
Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 15-Mar-2018

Subject: Planning Application 2016/93882 Erection of extensions and alterations 48, Latham Lane, Gomersal, Cleckheaton, BD19 4AP

APPLICANT

Mr & Mrs Barrett

DATE VALID

22-Nov-2016

TARGET DATE

17-Jan-2017

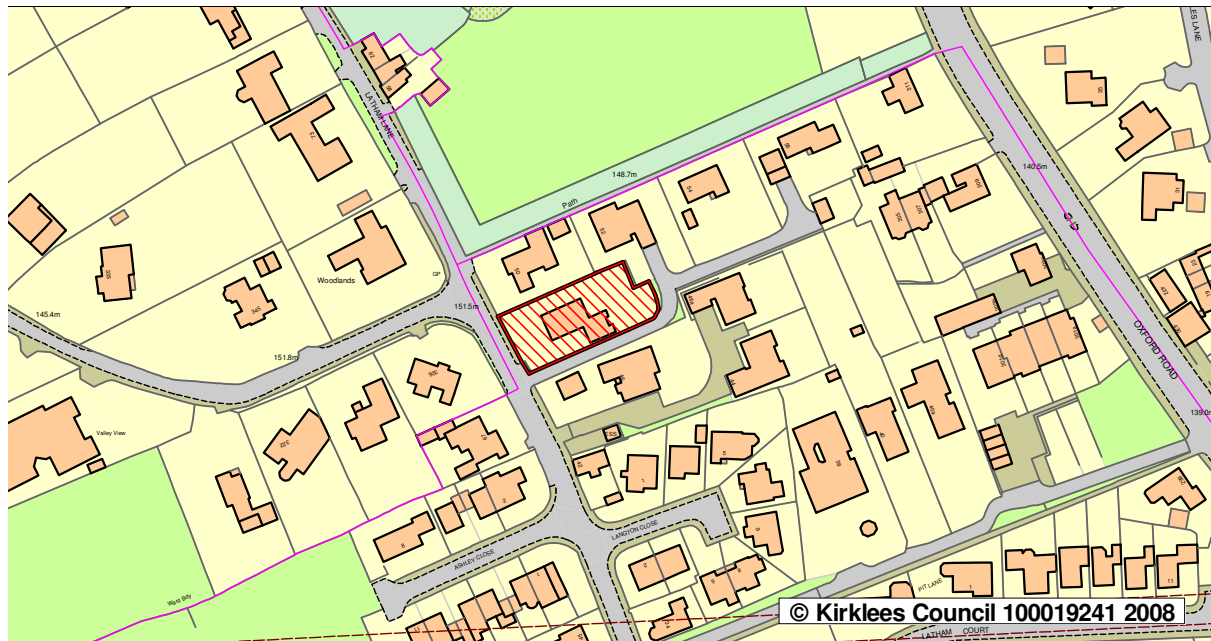
EXTENSION EXPIRY DATE

19-Mar-2018

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: Liversedge and Gomersal Ward

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

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 reported to Heavy Woollen Sub-Committee following a request by Councillor David Hall who states:

“I have two main reasons for requesting this:

I feel the application is overbearing on neighbouring properties and too large on the site.

That the application is not in keeping with the surroundings and affects the visual amenity of the area”.

1.2 The Chair of the Sub Committee has confirmed that Councillor David Hall’s reason for making this request is valid having regard to the Councillors’ Protocol for Planning Sub Committees.

2.0 SITE AND SURROUNDINGS:

2.1 The site relates to a detached chalet style bungalow which is constructed from brick and render for the external walls, tiles for the roof and upvc for the openings. The site has a small area of amenity space to the front and side of the site and a larger area of amenity space to the rear. There is an existing conservatory and enclosed patio area to the rear of the site and a car port to the side. There are protected trees and hardstanding to the front of the site.

2.2 Surrounding the site is predominantly residential and the dwellings are of different appearances (see planning history of the site). There is a new dwelling to the south of the site with a contemporary design. To the north of the site, no. 50 is a traditional bungalow.

2.3 The site is unallocated on the Kirklees Unitary Development Plan and is not located in the Conservation Area. The allocation of the land is the same on the Kirklees Publication Draft Local Plan. To the northwest of the site, there is a Grade II listed building.

3.0 PROPOSAL:

3.1 Planning permission is sought for the erection of extensions and alterations to the dwelling as can be seen on the amended plans:

3.2 The proposals include the following extensions and alterations:

- Demolition of existing outbuildings and conservatory
- Two storey side extension to the north-western elevation of the existing dwelling by 1 metre
- A front hip-to-gable extension
- 2.5 storey and single storey rear/side extension
- Hip to gable extension to rear of existing dwelling
- Increase in the overall ridge height of the original dwelling

3.3 The remodelled dwelling would have the following dimensions and includes a projecting chimney:

- A maximum overall ridge height of 8.2 metres
- 15 metres in width
- 21 metres in length

3.4 The extensions will be constructed from natural stone at ground floor with a light-coloured render finish to the first floor. There would be openings in all elevations which would be constructed from uPVC. The roof would be constructed from tiles to match the existing and there would be rooflights in the front and rear roofslopes. There would also be a glazed element to the front.

3.5 The extension would accommodate 4 bedrooms (with en suites), a kitchen/dining space, a dressing room, a games room, storage, entrance lobby and integral garage.

4.0 RELEVANT PLANNING HISTORY:

4.1 2011/92811 – Demolition of existing bungalow and erection of detached dwelling and detached garage APPROVED (no. 46 Latham Lane)

4.2 93/03783 – Erection of extensions, pitched roof and detached garage APPROVED (no. 50 Latham Lane)

4.3 2006/93818 – Erection of extension to form garden shed and alteration to existing single garage to form guest room APPROVED (no. 48)

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Officers have been in negotiations with the agent to provide amended plans to significantly reduce the bulk of the remodelled dwelling to reduce the impact on the occupiers of no. 50 Latham Lane – the amendments are acceptable. Through the application process, the design of the remodelled dwelling was also amended to address initial concerns raised by the design officer. The design is now considered to be in-keeping with the surroundings and satisfies the relevant design policies.

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 Nation Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not carry from those within the UDP, do not attract significant unresolved objections and are consistent with the Nation Planning Policy Frameworks (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 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 – Highway Safety

T19 – Parking Provision

NE9 – Retention of mature trees

6.3 National Planning Policy Framework (NPPF):

Chapter 7 – Requiring good design

Chapter 10 – Meeting the challenge of climate change, flooding and coastal change

Chapter 11 – Conserving and enhancing the natural environment

Chapter 12 – Conserving and enhancing the historic environment

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

PLP1 – Achieving sustainable development

PLP2 – Place Shaping

PLP3 – Location of new development

PLP21 – Highway Safety and Access

PLP22 - Parking

PLP24 – Design

PLP28 - Drainage

PLP30 – Biodiversity and geodiversity

PLP33 – Trees

PLP35 – Historic environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Two representations have been received as a result of the recent amended plans consultation period raising the following points:

- Loss of light and overshadowing
- Overlooking/loss of privacy
- Visual amenity- design and layout/scale not in keeping with existing single storey properties
- Adequacy of parking/loading/turning during building work – giving rise to possible traffic accidents (on an already dangerous bend).
- Noise and disturbance from building work
- Hazardous materials emitted from site in dust form – both have asthma
- Access to private road could be impeded by building work
- Small change to original proposal and does not change impact on neighbouring properties.
- Overbearing impact on full length of the property and rear garden
- All 5 properties built on private drive are bungalows
- Affect resident who cannot see in low light conditions (degenerative eye condition) – this is the reason bought the bungalow.

3 comments were raised in response to the original plans and first set of amendments. The comments raise the following points:

- Conservatory faces south and is the only room that benefits from direct sunlight through the year.
- Should a demolition order be obtained first?
- Surface water drainage is by soakaway – is this adequate given the increased hard surfaces?
- Presence of the clay on the land's surface can quickly become saturated.
- Ground gets waterlogged and does not drain very well
- Proposed building appears to be obtrusive
- Reduced privacy from upper elevation (previous app at no. 38 Latham Lane condition regarding obscure glazed was not enforced)
- Apparent misinformation in design and access statement

Officer comments will be made in section 6 of this report.

7.2 Ward Councillor David Hall has requested that the application be referred to committee for determination for the reasons set out in paragraph 1.1 of the report above.

7.3 Parish/Town Council comments are not applicable.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C Highways Development Management – no objection.

8.2 Non-statutory:

K.C Arboricultural Officer – no objection subject to protective fencing condition.

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].

10.2 A full assessment in respect of the impact on visual amenity, residential amenity and highways safety is set out below.

Visual amenity/local character:

10.7 Following the receipt of amended plans, the proposal is considered to have an acceptable impact on visual amenity. Concerns were raised by the design officer in response to the initial contemporary design. It was considered that the design was an inharmonious combination of several contemporary design elements. The design was considered by officers to be overly prominent and incongruous in this location.

10.8 The existing application property is a traditionally built dwelling with no modern elements of design currently incorporated. The amended plans significantly change the character of dwelling itself and the site as a whole, including its impact on the streetscene.

- 10.9 Paragraph 60 of the NPPF states that planning decisions should not attempt to impose architectural styles or particular tastes (and therefore stifle innovation). However, it also states that it is proper to seek to promote or reinforce local distinctiveness.
- 10.10 Following a discussion with the design officer, the principle of a contemporary design in this location, where there are no specific design features and the character of the dwellings is mixed, is acceptable. The below assessment will give consideration to the character of the area and the site itself.
- 10.11 At no. 46 Latham Lane, there is a modern dwelling with a contemporary design (approved under 2011/92811). There is also a very prominent outbuilding to the front of the site. There are more traditional bungalows surrounding the site to the northwest and rear, and on the opposite side of the highway there are two storey dwellings of different appearances. The streetscene context in which the remodelled dwelling would be read is varied.
- 10.12 The materials of the remodelled dwelling incorporate traditional coursed natural stone and light coloured render which are considered acceptable in this context. The natural stone will retain an element of the traditional appearance whilst the render will match that of the modern neighbouring dwelling, capturing a sense of the local identity. The materials that are proposed will not introduce these materials for the first time in this area and will complement one another. The remodelled dwelling, when viewed in context with the neighbouring dwelling at no. 46, would be read sympathetically by virtue of its scale, roof form, contemporary openings, glazing, and materials.
- 10.13 The front element of the proposal which is set back from the highway on a higher level and is set down, thus ensuring that this contemporary dwelling will remain subservient within the site/wider streetscene whilst also providing a sense of entrance to the dwelling. The entrance features on the neighbouring dwelling are considered more contemporary and prominent than the proposed. The plot can accommodate an enlarged dwelling given its reasonably sized plot.
- 10.13 The large amounts of glazing are considered to tie in with the contemporary design and materials and would not be overly dominant. The remodelled dwelling is considered to tie in harmoniously to the neighbouring dwelling at no. 46. The modern openings and rooflights are also comparable to this approved dwelling.
- 10.14 The scale of the remodelled dwelling including its increased overall ridge height has the potential to make the site appear incongruous in the streetscene. However, the sympathetic design in which the main area of bulk and massing is to the rear of the site along with the reduced levels to the rear of the site means that the proposed development would not be overly visible in the streetscene. The dwelling is considered to contribute positively to the character of the area and would, for the reasons set out above, be sympathetic in scale and character to the site and area in which it is located.

Summary

10.15 Officers consider that, for the reasons set out above, the proposal will comply with Kirklees Unitary Development Plan Policies BE1 and BE2, Policy PLP24 of the Kirklees Publication Draft Local Plan, and Chapter 7 of the National Planning Policy Framework.

Residential Amenity:

10.16 The impact on residential amenity is considered by officers to be, on balance, acceptable. Two objections have been received. The impact on each of the surrounding residential properties will be assessed below.

Impact on no. 50 Latham Lane:

10.17 The proposed remodelled dwelling will project closer to this neighbouring site by approximately 1 metre which is on a lower level. Given the close proximity and levels differences (in which no. 50 is on a lower level), and the fact that this neighbouring dwelling has an inset conservatory and main amenity space facing this site, there is the potential for overbearing. However, the remodelled dwelling will be 1.5 stories in height for the element directly in line with no. 50.

10.18 In order to achieve the required accommodation, the majority of the bulk of the dwelling will be to the rear of the site (away from the main dwelling and its amenity space) and there is a distance of 3.5 metres to the boundary with the neighbouring site.

10.19 Although the extensions will lead to the dwelling being a higher structure than the existing – with an increase in overall ridge height of 0.35 metres for the element closest to this neighbouring dwelling) - for the reasons discussed below, there will be, on balance, no overbearing impact on the occupiers of this dwelling in terms of effect on their amenity space and inset conservatory.

The remodelled dwelling will have the same eaves height as the existing bungalow and the existing hedging – which screens the development to, what officers consider, an acceptable level of impact. Additionally, the roof will be hipped away from this boundary, further reducing bulk and massing to a level that officers consider is acceptable.

10.20 In terms of overlooking/loss of privacy, there will be no harm. There are habitable room windows at ground floor level – two serving a kitchen/dining room and two serving a living room. These openings will be screened by dense hedging on the side boundary and therefore a condition has been recommended to ensure its retention. This will mean that there would be no overlooking from these windows. There are openings at first level serving a dressing room and en suite. Given that these are small openings and serve non habitable rooms, there will be no overlooking from these. Any future openings in this side elevation are controlled by the Town and Country Planning (General Permitted Development) Order. A condition has also been recommended to ensure that the en suite opening is obscurely glazed.

Impact on no. 46 Latham Lane

- 10.21 The siting of no. 46 means that the two storey element of the proposal relates most directly to the neighbouring dwelling. There is a distance of approximately 7 metres between the sites (driveway acting as a separation distance) in which the side elevation of no. 46 does not have any habitable room windows. The levels differences (in which no. 46 is a larger structure on a higher level) along with this distance means that officers consider there will be overbearing impact on the occupiers of this dwelling. There is no objection to the proposal from the occupiers of this dwelling.
- 10.22 In terms of overlooking/loss of privacy, there will be no harm to residential amenity. The separation distance between the dwellings (driveway area) and the fact that the dwelling does not have amenity space and habitable room windows in close proximity to the site means that that there would be no overlooking or a loss of privacy. There are openings serving the kitchen and hallway at ground floor level and bathrooms (to be obscurely glazed) at first floor. Given the non-habitable nature of these rooms, these would be no harmful overlooking or a loss of privacy and officers consider that the impact on residential amenity is acceptable. Further side openings would be controlled by the General Permitted Development Order.

Impact on dwellings to the rear (no. 52 Latham Lane and 46a Latham Lane)

- 10.23 The application site does not have a direct relationship with no. 52, with this dwelling being located to the northeast of the site. There is a distance of 9 metres between the sites. Given the distance along with the indirect relationship between the dwellings (in which no elevations directly face each other), the impact on the occupiers of this dwelling is acceptable despite the main bulk of the remodelled dwelling being to the rear and this application site being on a lower level.
- 10.24 In terms of overlooking/loss of privacy, there will be no direct views from openings in the side or rear elevations of the dwelling given the relationship. Ground floor openings will be screened by the hedging and first floor openings to the rear will face onto a driveway/public hardstanding area. The front amenity space of no. 52 may be overlooked to an extent – however, this is visible from the private driveway and is not used as private amenity space.
- 10.25 There is an acceptable distance between no. 46a Latham Lane and the application site (at least 10 metres to the rear boundary), despite this projection to the rear which will add bulk and massing in close proximity to this neighbouring dwelling. Given this distance and the indirect relationship (the remodelled dwelling will not face directly onto these properties that have habitable room windows in the rear elevation), there is not considered to be an overbearing impact.
- 10.26 In terms of overlooking/loss of privacy, ground floor habitable room openings are facing this site. However, given the screening on the boundary and the fact that there is a driveway between the sites (which could look at views into the site), there will be no undue overlooking.

- 10.27 At first floor level, given the positioning of the bedroom window, this would face directly onto the access track and not directly into habitable room windows of this dwelling or its rear amenity space. In order to avoid harmful overlooking or loss of privacy in the future, a condition has been recommended to remove permitted development rights for new openings in this rear elevation.
- 10.28 Additionally, no. 46 is existing, set closer to these dwellings, has a similar relationship and therefore the principle of a structure in close proximity to these dwellings has been established.

Summary:

- 10.29 The impact on residential amenity is considered acceptable by officers for the reasons set out above and complies with Kirklees Unitary Development Plan Policy D2, the aims of the National Planning Policy Framework which sets out that planning decisions seek to ensure a good standard of amenity for all existing and future occupants of land and buildings, and Policy PLP24 of the Kirklees Publication Draft Local Plan.

Highway issues:

- 10.30 The site is located in close proximity to the corner with Drub Lane. The access to the site will remain unchanged and the proposal is not considered to be a significant intensification of the use of the site given that the site will remain in residential use. Highways Development Management do not have any objection on highway safety grounds. It is noted that adjacent dwellings have similar access arrangements.
- 10.31 The parking provision at the site is acceptable. A 4 bedroom house recommends 3 parking spaces on site, as set out in Policy T19 of the UDP. In this case, there is an integral garage which can accommodate 2 vehicles and there is adequate space to the front of the site to accommodate a further vehicle.
- 10.32 The proposal complies with Kirklees Unitary Development Plan policies T10 and T19 as well as policies PLP21 and PLP22 of the Kirklees Publication Draft Local Plan.

Other matters

- 10.33 Trees – There are protected trees to the front of the site. Following an informal consultation response with the K.C Arboricultural Officer, there is no objection to the proposal. The remodelled dwelling will not project closer to these trees and therefore it is noted that extension itself would not harm the trees or their roots.
- 10.34 However, it is considered important to note that the storage of materials and tracking of construction machinery could damage the roots or branches during construction. For this reason, a pre-commencement condition has been recommended to ensure that protective fencing details are submitted prior to construction works beginning.

- 10.35 Subject to this condition, the proposal is considered to comply with Kirklees Unitary Development Plan Policy NE9, Chapter 11 of the National Planning Policy Framework, and Policy PLP22 of the Kirklees Publication Draft Local Plan.
- 10.36 Ecology – The site is in the bat alert layer and therefore consideration has been given as to whether the proposed development would impact on the habitat of bats or impact on bat roost potential. In this case, the Council's Ecology Officer does not have an objection to the proposal as the building is well sealed and there was no evidence of bats or bat roosts on site.
- 10.37 Should planning permission be granted, a footnote would be added to the decision notice to provide the applicant with advice should bats or evidence of bats be found during construction
- 10.38 The proposal complies with Kirklees Publication Draft Local Plan policy PLP30 and Chapter 11 of the National Planning Policy Framework.
- 10.39 Proximity to curtilage listed building to the northeast- To the northeast of the site, there is a listed building. Given the distance between the sites (at least 25 metres to the boundary) and the small scale of the extensions, there will be no harm to the setting of the listed building and the proposal complies with Kirklees Publication Draft Local Plan policy PLP35 and Chapter 12 of the National Planning Policy Framework.

Representations

Two representations have been received raising the following comments (following the amended plan publicity):

- Loss of light and overshadowing
Officer comments: see residential amenity section of this report.
- Overlooking/loss of privacy
Officer comments: see residential amenity section of this report.
- Visual amenity- design and layout/scale not in keeping with existing single storey properties
Officer comments: see visual amenity section of this report.
- Adequacy of parking/loading/turning during building work – giving rise to possible traffic accidents (on an already dangerous bend).
Officer comments: see highway safety section of this report.
- Noise and disturbance from building work
Officer comment: not a material planning consideration.
- Hazardous materials emitted from site in dust form – both have asthma
Officer comment: not a material planning consideration.
- Access to private road could be impeded by building work
Officer comment: not a material planning consideration.

- Small change to original proposal and does not change impact on neighbouring properties.
Officer comment: see residential amenity section of this report.
- Overbearing impact on full length of the property and rear garden
Officer comment: see residential amenity section of this report.
- All 5 properties built on private drive are bungalows
Officer comment: see visual amenity section of this report.
- Affect resident who cannot see in low light conditions (degenerative eye condition) - this is the reason bought the bungalow.
Officer comment: personal circumstances are not a material planning consideration.

3 comments were raised in response to the original plans and first set of amendments. The comments raise the following points:

- Conservatory faces south and is the only room that benefits from direct sunlight through the year.
Officer comments: see residential amenity section of this report.
- Should a demolition order be obtained first?
Officer comments: the proposal is not for the demolition of the existing dwelling – it is for extensions to the original building.
- Surface water drainage is by soakaway – is this adequate given the increased hard surfaces?
Officer comments: a condition is recommended that all new hard surfaces are constructed of a permeable material and sub base in the interests of flood risk.
- Presence of the clay on the land's surface can quickly become saturated / ground gets waterlogged and does not drain very well
Officer comments: see other matters section of this report.
- Proposed building appears to be obtrusive
Officer comment: see comments in the visual amenity section of this report.
- Reduced privacy from upper elevation (previous app at no. 38 Latham Lane condition regarding obscure glazed was not enforced)
Officer comment: Each application is assessed on its own merits. Any conditions that are recommended as part of this permission must be adhered to (and are liable to possible enforcement action if not).
- Apparent misinformation in design and access statement
Officer comment: The proposal is being assessed on the basis of the revised plans, not the originally submitted design and access statement.

Councillor Hall's reasons for committee request:

- I feel the application is overbearing on neighbouring properties and too large on the site.
Officer comment: this is considered in the residential amenity section of this report.

- That the application is not in keeping with the surroundings and affects the visual amenity of the area.
Officer comment: this is considered in the visual amenity section of this report.

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.

11.3 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 (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)

1. 3 year time limit to commence development
2. Development carried out in accordance of approved plans
3. Obscurely glazed en suite openings
4. Hedging (north western boundary) to be retained
5. Ecology footnote
6. Pre commencement condition for tree protection plan (to show protective fencing).
7. Removal of Permitted Development Rights for new openings at first floor level in rear elevation.

Background Papers:

Link to the application details:-

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016/93882>

Certificate of Ownership – Certificate A signed and dated 15/11/2016.