rear of the site and will be located over 0.5 metres from the boundary with this site. Additionally, the element of the proposal closest to this boundary is at single storey level with a lean to roof which would slope away from this boundary to minimise a loss of sunlight. For these reasons, there would be no harmful overbearing impact despite no. 17 Churchill Grove having a conservatory serving a habitable space to the rear of the site. Given that there are no openings in the side elevation of the extension, there would be no overlooking/loss of privacy. Should openings be inserted at ground floor level in the future, there may be a loss of privacy to the conservatory to the rear of no. 17 and for this reason, a condition removing permitted development rights for new openings in this elevation has been recommending. First floor side openings are controlled by the GPDO.
- 10.26 With regards to the front extension, although it is acknowledged that there is a bay window in the front elevation of no. 17 which serves a habitable room, given that the extension is single storey and has a sufficiently small projection and is set off the boundary with this site by 0.2 metres, there will be no overbearing impact on the occupiers of no. 17. With regards to overlooking/loss of privacy, there are no openings in the side elevation facing this site. Although an opening could be inserted that serves a habitable room (lounge), this window would look into an area of amenity space to the front of the dwelling that is already very visible from the highway. For this reason, there would be no overlooking/loss of privacy over and above the existing situation and a condition to this effect is not recommended.
- 10.27 To the southeast of the site is open land and therefore there will be no impact on residential amenity. To the northwest of the site, there is a distance of over 30 metres between the application site and the dwellings to the front. This is considered to be acceptable to avoid any harmful impact on residential amenity, especially given the small scale of the proposed development.

10.28 Overall, the development is considered to be acceptable in terms of residential amenity, thus complying with UDP Policies BE1 and BE14.

Highway issues

10.29 It is acknowledged that the extensions will lead to an increase in the number of bedrooms from 2 to 4 which could lead to additional trips to the site. For this reason, 3 parking spaces are required to comply with UDP policy T19. In this instance, existing parking provision will be reduced to one space on the driveway (as the side extension will be erected on the existing driveway). Following an informal consultation with Highways Development Management, a condition has been recommended to provide two parking spaces on site which is considered satisfactory in this instance. A condition has been recommended to ensure that the sub base and surfacing of the hardstanding is permeable, complying with NPPF Chapter 10.

10.30 With regards to highways safety, the occupiers of the dwelling may have to reverse onto the highway but given that Churchill Grove is a quiet residential estate road and the occupiers of the dwelling currently have to reverse onto the highway (as do many of the neighbouring occupiers), the proposed development will not cause highways safety issues over and above the existing situation.

Representations

10.31 4 representations have been received raising the following concerns:

Serious and adverse impact on her quality and standard of living
Officer comment: see residential amenity section of this report in relation to overbearing/overlooking impacts.

Visually overbearing, inappropriate scale and design for the area
Officer comment: this has been considered in the visual amenity section of this report.

Building would be totally out of keeping with the existing properties
Officer comment: this has been considered in the visual amenity section of this report.

The proposed development does not respect the local context, street pattern and building line of neighbouring properties
Officer comment: this has been considered in the visual amenity section of this report.

Harm amenity enjoyed by occupiers of neighbouring residential properties
Officer comment: this has been considered in the residential amenity section of this report.

Drastically restrict access to front and rear of no.17.

Officer comment: this is not a material planning consideration.

Development would alter fabric of the area and amount to serious cramming

Officer comment: this has been considered in the visual amenity section of this report.

Very little space for landscaping and overdevelopment of the site

Officer comment: this has been considered in the visual amenity section of this report.

Would lead to a loss of valuable space

Officer comment: this has been considered in the visual amenity section of this report.

Drainage issues/ contamination – public drain inspection chamber under where the proposed development is to be built

Officer comment: this is not a material planning consideration.

Drain issues encountered before (drains are shared) – discussion regarding payment of unblocking drains

Officer comment: this is not a material planning consideration.

Overhanging gutters/eaves on to airspace- if gutters poorly maintained then this would cause unnecessary damage to her property

Officer comment: this is not a material planning consideration.

Boundary dispute if applicant claims right of way for eaves and foundations

Officer comment: this is not a material planning consideration.

Overshadowing issues given close proximity of development to no. 17 – regularly enjoys daylight at the front and rear and this would be reduced (photograph provided)

Officer comment: a loss of light has been considered in the residential amenity section of this report.

No. 17 is the southwest of the application site – if extension goes ahead, no natural light would come in and occupiers would be sitting in darkness.

Officer comment: a loss of light has been considered in the residential amenity section of this report.

Loss of view and personal circumstances mean occupier cannot leave the house for the foreseeable future

Officer comment: this is not a material planning consideration.

Occupier of no. 17 would not feel comfortable in her own home where she lives alone – would not feel safe

Officer comment: this is not a material planning consideration.

Proposal will reduce parking – this will lead to vehicles being parked on the road. No. 19 already has 2 cars on the drive and one on the road, it will cause difficulty for other households in accessing their own driveways

Officer comment: highways safety and parking provision has been assessed in this report. A condition has been recommended to provide a second car parking space on site.

Road width would be reduced and would place a burden on the highway

Officer comment: highways safety has been assessed in this report.

Road will be busy and congested and may adversely affect residential amenity of surrounding properties.

Officer comment: highways safety has been assessed in this report.

Loss of privacy and affect right to peaceful enjoyment of property

Officer comment: this has been covered in the residential amenity section of this report.

Proposed development would not comply with NPPF guidance – development would not improve or enhance the area in any way.

Officer comment: the proposal has been assessed against the relevant NPPF and UDP policies (see officer report)

If application approved, conditions relating to hours of operation and other restrictions should be imposed. Consideration should also be given to how and when construction vehicles would gain access to the site without causing noise and disturbance.

Officer comment: problems arising from the construction period can be addressed through Environmental Health legislation.

Window is there to allow a view and let natural light in – occupier of no. 17 will not be able to watch the sunset

Officer comment: a loss of light has been considered in the residential amenity section of this report. Watching the sunset is not a material planning consideration.

Why should someone feel alienated in their own home? If applicant's house is not big enough, move to a bigger house. Do not impose on others.

Officer comment: this is not a material planning consideration.

Will not be in keeping with the rest of the street regardless of materials and would lead to urban sprawl.

Officer comment: this has been covered in the visual amenity section of this report.

Security shutter is totally unnecessary and not in keeping with residential statement.

Officer comment: amended plans have been sought to remove this feature.

Friends visiting have difficulty parking outside our home as it occupied by taxis parked for long periods.

Officer comment: this is not a material planning consideration.

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 and it is considered that the development would constitute sustainable development and is therefore recommended for approval.

12.0 CONDITIONS

1. 3 year time limit to commence development
2. Development carried out in accordance of approved plans
3. Material to match existing dwelling
4. Notwithstanding the requirements of condition 3, the area labelled on the front elevation of the approved plans shall be constructed of render which harmonises with the colour of the stone walls hereby approved.
5. No new door or window openings other than those expressly authorised by this permission shall be constructed in the external side walls of the extensions at any time.
6. Provision of 2 car parking spaces required (including permeable surfacing)
7. The development shall not be occupied until the shower room window in the southwestern elevation of the extension hereby approved have been obscure glazed.

Background Papers:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017/90542>

Certificate of Ownership – Certificate A signed to certify that the land within the red line is within the applicant's ownership.