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**Report of the Head of Strategic Investment**

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 20-Jul-2017**

**Subject: Planning Application 2017/91308 Erection of extensions to dwelling, erection of garden room to rear of existing garage and extension to patio area Ridgewood, Oakes Avenue, Brockholes, Holmfirth, HD9 7AT**

**APPLICANT**

Richard Wilde

**DATE VALID**

12-Apr-2017

**TARGET DATE**

07-Jun-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: Holme Valley North**

No

Ward Members consulted

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report.

## **1.0 INTRODUCTION:**

- 1.1 The application is reported to Sub-Committee at the request of Councillor Holroyd-Doveton. His reason is relates firstly to concerns about the new build garden room being attached to the garage. Cllr Holroyd-Doveton states that this is because of:

*“potential ‘future use’ of what would then be a large space, should the walls be knocked through, if not immediately. This then creates a significant extension to the house. On this basis I feel a committee view...is appropriate, as the end result will affect a number of residents”.*

In addition Cllr Holroyd-Doveton has also expressed concerns regarding the conversion of garden to a car parking space and the potential for surface water to run-off into the neighbouring garden. He also requests a site visit so that the issues can be viewed.

- 1.2 The Chair of sub-committee has confirmed that Cllr Holroyd-Doveton's reasons for making this request are valid having regard to the Councillors' Protocol for Planning Committees.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 Ridgewood, Oakes Avenue is a two storey semi-detached dwelling. The property is constructed from stone and has a slate hipped roof with uPVC windows and doors. There is a small garden area to the front of the property with a larger lawned garden to the rear which, due to the sloping nature of the site, is set on a lower ground level than the finished floor level of the property. Along the north east boundary of the rear garden is a 1.8m high close boarded fence. There is a shared driveway to the side elevation which leads to a detached garage. No. 4 Oakes Avenue, to the north-east of the property,

is set on a lower ground level. The wider street scene is predominantly residential with various property designs and construction materials.

### **3.0 PROPOSAL:**

- 3.1 Permission is sought for the erection of extensions to the dwelling, erection of a garden room to the rear of the existing garage and an extension to the patio area also at the rear of the property. The plans also indicate the creation of an additional parking space to the front of the property.
- 3.2 The extensions to the dwelling would comprise of single storey additions to the front, side and rear of the property. These would provide a kitchen/diner, an enlarged living room, porch, office, utility and wc.
- 3.3 The front extension would replace a bay window and project 1.6m forward of the property with an eaves height of 3.8 metres rising to 4.5 metres to the ridge of the hipped roof. It would span almost the full width of the dwelling projecting beyond the side elevation by 1.2 metres to align with the proposed side extension. The side extension would then continue along the full depth of the property in the form of a wrap-around extension. The side extension would have a hipped roof design.
- 3.4 The extension to the rear of the property would project a maximum of 4.5 metres and would be set in from the side elevation of the property with the adjacent property 'Lynton'. The elevation facing this property would be angled slightly to follow the boundary line with the extension being a total height of 3.3 with a flat parapet roof.
- 3.5 It is also proposed that the existing rear patio area would be extended. The patio would project from the rear elevation of the extension by 6 metres being a total of approximately 1 metre above the garden level, raised from existing to provide level access from the property.
- 3.6 To the rear of the existing garage it is proposed to erect a garden room. This would be the same width as the garage, 3 m, and project for 6 metres beyond the rear wall of the garage, with a floor level some 0.5m lower than the garage. The roof would be flat, being a total height of 2.2 metres, level with the eaves of the existing garage. The external facing material for the wall would be timber cladding.
- 3.7 The proposed off-street parking space would involve the partial demolition of the front boundary wall. No details of the surfacing materials for the parking space have been provided but the agent states that surface water disposal would incorporate an 'ACO' drainage channel at the boundary of the site.
- 3.8 The proposed materials of construction for the house extension would be slates for the roof, facing stone for the walls, aluminium capping for the flat roofs timber and stone for the steps to the front and rear. The proposed openings would be dark grey uPVC.

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

4.1 No history

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

5.1 The Case Officer contacted the Agent following the initial site visit with a request that the garden room be reduced in height to minimise the impact on the neighbouring property, no. 4, due to the difference in levels. The roof form has been amended to a flat roof and is the plan which is under consideration with 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 submitted to the Secretary of State for Communities and Local Government on 25<sup>th</sup> 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. At this stage Officers consider considerable weight can be afforded to the Publication Draft Local Plan. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

6.2 The land is without allocation/designation within the UDP and the Kirklees Publication Draft Local Plan.

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

6.2 D2 – Unallocated Land  
BE1 – Design principles  
BE2 – Quality of design  
BE13 – Extensions to dwellings (design principles)  
BE14 – Extensions to dwellings (scale)  
T19 – car parking

##### National Planning Guidance:

6.3 Chapter 7 – Requiring good design

##### Kirklees Publication Draft Local Plan: Submitted for examination April 2017 (PDLP)

- 6.4 PLP1 – Presumption in favour of sustainable development  
PLP2 – Place shaping  
PLP21 – Highway safety and access  
PLP24 – Design

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

7.1 The Council advertised the application by site notice and neighbour notification letters which expired on 1<sup>st</sup> June 2017. One letter of representation has been received with the following comments:

- Concerns regarding the 'garden room' and parking to the front of the property
- Design and Access Statement does not mention the garage extension and also states that access will remain as is but also mentions removal of a section of front boundary wall to allow for off-street parking
- Note the drive is shared with No. 4 Oakes Avenue
- Run-off from the parking area due to the slope of the land could cause flooding onto No. 4 unless adequate and appropriate drainage is installed
- 6 foot high wooden fence has been erected resulting in a loss of natural light to the garden of No. 4. The 'garage extension' will further restrict natural light/increase shade to the garden which would be detrimental to plant growth in a long maintained garden.
- Concerns about the mass of the 'garage extension'. Calculated height to ridge is 2.6 metres which is 3.4 metres higher than the garden of No. 4 as the existing garage base is 0.76 metres higher than the adjacent garden
- The garage extension, due to its size, would be detrimental to the visual outlook of no. 4.
- No provision is shown for water run-off from garage extension which has potential to lead to flooding on the garden of No. 4 due to do the ground level difference
- Allegation that the applicant currently runs a joinery business and existing garage is already used a workshop. At certain times, including evenings and weekends, it is alleged that machinery noise can be heard. Concerned the garage extension would be used as an additional workshop.
- If plans are approved we would need to be assured that there is unrestricted access to No. 4 at all times during construction work

**Holme Valley Parish Council** – support the application subject to no overlooking and materials in keeping

## **8.0 CONSULTATION RESPONSES:**

8.1 **Statutory:**

None

8.2 **Non-statutory:**

None

## 9.0 MAIN ISSUES

- Principle of development
- Visual amenity
- Residential amenity
- Highway issues
- Drainage issues
- Representations
- Other matters

## 10.0 APPRAISAL

### Principle of development

10.1 The site is without notation on the Unitary Development Plan Proposals Map and Policy D2 (development of land without notation) of the Unitary Development Plan states “planning permission for the development.....of land and buildings without specific notation on the proposal 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 extending and making alterations to a property are 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. These require, in general, balanced considerations of visual and residential amenity, highway safety and other relevant material considerations. In addition Policy PLP24 of the PDLP sets out a variety of design considerations to take into account in the assessment of a planning application.

### Visual amenity:

10.3 The proposed development is comprised of single storey extensions to the front, side and rear of the property with a single storey extension to the attached garage and the formation of a parking area to the front of the dwelling. The extensions to the property itself would subservient to the main property by virtue of being single storey in height when viewed against the backdrop of the two storey building.

10.4 The roof form of the front and side extension would be a lean-to roof in keeping with the hipped form of the main dwelling with the rear extension being a flat roof minimising its visual impact.

10.5 The proposed construction materials for the extensions to the dwelling would be slates for the roof, facing stone for the walls and aluminium capping for the flat roof. The proposed openings would be dark grey uPVC which are considered to be acceptable in the context of the wider area.

- 10.6 The fenestration details are simplistic and in keeping with the host property in terms of design and dimensions.
- 10.7 The proposed extension to the existing garage to form a garden room would also have a flat roof. Whilst noting that this differs from the existing pitched roof garage, this was amended at the request of the Local Planning Authority (see assessment on residential amenity below). This is considered to be acceptable in terms of visual amenity and typical of this type of outbuilding.
- 10.8 The garage extension would be finished with a timber cladding and whilst the roof style and finishing materials would differ from the existing garage, which is a precast concrete structure, this extension would be read as such and would appear acceptable as a garden structure, and when considered with the existing screen boundary fence. In the context of the large rear garden to the property, this extension would not amount to overdevelopment.
- 10.9 With regards to the off-street parking area to the front of the building, this would involve removal of a section of boundary wall but the majority would be retained. The main visual impact would be the parking of a vehicle to the front of the property but this is not an unusual visual feature and a similar development already exists at Lynton next door.
- 10.10 Whilst the garden area to the front of the property would be lost to accommodate the parking area, a good amount of lawned, landscaped garden would be retained to the rear of the property which is screened by a timber fence and hedging and therefore it is considered that the proposed development, taken as a whole, would not constitute overdevelopment.
- 10.11 Taking into account all the above, it is considered that the proposed extensions to the dwelling itself and to the detached garage, alongside the formation of a parking area to the front of the property, are acceptable in terms of visual amenity, in accordance with Policies D2, BE1, BE2 and BE13 of the Unitary Development Plan and advice within the National Planning Policy Framework. The visual aspects of the scheme would accord with the general design considerations set out in Policy PLP24 of the PDLF.

#### Residential Amenity

- 10.12 The two properties which could potentially be affected by the proposed works are the attached property known as Lynton which is to the south-west of the site and No. 4 Oakes Avenue which is to the north-east of the site.
- 10.13 With regard to the impact on Lynton, any potential impact would be from the proposed front and rear extensions and the new parking space. The front extension would be set in from the shared boundary with a limited projection of 1.6 metres being single storey in height with a high hedge acting as boundary screening. Taking these elements into account, and the requirements of Policy BE14 stating that extensions to the front of properties should be 'small in scale', it is considered that the impact from this extension is acceptable. There is a small window within the side elevation of the

extension however due its limited projection, it would not cause undue harm from overlooking. The existing bay window also contains a side facing window.

- 10.14 In terms of the rear extension, and its impact on Lynton, whilst this would project 4.5 metres beyond the rear elevation, given it would be to the north-east of the attached neighbour there would be no direct loss of light. In addition, the roof would be flat thus minimising the impact of the extension as far as practicable. There are no openings within the side elevation which would result in direct overlooking. Taking the above into account, it is not considered that there would be significant harm to this property in terms of residential amenity. In respect of the parking space, given the existing mature boundary treatment and the presence of a parking space within the front garden area of Lynton it is considered there would be no loss of amenity.
- 10.15 With regards to the impact on the occupants of No. 4 Oakes Avenue, the elements of the scheme which have potential to impact on their amenity would be from the proposed front/side extension, extension to the garage to form a garden room and the formation of the parking space. The proposed side extension would be single storey in height and of limited projection of 1.2m from a 2-storey side wall. The front extension would project 1.6m. Although the side extension would have openings to the proposed office, utility room and WC these are mainly non-habitable rooms and they face non-habitable rooms within the neighbouring property, separated by the shared driveway. Given these factors it is considered that the front/side extension due to its siting, scale and design would not cause undue harm to residential amenity.
- 10.16 In terms of the impact from the proposed garage extension, to form a garden room, this has been the main subject of discussion between the Local Planning Authority and Agent. Following an initial site visit concerns were raised regarding the impact of this element of the scheme to No. 4 due to the changes in ground levels and the proximity of the extension to the shared boundary. The initial plans resulted in a structure which was a continuation of the existing garage in terms of elevations, eaves height and roof ridge. Amended plans have been received amending the roof form to a flat roof with an overall height of 2.2 metres. There is also a close boarded fence in situ along the boundary between Ridgewood and 4 Oakes Avenue. The proposed extension would not be significantly higher than this fence which would further reduce its impact. The proposed garden room would be approximately 0.5 metres above the existing fence line.
- 10.17 It is noted that that a representation was received prior to the submission of amended plans which raised concerns regarding the scheme, especially on loss of natural light from the garden room extension. However, there is a fence in situ which already reduces direct sunlight. It is important to note also that should the proposed extension forming a garden room be 'detached' from the existing garage, this would not necessarily require planning permission and could be constructed by exercising 'permitted development rights' for outbuildings. Taking this into account together with existing site



factors it is considered that the amended scheme with the reduction in roof height and alteration in roof form would not result in an undue loss of amenity to the neighbouring property in terms of loss of outlook or light to the garden in accordance with Policy D2 of the UDP and the core planning principles of the NPPF.

- 10.16 The proposed garden room hosts openings within the south-east elevation which would face into the garden area and a high hedge separating the site from Lynton. As such, it is not considered that the garden room would cause undue harm from overlooking.
- 10.18 The construction of a parking space would result in additional vehicular manoeuvres between Ridgewood and no. 4 and use of the shared drive. The hardsurfacing of the garden area has the potential to create surface water run-off if this is not appropriately designed. These issues have been assessed and the use of one further parking space is considered not to result in a material increase of the use of the drive. A condition can be imposed to require the surfacing of the space to comply with national guidance set out in 'guidance in the permeable surfacing of front gardens' which would help mitigate the potential for flood risk from the site. Although an 'ACO' drainage channel is currently proposed precise details of the surfacing arrangements are unknown and it is recommended this be controlled by condition.
- 10.19 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 D2 and BE14 of the Unitary Development Plan and core principles of the National Planning Policy Framework with regards to residential amenity.

#### Highway issues

- 10.20 In terms of highway safety, the property currently benefits from off-street parking by way of the existing garage provision. However, the driveway is single width and shared with the neighbouring property. The scheme proposes an additional off-street parking space to the front of the property and it is considered that the provision of 2 off-road parking spaces is compliant with Policy T19 of the UDP and therefore considered to be acceptable.

#### Drainage issues

- 10.21 Concerns have also been raised regarding drainage at the site in terms of surface run-off from the proposed parking area and also from the proposed garden room. With regards to the parking area to the front, this can be controlled via an appropriate condition in relation to the use of a permeable surface, as set out in paragraph 10.18. With regards to the run-off from the

garden room, the existing garage appears to be drained to the main sewer, as set out in the application form. There is no reason why the new structure could not utilise the same method of surface water disposal.

### Representations

10.22 One letter of representation has been received, prior to the submission of amended plans with the following comments and Local Planning Authority response:

- Concerns regarding the 'garden room' and parking to the front of the property  
**Response:** the impact on residential amenity has been assessed in the appraisal.
- Design and Access Statement does not mention the garage extension and also states that access will remain as is but also mentions removal of a section of front boundary wall to allow for off-street parking  
**Response:** The scheme as submitted has been assessed in detail, including the garage extension and parking space.
- Drive is shared with No. 4 Oakes Avenue although not indicated as such on the Design and Access Statement  
**Response:** It is clear from the layout of the site that the driveway is shared
- Run-off from the parking area due to the slope of the land could cause flooding onto No. 4 at the front unless adequate and appropriate drainage is installed  
**Response:** This can be controlled via an appropriate condition
- 6 foot high wooden fence has been erected resulting in a loss of natural light to the garden of No. 4. The 'garage extension' will further restrict natural light/increase shade to the garden which would be detrimental to plant growth in a long maintained garden.  
**Response:** The erection of a 6 foot high fence does not require planning permission and is therefore cannot be controlled by the Local Planning Authority. The total height of the garden room has been reduced since the submission of this representation
- 'Garage extension' is shown as being 6 metres long and having the same roof line as the existing garage  
**Response:** This has now been amended to a flat roof which would be a reduction in the overall height of the proposed extension
- Calculated height to the ridge is 2.6 metres which means 3.4 metres higher than the garden of No. 4 as the existing garage base is 0.76 metres higher than the adjacent garden  
**Response:** This has since been amended to be a flat roof, the overall height of the garden room above the existing fence would approximately 0.5 metres

- Due to the size of the garage extension, this visual aspect from No. 4 would be severely damaged  
**Response:** The right to a view is not a material planning consideration; the impact on outlook has been assessed in residential amenity.
- Additionally no provision is shown for water run-off from the structure and has potential to lead to flooding on the garden of No. 4 due to do the ground level difference  
**Response:** see paragraph 10.21
- Allegation that the applicant currently runs a joinery business and existing garage is already used a workshop. At certain times, including evenings and weekends, it is alleged that machinery noise can be heard. Concerned the garage extension would be used as an additional workshop.  
**Response:** The garden room is submitted as 'householder' development. This would constitute a building ancillary to the enjoyment of the occupiers of the host dwellinghouse. Whilst this use is retained, and provided the garage is used in a similar manner there would be no breach in planning control
- If plans are approved we would need to be assured that there is unrestricted access to No. 4 at all times during construction work  
**Reason:** This is a civil matter between land owners and cannot be controlled by condition.

### Other Matters

10.23 There are no other matters for consideration

## **11.0 CONCLUSION**

11.1 The National Planning Policy Framework has introduced a presumption in favour of sustainable development. The policies set out in the National Planning Policy Framework 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 the neighbouring property, No. 4 Oakes Avenue. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

## **12.0 CONDITIONS**

1. 3 year time limit permission
2. The development shall be carried out in complete accordance with the approved plans.
3. The walling and roofing materials (where relevant) to the single storey front, side and rear extensions to the main dwelling house shall be constructed from materials to match.

4. The new parking space to the front of the dwelling to be constructed/surfaced in accordance with national guidance on the permeable surfacing of front gardens.

**Background Papers:**

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f91308>

Certificate of Ownership – Certificate A signed