
Report of the Head of Strategic Investment**HUDDERSFIELD PLANNING SUB-COMMITTEE****Date: 04-Jan-2018****Subject: Planning Application 2017/93386 Erection of first floor extension with balcony Tara, Scholes Moor Road, Scholes, Holmfirth, HD9 1SJ****APPLICANT**

S Dixon

DATE VALID

26-Oct-2017

TARGET DATE

21-Dec-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: **Holme Valley South**

No

Ward Members consulted

RECOMMENDATION

Refuse, for the following reason:

1. The proposed extension, due to its height, scale, massing, external cladding and the prominent position of the dwelling on the edge of Scholes, would result in a development that would be discordant and incongruous in the street scene and to the character of the area. Furthermore due to its scale in comparison to the size of the dwelling and limited curtilage it would result in an overdevelopment of the site. The application would therefore be harmful to the visual amenity of the area contrary to Policies D2 (ii, vi, vii), BE1(i, ii), BE2(i), BE13(i, iv) and BE14 of the Kirklees Unitary Development Plan, PLP24(a, c) of the Kirklees Publication Draft Local Plan, as well as Chapter 7 of the National Planning Policy Framework, which asserts the importance of planning in securing visually attractive development that aid in the creation of better places.

1.0 INTRODUCTION

- 1.1 The application is brought to Sub-Committee as it has been submitted by a close relative of a member of staff of the Investment and Regeneration Service. This is in accordance with the Council's Scheme of Delegation.

2.0 SITE AND SURROUNDINGS

- 2.1 Tara is a detached bungalow faced in random stone with concrete tiles. There is an attached garage, with a flat roof, which can accommodate a single typical car. The dwelling has garden space to the front, with a narrow patio to the rear. The rear elevation is in close proximity to an open field.
- 2.2 The dwelling is accessed from a driveway off Scholes Moor Road. The driveway also serves Sherwood, a detached bungalow with a similar design and appearance to Tara. The site is on the edge of Scholes with, as noted, open fields to the south.

3.0 PROPOSAL

- 3.1 A first floor is proposed to be erected over the west side of the bungalow covering an area of 88sqm (compared to the building's footprint of 142sqm). The proposal includes a slight overhang at first floor level to the front of the garage, and a balcony is to be formed to the rear.

- 3.2 The extension is to be faced in black stained timber. Roof tiles are to be concrete slates to match those existing. Openings are proposed on the front and rear elevations only. Changes to the ground floor include the double garage door being replaced by a single garage door.
- 3.3 The application is supported by a Design and Access Statement. This states that the design has been done sympathetically to minimize the impact on neighbouring dwellings and to attempt to replicate the design features of other dwellings within the area. The following justification is given for the proposal;

'We are proposing these works to provide for our growing family. We have considered several options of extension before coming to this outcome. We feel this extension is sympathetic to its surroundings and has the least impact whilst still providing the room we need'.

4.0 RELEVANT PLANNING HISTORY

4.1 Application site

The application site has no relevant planning history.

4.2 Surrounding area

6, Square Field

2009/91347: Erection of first floor extension to existing garage – Conditional Full Permission (Implemented)

The Bungalow, Square Field

2001/93557: Erection of two storey and lounge extensions – Conditional Full Permission (Implemented)

2008/91147: Erection of lounge/sun lounge extension – Refused (Dismissed at appeal)

2008/92262: Retention of side lounge extension – Conditional Full Permission (Implemented)

2009/93270: Removal of variations 3 & 4 on previous app 2008/92262 for retention of side lounge – Refused (Upheld at appeal)

5.0 HISTORY OF NEGOTIATIONS

- 5.1 Clarification was sought on the access, which led to an amended certificate of ownership being submitted.
- 5.2 Officers contacted the applicant to express their concerns and, as officers were unable to suggest amendments, that they would be required to recommend the application for refusal.

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.

6.2 On the UDP Proposals Map the site is unallocated.

6.3 The site is unallocated on the PDLP Proposals Map.

6.4 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 accessibility considerations in new development

6.5 Kirklees Publication Draft Local Plan: Submitted for examination April 2017

- **PLP1** – Presumption in favour of sustainable development
- **PLP2** – Place shaping
- **PLP3** – Location of new development
- **PLP21** – Highway safety and access
- **PLP24** – Design

6.6 National Planning Guidance

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

7.0 PUBLIC/LOCAL RESPONSE

7.1 The application has been advertised via site notice and through neighbour letters to addresses bordering the site. The end date for publicity was the 11th November, 2017.

7.2 No public representations have been received.

7.3 *Holme Valley Parish Council*: 'Support the application subject to no overlooking'.

8.0 CONSULTATION RESPONSES

8.1 No consultations, statutory or otherwise, were required.

9.0 MAIN ISSUES

- Principle of development
- Urban Design issues
- Residential Amenity
- Highway issues
- Other Matters
- Representations

10.0 APPRAISAL

Principle of development

Sustainable Development

10.1 NPPF Paragraph 14 and PLP1 outline a presumption in favour of sustainable development. Paragraph 7 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation (Para.8). The dimensions of sustainable development will be considered throughout the proposal.

10.2 Paragraph 14 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Land allocation

10.3 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.

- 10.4 Consideration must also be given to the emerging local plan. The site is without notation on the PDLP Policies Map. PLP2 states that;

All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...

The site is within the Kirklees Rural sub-area. The listed qualities will be considered where relevant later in this assessment.

Urban Design issues

- 10.5 Tara is a true bungalow which is visually closely associated with the adjacent Sherwood, with these dwellings having mirrored designs. Due to the close relationship between the host property and the adjacent Sherwood, the dwellings are read as a pair.
- 10.6 The proposed development would cause Tara to be out of keeping in regards to scale, density and building height when compared to Sherwood, to the detriment of the area's established character. There are wider views of the pair of properties, particularly from Scholes Moor Road, a principal access into Scholes, and along the access road. Because of these prominent views the visual impact of the proposed change would be exaggerated.
- 10.7 Officers acknowledge that the wider area includes both bungalows and two storey dwellings, including bungalows which have had two storey extensions and that overall the area does have a mixed design of dwellings. Nevertheless, because of the close visual relationship between Tara and Sherwood, significant weight is given to the harm outlined above in paragraph 10.6.
- 10.8 Additional concern is held over the proposal being overdevelopment of the site. The dwelling has a limited curtilage, with a distance of approx.3.5m between the site's rear wall and the open field, which is the Green Belt boundary. The proposed scale and height of the dwelling, in such close proximity to the open land and within this confined plot would serve to emphasise its large size relative to the small plot. Two storey dwellings in the area that border the Green Belt boundary are within significantly larger plots. This would result in the proposed mass and scale of development being out of keeping with the mass and scale of other development in the area. Thus officers conclude that the development would be an overdevelopment of the site.
- 10.9 Regarding the use of timber, policy BE2, BE13 and PLP24 require domestic extensions to respect the design features of the original building, which includes materials of construction. Timber is not featured on the original building and it is not an existing feature of the streetscene of Scholes Moor Road, which is predominantly stone. The proposed inclusion would introduce an alien element that would not respect the design of the host building, detracting from its visual amenity, while also introducing an incongruous feature within the area. As noted within the Design and Access Statement

timber is used on dwellings on Windmill View, an estate built in the early 90s that is 150.0m away from the site. However the timber is a secondary material, subservient to the principal stone, which is used solely at ground floor level. Given that the use of timber is contained to Windmill View, which is not close enough to the site to be visually associated with the proposed development, and that the timber would be a primary material of construction, it is concluded its use would be unacceptable.

- 10.10 To conclude the proposed alterations to the bungalow would so significantly alter the materials, bulk, scale and mass of the original property that the resulting dwelling would unacceptably harm the visual appearance of Tara and Sherwood as well as the character and appearance of the area. As such the development is considered in breach of policies D2, BE1, BE2, BE13 and BE14 of the UDP, PLP24 of the PDLP and Chapter 7 of the NPPF.

Residential Amenity

- 10.11 Other than the overhang to the front of the garage the proposal will not increase the footprint of the host building. As Tara and Sherwood are in line with one another the addition of a first floor will not be visible from Sherwood's habitable room windows on the front and rear elevations. Sherwood has no windows on the side elevation facing towards Tara. As such the proposal is not anticipated to cause harmful overbearing, overshadowing or overlooking upon Sherwood.
- 10.12 The first floor will introduce habitable room windows facing towards the garden areas of nos.10 and 12 Square Fields at a minimum distance of 7.5m. Given the separation distance between the dwellinghouses and that they are at right angles to one another, there is no concern of window to window overlooking or harm through overbearing or overshadowing upon the dwellinghouses of nos.10 and 12. However there is potential harm through loss of amenity because of overlooking and overbearing upon the garden spaces.
- 10.13 In assessing the impact on nos.10 and 12 Square Fields it must be acknowledged that most planning approvals are likely to interfere to some extent with an adjoining 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.
- 10.14 Officers acknowledge that the first floor has been consciously designed to minimise the impact upon the residents of dwellings on Square Fields through the first floor being erection to the dwelling's west side while leaving the east side single storey. Being built over the existing structure it will not block currently views of open land. While the extension will be evident from the garden spaces in question, it will not be unduly prominent so as to be considered harmfully overbearing. Regarding overlooking, a degree of overlooking between dwellings and neighbouring garden spaces is not atypical and Tara will not overlook the garden spaces more so than neighbour The Bungalow or nos.10 overlooks no.12 or vice versa.
- 10.15 Given the circumstances of the proposal, officers consider that the development would not cause undue harm to the amenity of nos.10 and 12's residents.

- 10.16 It is noted that the proposal includes a balcony on the rear elevation. This overlooks the field to the rear and would not allow an invasive view of neighbouring dwellings. As such it does not raise concerns of overlooking. As the field is designated Green Belt, there are no concerns of the balcony prohibiting or prejudicing the future development of the field.
- 10.17 Officers conclude that the development would not cause material harm to the amenity of neighbouring residents. As such the development is deemed to comply with Policies D2, PLP24 and Paragraph 17 of the NPPF in regards to residential amenity.

Highway issues

- 10.18 The site access would be unchanged. However the dwelling would increase from two bedrooms to four bedrooms. This increases the required level of off-road parking from two to three.
- 10.19 The site's garage, existing and proposed, is small in scale, being 4.8m at its deepest. It is not considered to be a parking space. Regardless the site's driveway is considered a sufficient size to host up to three vehicles, which is sufficient for the dwelling as proposed.
- 10.20 The proposal would not cause a detrimental impact to Highway safety and efficiently and is considered to comply with T10 of the UDP and PLP21 of the PDLP.

Other Matters

- 10.21 There are considered no other relevant planning considerations for the proposal.

Representations

- 10.22 No public representations have been received.
- 10.23 *Holme Valley Parish Council*: 'Support the application subject to no overlooking'.

Response: This is noted, and officers confirm there are no concerns relating to overlooking. Nonetheless, for the reasons detailed previously, officers are unable to support the proposal.

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 The design of the extension, due to its scale, siting and mass would not be in keeping with surrounding development, causing the host building to appear incongruous within its setting and harming the surrounding area's visual amenity. Officers therefore conclude that the development would fail to comply with policies D2, BE1, BE2, BE13 and BE14 of the UDP and PLP24 of the PDLP. Paragraph 64 of the NPPF states;

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 11.3 As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted and the proposal would not represent sustainable development. In the circumstances of this application, the material considerations considered above do not justify making a decision other than in accordance with the development plan which require the application to be refused.

Background Papers

Application and history files can be accessed at:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017/93386>

Certificate of Ownership: Certificate B signed. Notice served on Mr and Mrs Easton 'Sherwood, Scholes Moor Road HD9 1SJ on 26th October 2017.