
Report of the Head of Strategic Investment**HUDDERSFIELD PLANNING SUB-COMMITTEE****Date: 04-Jan-2018****Subject: Planning Application 2017/93288 Erection of single storey front and rear extensions 15A, Whitacre Street, Deighton, Huddersfield, HD2 1LX****APPLICANT**

Leah Patrice

DATE VALID

22-Sep-2017

TARGET DATE

17-Nov-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: Ashbrow

No

Ward Members consulted

RECOMMENDATION: APPROVE

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 This application is brought to Committee at the request of Cllr Jean Calvert for the following reason:

'It is on the scale of the development and the impact it would have on the neighbouring properties.'

- 1.2 The Chair of Committee has confirmed that Cllr Calvert's reason for making this request is valid having regard to the Councillors' Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 15a Whitacre Street is a two-storey end terrace in a block of three dwellings. It is constructed in brick and render with a pitched roof covered in concrete roof tiles. The application dwelling is set at a lower ground level than the highway with pedestrian access directly from Whitacre Street. It has good sized front and rear gardens.
- 2.2 The topography in the local area rises towards the North and East such that the adjacent property, no.17, is set at a higher ground level, as is the adjacent highway. To the rear of the site is a large area of open land designated as Urban Greenspace; to the south is an active railway line and Deighton Train Station.

3.0 PROPOSAL:

- 3.1 The proposal is for single storey front and rear extensions.
- 3.2 The front extension is for a porch. The extension will project from the front elevation wall by approx. 1.5m and extend in width towards the neighbouring attached dwelling by approx. 1.9m. The porch will have a lean-to roof with an eaves height of 2.5m and a ridge height of 3.4m. The porch will be constructed in brick and concrete roof tiles to match the existing dwelling. The extension will include the addition of an entrance door and window opening to the front elevation and a window opening to the southern side elevation.

- 3.3 The rear extension will be set in approx. 0.3m from the boundary with the adjoining dwelling, no. 15. The extension will project from the rear elevation by 4.15m and extend across almost the full width of the dwelling by 4.45m. The extension will have a lean-to roof and have an eaves height of 2.5m and a ridge height of 3.7m. The rear extension will be constructed in blockwork with a rendered finish and concrete tiles to the roof. It would include 1no. roof light and a set of double doors and one window opening to the rear elevation.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2011/92588: Erection of single storey extension to rear and storm porch to front – Conditional full permission.

Enforcement history

- 4.2 COMP/17/0162. Complaint received in June 2017 alleging the building works taking place on site were not in accordance with the previous planning permission. An Enforcement Officer visited the site and wrote to the site owners in July 2017 stating that the rear extension did not correspond with the plans previously approved. The letter also set out that there was no permission for a front extension to the property.

An application seeking retrospective planning permission for the development was submitted in September 2017 and is the subject of this report.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 Amendments have been sought from the applicant to address concerns regarding the scale of the front extension. This was to achieve a size more related to a front porch which could be seen as 'small in scale'. This resulted in the submission of an amended scheme which is explained in para. 3.2 of the report.

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 UDP Proposals Map and on the publication draft local plan.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

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

6.3 Kirklees Publication Draft Local Plan

PLP1 - Presumption in favour of sustainable development
PLP24 – design
PLP22 - Parking

National Planning Guidance:

- 6.4 **Paragraph 17** – Core planning principles
 Chapter 7 – Requiring good design

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 Two representations have been received and are both in objection of the proposal. The objections raised can be summarised as follows;
- It has not been built to the original planning permission granted
 - It is not a nice site visually and has taken away some scenic view
 - It is not visually in keeping as nothing on the entire street has anything like the front extension
 - The window in the front extension looks directly onto my front doorstep violating my privacy
 - The rear extension blocks daylight

8.0 CONSULTATION RESPONSES:

8.1 **Non-statutory:**

KC Accessible Homes: The team have no current involvement with the owner of this property in regard to adaptations therefore cannot make any comments on the scheme.

9.0 MAIN ISSUES

- Principle of development
- Visual amenity
- Residential amenity
- Highway safety
- Other matters
- Representations
- Conclusion

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 Furthermore the site is without notation on the Publication Draft Local Plan. Policy PLP1 states that when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. The assessment below takes into account the aims of PLP1.

Visual Amenity

- 10.3 The proposal seeks planning permission for the erection of single storey front and rear extensions. The proposal would allow the occupiers more habitable space including the installation of a ground floor bathroom and large open plan kitchen. The extensions will be constructed using a mixture of brick, blockwork, render and concrete roof tiles to match the existing dwelling, which is acceptable.
- 10.4 In the context of the site and its surrounding area, the scheme as now amended would not create a visually intrusive feature in the local area in terms of its size and design. This takes into account the proposed palette of materials and the variety of styles and sizes of dwellings in the immediate vicinity. The front porch is now relatively small in scale and of a simple design that is subservient to the front elevation of the host dwelling and the wider terrace. It would not over dominate the street scene. The rear extension is set in a large rear garden and is set in from the boundary with the adjoining dwelling. It is again of a simple mono-pitch design and is only single storey in height. Whilst it projects from the rear elevation by over 4 metres this would not over-dominate the rear of the property or have any material impact on the wider visual amenity of the area.
- 10.5 Given the above, the proposal is considered to comply with policies D2, BE1, BE13 and BE14 of the Unitary Development Plan, policies PLP1, PLP2 and PLP24 of the Publication Draft Local Plan and chapter 7 of the NPPF.

Residential Amenity

- 10.6 The impact of the development on residential amenity needs to be considered in relation to policies D2 and BE14 of the UDP, Policy PLP24 of the PDLP and a core planning principle of the NPPF. The host dwelling is part of a terrace of three dwellings with another property, no. 17 Whitacre Street lying within close proximity to the north of the site.

- 10.7 The original scheme included a large front extension to be built close to the boundary with no. 15 to the south. This would have been unneighbourly. This has now been substantially reduced to a true porch which is some 3.2m away from the boundary with no.15 and with a limited projection of around 1.5m. This would not create overshadowing of neighbouring properties. The southern elevation would be almost entirely glazed and this looks towards the front garden of no. 15. To mitigate any loss of privacy it is recommended this elevation be obscurely glazed. This can be controlled by condition.
- 10.8 The rear extension will be set in by 0.3m from the boundary with the adjoining dwelling of no.15 Whitacre Street and projects just over 4 metres from the rear of the original property. Policy BE14 of the UDP states that, subject to an assessment of visual amenity and the impact on surrounding dwellings, rear extensions will normally be permitted where they do not exceed 3m in overall projection. The proposed extension is contrary to this policy and as such the potential harm of the scale of the development on residential amenity has been assessed in more detail.
- 10.9 The rear of this terraced block faces south west. The properties all enjoy an open outlook from rear windows across extensive garden areas and the open land beyond (urban greenspace) The closest affected property, no 15, has a kitchen door closest to the proposed extension. Although the extension is only 300mm from the boundary of the site the closest habitable window is around 2.8m from the side wall of the extension. The orientation of the extension to this neighbour would mean that there would be very little overshadowing. The neighbouring property would retain an open aspect to the south west and a good standard of sunlight. The height of the extension, being single storey, is not considered to have an overbearing impact on this property. The side elevation is blank but to retain the privacy of the neighbouring property it would be appropriate to condition control over any side elevation openings. Given the separation of the extension to the mutual boundary with no.17 to the north and the difference in ground levels the extension would result in no material harm to the occupiers of this property.
- 10.10 Given the above, it is considered that the overall impact of the proposal on residential amenity is acceptable, and as such, complies with the requirements of policies D2, BE1 and BE2 of the UDP, policy PLP24 of the PDLP and a core planning principle of the NPPF.

Highway safety

- 10.11 The proposed extensions are within the gardens of the dwelling and will not impact upon the highway safety for the site.

Other matters

- 10.12 None.

Representations

10.13 Two representations have been received and are both in objection of the proposal. The objections raised can be summarised as follows;

- It hasn't been built to the original planning permission granted
Response: The application submitted is for a revised scheme which is to be assessed on its own merits. Although this, in part, seeks retrospective planning permission this is not a material consideration in the assessment of the application.
- It is not visually in keeping as nothing on the entire street has anything like the front extension/ It is not a nice site visually and has taken away some scenic view
Response: Amendments have been sought to reduce the scale of the front extension to a more acceptable porch size. The loss of a view is not a material planning consideration.
- The window in the front extension looks directly onto my front doorstep violating my privacy
Response: The proposed front porch is approximately 3.2m away from the boundary with the neighbour and has a small projection of 1.5m therefore it is considered that no unacceptable overlooking would occur, subject to obscure glazing in this elevation. This can be conditioned.
- The rear extension blocks daylight
Response: The extension is set in by 0.3m from the boundary with the adjoining dwelling, no 15, and is single storey. The orientation of these dwellings to the rear is south west, the adjoining dwelling would see some overshadowing during the late evening in summer months although given the orientation the dwelling would still benefit from a good level of direct sunlight and an open aspect along the rear garden and the urban greenspace beyond the application site.

10.14 Councillor Calvert requested the application be determined by Sub-Committee *"due to the scale of the development and the impact it would have on the neighbouring properties"*. Since this request the proposed front extension has been substantially reduced in scale. The impact of this, and that of the rear extension on the amenity of neighbouring properties, is assessed in paragraphs 10.5-10.9 above.

11.0 CONCLUSION

11.1 The planning application has been assessed against the relevant policies in the Unitary Development Plan, the emerging Publication Draft Local Plan and core planning principles of the NPPF. It has been considered that the application meets the requirements set out within the relevant policies and is therefore recommended approval.

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. 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 Strategic Investment)

1. Development in accordance with approved plans
2. No new windows in the side elevation of the rear extension facing no. 15 Whitacre Street.
3. Obscure glazing to the side elevation of the porch facing no. 15 Whitacre Street.

Background Papers

Application web page:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2F93288>

Certificate of Ownership – Certificate A signed