
Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 01-Nov-2018

Subject: Planning Application 2018/92219 Erection of single storey rear extension 20, Standiforth Road, Dalton, Huddersfield, HD5 9HD

APPLICANT

Mr Ali

DATE VALID

09-Jul-2018

TARGET DATE

03-Sep-2018

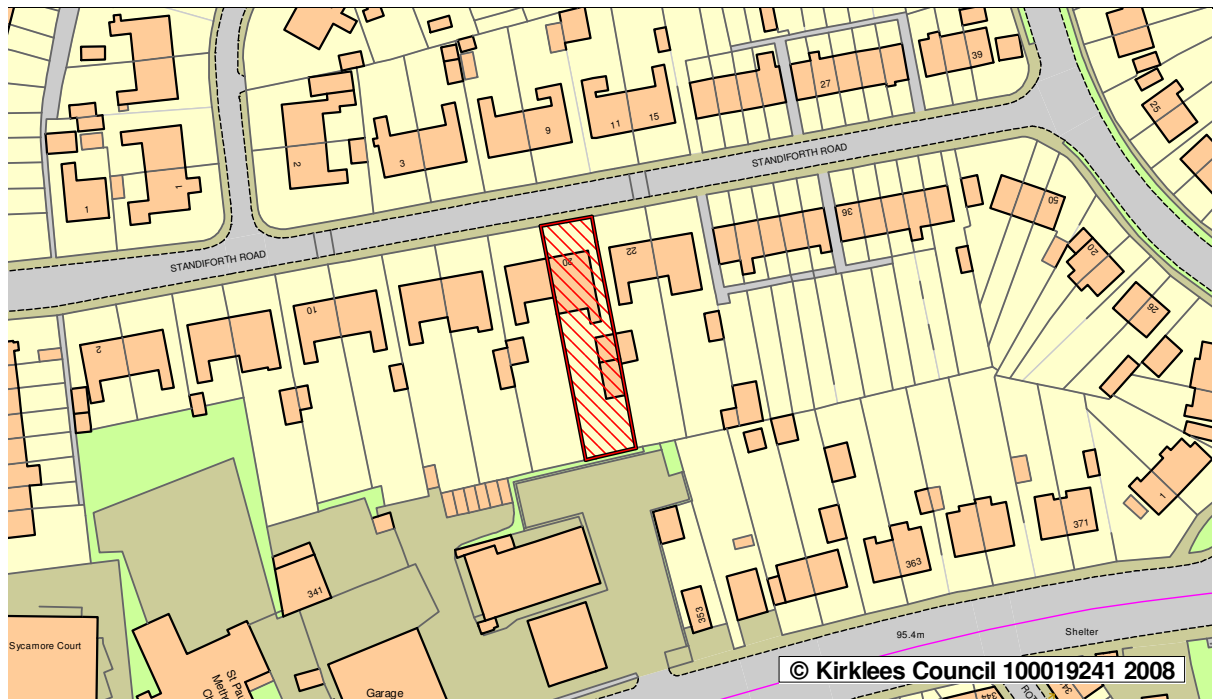
EXTENSION EXPIRY DATE

07-Nov-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: Dalton

N

Ward Members consulted

RECOMMENDATION: REFUSE

1. The proposed extension, given the size and width of the plot and the degree to which the dwelling has already been extended, would amount to overdevelopment, resulting in a development out of keeping with its surroundings, and the cumulative scale of extensions would not be subservient to the original building, contrary to the aims of Policies BE1 (ii) BE2(i) and D2 (ii) and (vi) of the Unitary Development Plan and PLP24(c) of the Publication Draft Local Plan.

2 The proposed extension, by reason of its scale and close proximity to the side boundary, would be harmful to the amenities of adjoining residential property at no. 18 Standiforth Road, contrary to the aims of Policies BE14 and D2 (v) of the Unitary Development Plan and PLP24(c) of the Publication Draft Local Plan.

1.0 INTRODUCTION:

1.1 This application is brought before Sub-Committee for determination at the request of Ward Councillor Musarrat Khan.

1.2 Cllr Khan's reason for requesting a Sub-Committee decision is as follows: "I would like this application to be referred to committee on the basis that the loss of visual amenity is a matter of opinion rather than fact. There are no objections received from neighbours and the elevation of the proposed extension is at an angle of 3 metres. The properties are also separated by bushes and shrubbery. For these reasons the effect on the neighbouring property would be minimal. I understand the reasons for the policy in terms of overdevelopment, however in this instance the size of the garden needs to be a consideration. The extension would still leave an exceptionally long garden and the property wouldn't be overbearing."

1.3 The Chair of the Sub Committee has confirmed that Councillor Khan'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 20 Standiforth Road, Dalton, is a semi-detached dwelling, the right-hand half of a pair, located on the south side of the highway. Originally single-storey, it has had living accommodation formed at first floor by the construction of a full-width, flat-roofed dormer at the rear and twin dormers at the front. It has also been substantially extended to the rear. The rear dormer extends out beyond the

original eaves of the roof. The existing extensions at the rear comprise a single-storey full-width extension projecting approximately 3m and a further single-storey extension to the original kitchen which is a projecting structure positioned towards the eastern end of the dwelling, bringing it out to the rear by a further 2.5m. The walls are part stone, part rendered, with a tiled roof.

- 2.2 The site is near level without any steep gradients. There is a paved area for parking at the front and a driveway at the side of the house. The surrounding development (nos. 2-24 and 3-15) consists of housing of the same design. There is a terraced row further to the east.

3.0 PROPOSAL:

- 3.1 The proposal is for the erection of a single-storey rear extension. This would be flat roofed and project a further 3.5m beyond the existing lean-to rear extension, bringing it in line with previous kitchen extension, to which it would be joined. The finished extension would therefore project 6.5m beyond the original main rear wall. It would be in the form of a conservatory with a solid west side wall in rendered blockwork. All walling to the rear elevation would be coursed stone.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 91/02891 – Erection of sun lounge. Granted.
92/05092 – Erection of single storey extension. Granted.
2009/93469 – Alterations to roof to form dormers. Approved.
2010/91490 – Alterations to roof to form dormers and rear balcony. Refused. The raised balcony would represent an incongruous feature over the existing conservatory and would exaggerate the box-like design of the already large dormer extension. It would cast shade and be an overbearing presence on no. 18.

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

- 5.1 The applicant was informed that the proposal was considered unacceptable in its present form and was asked to consider amending the plans to keep the enlarged kitchen only but not the conservatory extension. The applicant chose not to pursue this option so the application is being considered on the basis of the originally submitted plans.

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 48 of the National Planning Policy Framework (2018). 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 (2018), 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.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.2 The site is unallocated within the UDP Proposals Map.

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

6.3 The site is without designation on the Draft Local Plan.

- **PLP 1** – Presumption in favour of sustainable development.
- **PLP 2** – Place shaping.
- **PLP21** – Highway safety and access.
- **PLP24** – Design.

National Planning Guidance:

6.4 National Planning Policy Framework (NPPF)

Chapter 2 – Achieving sustainable development

Chapter 12 – Achieving well-designed places

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was publicised by a site notice and by individual letters to neighbours. The publicity period ended on 15-Aug-2018.

No representations were made by members of the public. Councillor Musarrat Khan – See “information” above.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:** There are no statutory consultees

8.2 **Non-statutory:** No consultations were undertaken.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Highway issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The site is without notation on the UDP Proposals Map. 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 including the avoidance of overdevelopment, visual and residential amenity, and highway safety]”.
- 10.2 Other policies of relevance in the UDP are Policy BE1 (development should be visually attractive and retain a sense of local identity), BE2 (development should be in keeping with its surroundings), BE13 (extensions should respect the design features of the existing house), BE14 (a rear extension to semi-detached dwellings will normally be permitted if it does not exceed 3.0m in overall projection) and T10 (development should not create or materially add to highway safety problems).
- 10.3 Policies PLP21 (highway safety) and PLP24 (design) within the PDLP can be given considerable weight. All these considerations are addressed later in this assessment. PLP24 states that proposals should ensure that extensions are subservient to the original building as well as being in keeping with the existing building in terms of scale, materials and details and minimising impact on residential amenity.

Urban Design issues

- 10.4 The property has already been substantially extended, especially at the rear, both at ground and first floor. The overall scale of the extensions already built is approaching the point at which they are no longer subservient to the original building and the question arises of whether any further extensions would be compatible with the aims of PLP24, as well as the aim of avoiding overdevelopment and ensuring that development is in keeping with its surroundings as set out in Policies D2 and BE2. The rear garden is quite long but the plot is narrow and it forms part of a row of closely-spaced dwellings. The extensions so far built amount to an increase of about 43% on the original footprint; the increase in bulk would be greater than this because it would include the dormers which have added bulk but no footprint. With the extension now proposed there would be a 75% increase on the original footprint.
- 10.5 The applicant was asked, during the application process, to consider a compromise by which the extension would be modified so as to consist only of a widening of the existing kitchen by 1.3m and without the additional 4.5m width of the conservatory extension, but chose to have the application determined on the basis of the existing plans.

- 10.6 There is no opportunity remaining to extend the dwelling under permitted development rights. Under Schedule 2, Part 1 Class A (g) of the Planning (General Permitted Development) Order, a single-storey rear extension of up to 6m can be built without planning permission subject to it meeting the other criteria in Class A, and subject to the prior notification procedure. However, where a house has already been extended to the rear, it is the cumulative structure resulting from the old and proposed extensions put together that is counted. In this instance the combined or cumulative extension would not be permitted development because it would incorporate first-floor accommodation in the form of a dormer which extends beyond the original rear elevation of the property.
- 10.7 Furthermore, it should be noted that as it projects beyond the original west side wall of the original kitchen, and is more than half the width of the original dwelling house, it would fail the test in Class A (j). This is because in the case of any new extension linked to an existing extension, the whole has to be considered as one development for GPDO purposes, and if the enlarged part of the dwelling extends beyond “a wall forming a side elevation of the original dwellinghouse” – not necessarily the main side wall – it is not permitted development if it fails to comply with the criteria in Class A (j). This interpretation is supported by page 23-29 of the “Permitted development rights for householders – technical guidance”. There is therefore no permitted development fall-back position.
- 10.8 It is considered that the design, details and choice of materials for the proposed extension are not harmful to amenity in themselves, and that an extension of this design could prove acceptable to a building that had not been previously extended, or had a very wide and large curtilage. But in this context, given the degree to which the original building has already been extended, the extension now proposed would be clearly disproportionate and would amount to overdevelopment. It would therefore be in conflict with the aims of Policies BE1(ii), BE2(i) and D2(ii and vi) of the UDP, and PLP24(c) of the PDLP.

Residential Amenity

- 10.9 The proposed extension would, cumulatively, project 6.5m, or 3.5m beyond the 3.0m recommended under Policy BE14 for semi-detached dwellings. It would have no impact on no. 24, the adjacent property to the east because it would not project beyond the existing kitchen extension.
- 10.10 But it is considered that it would have a significant impact on no. 18 which is the adjoining property to the west. The proposed extension would extend across the whole of the rear elevation of the existing conservatory, leaving no space before the common boundary. It would result in greater restriction of light, including direct sunlight, to rear facing windows in no. 18, and in addition would be likely to lead to a greater sense of enclosure and a loss of open aspect. It is considered that this would be harmful to the residential amenity of this property, contrary to the aims of Policies BE14(ii) and D2(v) of the UDP and PLP24(c) of the PDLP.

Highway issues

- 10.11 The proposed development would have no implications for highway safety as it would not affect existing parking or access arrangements.

Representations

10.12 Councillor Musarrat Khan's comments are noted and are summarised here together with officer responses:

- The loss of visual amenity is a matter of opinion rather than fact.
- There are no objections received from neighbours and the elevation of the proposed extension is at an angle of 3 metres.
- The properties are also separated by bushes and shrubbery.
- For these reasons the effect on the neighbouring property would be minimal. I understand the reasons for the policy in terms of overdevelopment, however in this instance the size of the garden needs to be a consideration. The extension would still leave an exceptionally long garden and the property wouldn't be overbearing.

The impact on visual amenity for any proposal is a matter of professional judgement for planning officers taking into account the merits of each individual application. It is subjective but is considered in light of planning policies and an assessment of the site itself and relationship with surrounding land and property. It is considered however that given the degree to which the property has already been extended, and the narrowness of the plot, the extension proposed would cumulatively lead to the appearance of overdevelopment and would fail to respect the character of the existing dwelling and its surroundings. Furthermore, the absence of public objection to a proposal does not automatically mean that it is acceptable if there are valid planning reasons for opposing it.

Other Matters

10.13 The proposal is not considered to raise any further material planning issues.

11.0 CONCLUSION

11.1 Given the width of the plot, the size of the curtilage, and the degree to which the original building has already been extended, the extension now proposed would amount to overdevelopment, resulting in a development out of keeping with its surroundings, and the cumulative scale of extensions would not be subservient to the original building. Furthermore it would be harmful to the amenities of adjoining residential development owing to its scale and close proximity to the side boundary. It would therefore be in conflict with the aims of Policies BE1(ii), BE2(i) and D2(ii, v and vi) of the UDP and PLP24(c) of the PDLP.

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f92219>

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