
Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 14-Dec-2017

Subject: Planning Application 2017/92211 Erection of extensions, alteration to increase roof height to form second floor and erection of detached workshop Grove Cottage, 10, Grove Street, Norristhorpe, Liversedge, WF15 7AP

APPLICANT

A Bell

DATE VALID

27-Jun-2017

TARGET DATE

22-Aug-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: Heckmondwike

No

Ward Members consulted
(referred to in report)

RECOMMENDATION: REFUSE

1. **The proposed extension, by virtue of its scale and design, would result in the creation of an incongruous feature on the host property that would significantly detract from its character. The extension would appear distinctly out of place adjacent the neighbouring property. To permit this development would be contrary to Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Publication Draft Local Plan, as well as Chapter 7 of the National Planning Policy Framework.**
2. **The proposed development, by virtue of its impact on the scale and massing of the host property and its relationship with dwelling to the north east of the application site, would result in a development which would be overbearing to the occupants of no. 17, Spring Bank Drive. The extension would also result in a significant overbearing and overshadowing impact to their amenity space. To permit this development would be contrary to Policies D2 and BE1 of the Kirklees Unitary Development Plan, as well as a Core Planning Principle of the National Planning Policy Framework which asserts the role of planning as securing a good standard of amenity for all present and future users of land and buildings.**

1.0 INTRODUCTION:

- 1.1 The application is brought to the Heavy Woollen Planning Sub-Committee at the request of Councillor David Sheard following a meeting with the agent in which concerns regarding the proposed development were discussed.
- 1.2 Councillor Sheard wishes to support the application for the following reasons:
 1. *I believe the reasons you have chosen to reject the application are a matter of opinion given the current elevation of the property.*
 2. *I also believe the new proposal would improve the appearance of the site when taking into account the historic extension.*
 3. *I also believe that the applicant is attempting to make a dwelling habitable and rescuing a derelict property.*

- 1.3 The application was previously heard at the Heavy Woollen Planning Sub-Committee on 9th November 2017 and a site visit undertaken by members. The application was deferred in order to allow for a bat survey to be undertaken and submitted. A bat survey has been submitted and reviewed by the Council's Ecologist. No bats were found and as such, no objection is raised by the Council's Ecologist.
- 1.4 Following the decision to defer the application, the Case Officer and Team Leader have undertaken a further site visit and carried out an internal inspection as requested by the applicant. Officers are satisfied that the description of development accords with proposed extensions as shown on the submitted plans with reference to the creation of a new 'second floor level' as indicated. Discussion around amendments was held with the applicant. Since then, the applicant has submitted amended plans which see part of the roof form changed from a gable to a hip. The eaves and ridge height remains unchanged. The applicant contends that in order to create the new second floor level (as annotated on the plans) the floor to ceiling heights are the minimum required by building control and there is no scope to reduce the floor levels further.
- 1.5 Whilst Officers acknowledge that the amended proposal does result in an improvement to the previous scheme considered by members, it is not significant enough, by officers, to overcome the recommended reasons for refusal, which remain unchanged from those set out in the 9th November 2017 agenda. This is due to significant concerns relating to visual amenity and residential amenity. These key areas of concern, together with all other relevant material considerations, are set out in the proceeding sections of the report. The reason for refusal relating to bats has been removed.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application relates to a semi-detached property located in a set-back position from Grove Street, Norristhorpe. The dwelling offers accommodation over a lower ground area (containing split levels), a ground floor area and a first floor area as demonstrated on the submitted 'existing' plans. It has previously been extended and has two storey and single storey additions which project from the rear. The dwelling is faced in white render and the roof is constructed from both slate and concrete tiles.
- 2.2 Externally, there is a grassed garden area to the front of the property, which is currently in an overgrown state. To the rear, there is a small yard used for parking which provides access into the integral garage on the lower ground floor. Beyond this land, levels fall significantly and the private amenity space of no. 17, Spring Bank Drive abuts the boundary. The property is currently in a poor state of repair. Land levels slope down to the rear of the site.
- 2.3 The application site is surrounded by residential development to the north, north east and south east, and a school (Norristhorpe Junior and Infant School) is located to the west.

3.0 PROPOSAL:

3.1 Planning permission is sought for the erection of extensions and alterations to the application property. These are summarised below.

- Erection of extension and alterations to the existing front entrance porch. The proposed front entrance porch would project around 1.8m, have a length of 7.4m and have a hipped roof. The design would comprise a front door, a set of bi-folding doors and a window.
- Erection of an extension to create a new second floor as shown on the submitted plans. The extension will also facilitate internal alterations which allow for the amount of accommodation on the first floor to be increased.
- Alterations to the roof form would be undertaken to facilitate this, creating an asymmetrical gable on the front elevation. To the rear, extensions would be erected above the existing flat-roofed single storey addition. This would adjoin the adjacent extension and a hipped roof would be formed (as shown on the amended plans). New window openings would be created in the front and rear elevations to serve the proposed second floor level.
- The plans demonstrate alterations to the fenestration and the insertion of rooflights into the host property.
- In the front garden area, a garage/workshop would be erected in the front garden space. This would have a footprint of 6.6m x 6.5m. It would have a dual pitched roof with a height of 5.6m to the ridge and 2.6m to the eaves. This would be for uses ancillary to the host property and not for separate commercial use.

3.2 The proposed dwelling and outbuilding would be faced in white render with the exception of the front elevation and the walls of the entrance porch which is proposed to be faced in stone.

4.0 RELEVANT PLANNING HISTORY:

4.1 No planning history on the application property or the adjoining dwelling.

5.0 HISTORY OF NEGOTIATIONS:

5.1 The scheme under consideration at the previous committee meeting was amended, reducing the ridge height in comparison with the originally submitted scheme. Accordingly, the originally proposed French doors and balcony on the proposed new second floor were replaced with a smaller window opening.

5.2 Since the application was deferred at the previous committee, further amendments have been submitted following an on-site meeting between officers and the applicant. The amended plans change the formerly proposed rear gable to a hipped roof. The eaves and overall ridge height remain unchanged.

5.3 As previously set out, the reason the application was previously deferred was to allow the applicant to submit a bat survey. A Bat Survey Report 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 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 Examination in Public began in October 2017. 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 of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is unallocated on the unallocated on the Kirklees UDP proposals map and on the 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)
T10 – Highway safety
NE9 – Mature trees

National Planning Policy Framework:

- 6.3 **Chapter 7** – Requiring good design
Chapter 11 – Conserving and enhancing the natural environment

Publication Draft Local Plan:

- 6.4 **PLP1** – Presumption in favour of sustainable development
PLP2 – Place shaping
PLP21 – Highway safety and access
PLP24 – Design
PLP33 - Trees

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 As a result of the publicity period, one representation has been received albeit the objector did not state an address. The objector raised concern with regards to overlooking from the proposed extension.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

- **K.C. Highways Development Management:** no objection

8.2 Non-statutory:

- **K.C. Ecology:** bat survey required. Following receipt of the bat survey, no objection.
- **K.C. Conservation & Design Officer:** severe concerns raised
- **K.C. Arboricultural officer:** no objection

9.0 MAIN ISSUES

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

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 UDP and advice within Chapter 7 of the NPPF regarding design. Policy PLP24 of the PDLP is consistent with the above. Highway safety and parking provision issues will be considered against policies T10 and T19 of the UDP, as well as Policy PLP21 of the PDLP. All of these require, in general, balanced considerations of visual and residential amenity, highway safety, and other relevant material considerations.

Urban Design issues

10.3 The application property occupies a set-back position within the streetscene. As such, the dwelling is not readily visible from Grove Street. Whilst it is a semi-detached property, at present the properties are not identical in appearance and officers acknowledge that there is flexibility in terms of the design solution for extensions to the dwelling.

- 10.4 Notwithstanding this, the proposed extension and alterations under consideration are considered unacceptable in terms of urban design. Officers consider that the proposed extensions would overwhelm the host property in terms of its scale. It would result in the creation of a second floor (as shown on the submitted plans); Officers consider that the additional bulk and massing required to do so as shown on the submitted plans would appear excessively large on the application property.
- 10.5 The proposed design solution is considered inappropriate for the site by officers. Whilst the existing condition and appearance of the application property is fully appreciated, the proposed additions and alterations would result in a development that would appear distinctly out of place on the host property. It is acknowledged that the pair of dwellings is not identical as existing and that there is some flexibility in terms of design. However, it is the view of officers that the proposed design would appear incongruous when considered alongside the adjoining property. These design concerns are exacerbated by the large scale that the extensions would have.
- 10.6 The application has been reviewed by a KC Conservation & Design Officer who echoes these comments and raises significant concern with the proposed extensions and alterations.
- 10.7 In terms of the proposed outbuilding, this would be single storey and have a dual pitched roof. Whilst it is to the front of the property, given the relationship with the streetscene it is considered to be, on balance, acceptable given the size of the amenity space. It would not be readily visible from within the streetscene and would not undermine visual amenity or the character of the host property. The proposed materials of white render and stone are considered appropriate within this location. Similarly, the single storey front extension is considered, on balance, acceptable in terms of visual amenity in this concealed location. Whilst the projection is around 1.8m, this is not dissimilar to the existing projection of the front extension.
- 10.8 In summary, the application is considered unacceptable in terms of visual amenity. To permit this development would result in the creation of an incongruous feature on the host property which significantly detracts from its character. It would appear distinctly out of place when considered within the context of the adjoining property. The development is contrary to Policies D2, BE1 and BE2 of the UDP, Policy PLP24 of PDLP, as well as the aims of Chapter 7 of the NPPF.

Residential Amenity

- 10.9 The neighbouring properties that could be impacted by this development are the adjoining property, no. 8, Grove Street, and the properties to the rear; nos. 17 and 23, Spring Bank Drive.
- 10.10 The adjoining property would not be unduly impacted by the proposed development. Whilst the front porch would be brought up to the shared boundary of the site, it would only project 1.8m and would not be significantly detrimental to the amenities of the adjoining property. Whilst the roof level would be raised, this addition would be largely concentrated on the opposite side of the dwelling and away from the shared wall. The proposed extension would also result in the existing single storey flat roofed element to the rear

being built up; this is however, set away from the shared side boundary and there would be no proposed projection within immediate proximity of the neighbouring dwelling at the rear. There is a window facing towards the property; however one exists here already and the proposed window would only serve a stairway. In terms of the outbuilding in the front garage space; this would be used for purposes ancillary to the enjoyment of the dwellinghouse and would not be for a commercial use. The scale of the building, together with its distance from the shared boundary with the neighbouring property, means that there would not be a significant impact in terms of overbearing, overshadowing or overlooking.

- 10.11 No. 17, Spring Bank Drive is one of the neighbouring properties to the rear of the site which is located at a much lower level than the application site. This is a detached property with a conservatory on the rear elevation. Whilst there would be no direct relationship with the windows in this property, the private rear amenity space extends adjacent to the application site. The proposed extensions would significantly increase bulk and massing of development on the boundary of the site which would result in severe overbearing and overshadowing to the amenity space over and above what is already a very close relationship. Since the previous committee, amended plans have been received which change the rear roof form from a gable to a hip in order to reduce some of the impact on residential amenity. However, Officers consider that this amendment does not go far enough to alleviate their concerns. There would still be an increase in eaves height at the rear from approx. 5.7m to 7m and ridge height from 6.8m to 8.7m. It is considered by officers that the level of harm remains significant enough to warrant refusal of the scheme given the impact on the amenity of this neighbour. In terms of overlooking, this is not considered to be materially different from the existing situation; whilst an additional window would be provided at first floor, this would serve a landing and could be obscurely glazed. The proposed window at second floor level would be obscurely glazed meaning that there would be no overlooking from this perspective.
- 10.12 No.23, Spring Bank Drive is one of the neighbouring properties to the rear of the site. No. 23 is orientated away from the application property meaning that there would be no direct impact. Whilst there would be some impact in terms of overshadowing to the neighbour's property, this is not considered significant enough to warrant refusal of the scheme.
- 10.13 There are no other residential properties that are considered close enough to be impacted by the proposed development.
- 10.14 In the context of the above, the application is considered unacceptable in terms of residential amenity due to the severe overbearing and overshadowing impact on no. 17, Spring Bank Drive. To permit this development would be contrary to Policies D2 and BE1 of the UDP, as well as a Core Planning Principle of the NPPF, which asserts the importance of the role of planning in ensuring a good standard of amenity for all existing and future users of land and buildings.

Highway Safety

- 10.15 Vehicle access to the site is achieved via a shared driveway which runs from Grove Street around the rear of the properties. The application property currently has an integral garage to the rear as well as a driveway before this. The proposals would increase the bedroom space from two to four bedrooms.
- 10.16 KC Highways Development Management has reviewed the submitted plans and raises no objections to the proposals. They state that the site can accommodate 3 vehicles in terms of off-street parking within the integral garage and on the driveway. No objection is raised.
- 10.17 As such, the application is considered acceptable in terms of highway safety and efficiency, in accordance with the aims of Policy T10 of the UDP and Policy PLP21 of the PDLF.

Trees and Ecology

- 10.18 The application lies within a Bat Alert Layer on the Council's GIS system. The Council's Ecologist has reviewed the proposed development as well as the site photographs and concludes that a preliminary bat survey should be undertaken and submitted prior to determination of the application in order to ascertain the potential for roosting bats on the site.
- 10.19 As previously set out, the application was deferred at the sub-committee meeting held on 9th November in order for the applicant to submit a bat survey. The bat survey has now been submitted and reviewed by the Council's Ecologist. The bat survey confirms that the proposal would not result in any adverse impact upon bats, which are a protected species, and as such, no objection has been raised by the Council's Ecologist. The proposal is considered to comply with the aims of chapter 11 of the NPPF.
- 10.20 In terms of trees, the application property does lie within close proximity to a group of mature trees within the adjacent school grounds, albeit they are not protected. As such, the Council's Arboriculturist has reviewed the proposal; they conclude that there would be no severe adverse impact on the adjacent trees. The application form states that no trees would need to be felled or pruned as part of the proposed development. Taking these factors into account, the proposal is considered to comply with the aims of policy NE9 of the UDP and policy PLP33 of the PDLF.

Representations

- 10.21 The one representation that was received on the site objects on the grounds of overlooking. No address was provided by the objector. The impact from overlooking to the closest residential properties is addressed within the 'Residential Amenity' section of the report and can be considered acceptable subject to the imposition of appropriate conditions for obscure glazing should planning permission be granted. Since the previous committee, an email has been received from the neighbour removing their objection.

11.0 CONCLUSION

- 11.1 To conclude, whilst it is acknowledged that the applicant has attempted to reduce the overall massing of the extension by now incorporating a hipped roof design to the rear extension, the eaves and overall ridge height remain unchanged. Due to the significant land level changes, with the property to the rear, no.17 Spring Bank Drive, being at a much lower level than the application site, along with the close proximity of the extensions to the rear boundary, officers have significant concern that the increase in eaves and overall ridge height, albeit with a hipped roof, would still result in undue harm to the residential amenity of these neighbouring occupants, contrary to the aims of policies D2 and BE1 of the UDP. Furthermore, officer concern regarding the overall design of the proposals remain as previously reported to members at the committee meeting held on 9th November.
- 11.2 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.
- 11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals would result in a development with an unacceptable impact on visual amenity and residential amenity and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against local and national policies and other material considerations. Furthermore, in the absence of any information relating to bats, it has not been demonstrated that the development would have an acceptable impact on bats.

Background Papers:

Website link: <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017/92211>

Certificate of Ownership – Certificate A signed on 27th June 2017