
Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 24-Jan-2019

Subject: Planning Application 2018/93228 Erection of single storey side and rear extension 10, Quarry Court, Longwood, Huddersfield, HD3 4UQ

APPLICANT

G Perfitt

DATE VALID

02-Oct-2018

TARGET DATE

27-Nov-2018

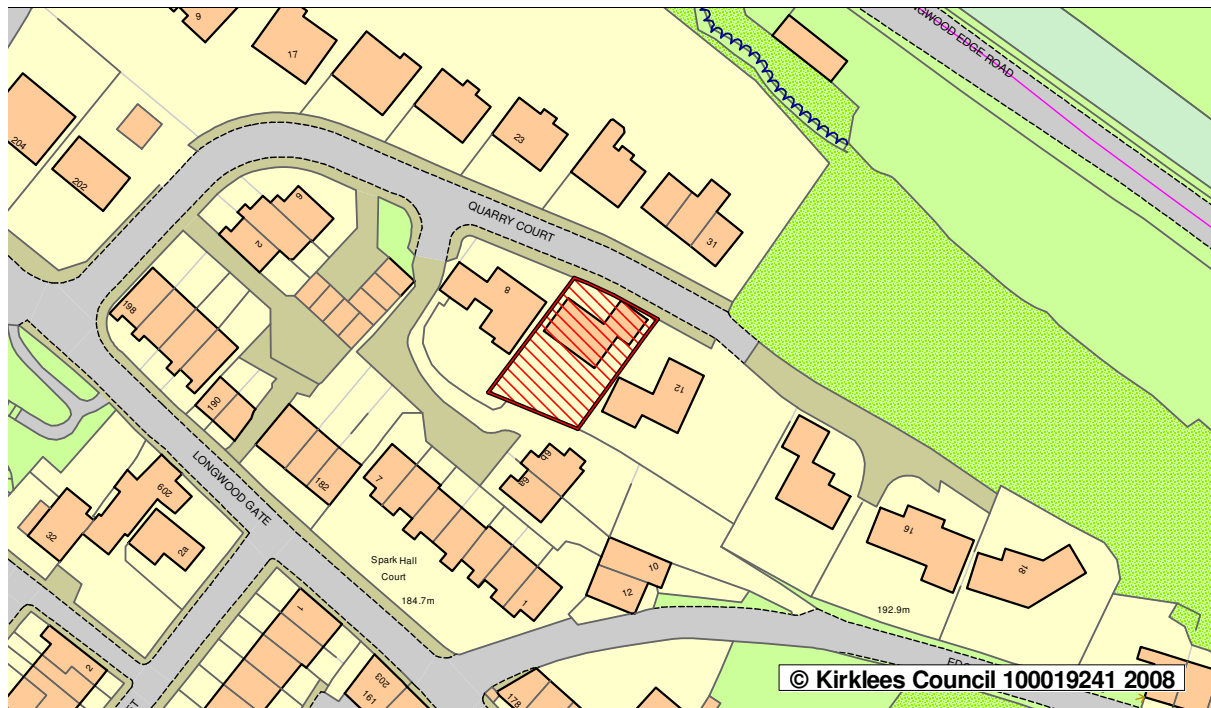
EXTENSION EXPIRY DATE

31-Jan-2019

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: Golcar

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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 The application is brought to Planning Committee at the request of Cllr Richards who has provided the following reason:

The developers of this site made maximum use of almost every inch of land when the houses were built. Allowing any extension to houses on this road. These are already substantial homes so extensions would create a feeling of overdevelopment and overcrowding.

1.2 The Chair has agreed to this application being brought to Sub-Committee.

2.0 SITE AND SURROUNDINGS:

2.1 No. 10 Quarry Court at Longwood is a substantial two storey detached dwelling faced with natural stone walls and a concrete tiled roof. The property, granted permission in 1991 was built in conjunction with No.8 & No.12 Quarry Court. Quarry Court can be considered a densely populated cul de sac. The dwelling is situated within a modest curtilage with an attached single garage and driveway to the front, and a good sized garden to the rear of approximately 160m². It is important to note that the dwelling is set upon a bank which rises from north east to the south west. The surrounding area is predominantly residential and the site is unallocated within the Unitary Development Plan. The site is also unallocated on the Publication Draft Local Plan Policies Map.

3.0 PROPOSAL:

3.1 The application seeks permission for the erection of a single storey side and rear wrap around extension set on the south east elevation to the rear for the purpose of extending the kitchen/dining area. Included in the application is the installation of a raised patio area with a height of 0.5m set underneath and around the extension.

3.2 The extension will continue the existing building line of the garage along the side of the property having a projection of 2.8m from the south east side of the dwelling. The extension would run the full length of the dwelling and will project a further 3.1m out of the rear elevation at the south east end and 1m from the north eastern end. The extension would have a width is 5.85m with the maximum height of 4.35m and with an eaves height of 2.6m.

3.3 Materials would match the host dwelling in its entirety with natural stone for the walls, concrete tiles for the roof and brown upvc for the windows and doors.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 Host Property

89/00640 - Erection of 3 no dwellings (Granted Conditionally)

91/03601 – Erection of three detached dwellings with garages (Conditional Full Permission)

4.2 Elsewhere

Adj to 31 quarry Court, 2017/93147 – Outline application for erection of one dwelling was refused on the grounds of detrimental impact on urban green space.

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

5.1 Initially the application sought a two storey side extension with a projection of 3.5m. This was deemed to be not in accordance with BE14 of the UDP and PLP24 of the PDLP in regards to residential amenity, particularly due to the close proximity to the principle elevation of no.12. Subsequently a single storey extension was sought with a smaller projection.

5.2 The first set off amended plans saw the two storey side extension with a reduced projection of 0.7cm to 2.8m. This was still deemed contrary to BE14 and PLP24. The agent was contacted again, and recommend to amend the plans to be single storey.

5.3 A third set of amended plans came in. This time with a reduced projection of the first floor to 2m with the wrap around feature being introduced. It was deemed this reduction was acceptable to an extent where it would be re-advertised and considered. Subsequently the Cllr Richards deemed the plans unacceptable and registered her interest in calling it to committee.

5.4 The committee request was relayed to the agent for the application, and subsequently new plans were submitted for the single storey plans to which this application applies. These were re advertised.

5.5 The red line boundary of the application was slightly amended to take account for an ongoing land ownership dispute with regard to the original development of the dwelling and its neighbouring properties.

5.6 An amendment was sought by Officers to see the rear aspect of the extension straightened up to face to the south west as the property currently does, however the agent declined and wished the decision to be made based on the plans as currently submitted and as described above.

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

Supplementary Planning Guidance / Documents:

- 6.3 **PLP1** – Presumption in favour of sustainable development
PLP2 – Place shaping
PLP24 – Design

National Planning Guidance:

- 6.4 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published July 2018, together with Circulars, Parliamentary Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

Chapter 12: Achieving well-designed places

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was advertised by site notice on 16/10/18 and neighbour letters for the initial proposed scheme on 08/10/18. The application has subsequently been advertised by letters to neighbours and registered interested parties: Firstly on the 23/10/18 for the 3rd set of plans, on the 06/12/18 for a 7 Day advertisement for the fourth and final set of plans and again on the 07/12/18 with an amended description and an extended 14 day window.

- 7.2 Objections to the first (two storey) proposal:
5 Representations were received, of which all were against the development.
The following comments were raised:

Impacts on residential amenity

- Overbearingness to the principle elevation of no.12. BE12 not adhered too.
- Blocking up of path down the south east side elevation means access down the north east side elevation only option to access the rear. This would have a detrimental impact on no.8.

Impacts on visual amenity

- Development would ruin the street scene.
- Design too commanding and in turn would overdevelop the plot.
- Contrary to PLP24 as not respecting the form and layout of the neighbouring plots.

Impacts on non-material planning considerations

- Stability of construction to new development and existing buildings.
- Concerns of access to the building site if approved.
- Loss of view over Valley.
- Bought with no NHBC certificate.

- 7.3 Only 1 representation was received for the third (two storey) proposal, however the publicity period had not ended before the scheme was re-advertised as single storey. This representation raised the following comments:

- Extension would cause stability issues when being constructed.
- The fence between nos.10 &12 is not the actual boundary.
- Overbearing to the principle elevation of no.12.
- Detrimental impact on residential amenity of no.10 and the wider street scene as not in keeping with area.

- 7.4 6 representations has been received for the fourth (single storey) and final set of plans for this application. The following comments were raised.

- The location and site plan are not accurate, No.10 is set further back than shown and no.s 8, 10 & 12 are a lot closer together than shown. OS Maps are wrong hence this error. Also chimney breasts have been excluded from the side elevations.
- Great loss of privacy to no.8 in terms of view over garden and in to conservatory due to the height increase and angle of rear extension.
- The plot would appear cramped.
- Does not respect design features of existing and adjacent properties and changes the view line out of the rear elevation as seen in BE13 of the Unitary Development Plan.
- Overbearing on the principle elevation of no.12 due to size and windows proposed.
- The application is contrary to BE14 of the Unitary Development Plan as it extends beyond the rear by more than 3m and therefore would have a detrimental effect on the visual amenity of adjoining dwellings.
- The raised patio would greatly impact the privacy of no.8.
- Excavation for the construction of the development would compromise the foundations no.10 and garage of no.8.

- Due to the pipe below no.10, excavation could alter the water flow and compromise the retaining wall at the edge of the plot.
- The side extension would build over an existing manhole and subsequently effect the drains around the site.
- Would need to access land of no.12 to build the propose extension if approved.
- A Construction Method Statement should be submitted via a condition if the application is approved.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:** None

8.2 **Non-statutory:**

- **Building Control:** Consulted at the request of Cllr Richards to consider the impact of the development on the foundations of no.12. Building Control stated:

‘The responsibility would be with the owner of 10 Quarry Court to liaise with the owners of 12 Quarry Court under The Party Wall etc. Act 1996 (which is not within the remit of the Building Regulations) regarding any work which could have an adverse effect on their building’.

9.0 MAIN ISSUES

- Principle of development
- Background
- Design
- Residential amenity
- Highway Safety
- 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]”. 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.

Background

- 10.3 The application site was constructed under application 91/03601 and it is noted that there is a long legal dispute for residents in the development in relationship to site boundaries showing differently on Ordnance Survey maps to that on the ground or on the approved plans of the dwellings. These are private legal matters and the planning merits of the application will be assessed below. It is noted that the application red line boundary has been amended through the course of the application to a position agreed between the interested parties in respect to this matter.

Design

- 10.4 The NPPF provides guidance in respect of design in chapter 12 (Achieving well designed places) with 124 providing an overarching consideration of design stating:

'124. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'

- 10.5 Kirklees UDP Policies D2, BE1, BE2, BE13 and BE14 and Policy PLP24 of the PDLP are also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.
- 10.6 It is considered that the proposed extensions have been designed to be in keeping with the existing development. The use of materials which match the host dwelling in its entirety, respects the design of no.10 and the wider area on Quarry Court. The continuations of the existing garage roofline and width mitigates the impact of the design on the street scene and ensure it appears visually acceptable. The extension will bring the side elevation of no.10, 2.8m closer to the principle elevation of no.12 for an elongated section in front of no.12. However the lean to roof, the single storey scale, the matching materials and the fact there are no habitable rooms in the principle elevation of no.12 means that the design relationship with the two properties is considered to be acceptable. The site visits conducted to the dwelling confirmed that the original plans for the dwelling are correct in that there are no habitable rooms at no.12 facing towards the development. Two of the first floor windows appear to be obscurely glazed whilst the third serves a staircase. There is only one ground floor which is of a narrow form and serves a utility room. This is also stated by the agent in a supporting statement which has never been disputed by the residents of no.12.
- 10.7 To the rear the extension would project further than the existing rear elevation with an angled design proposed with gable roof. It is noted that this would introduce a new architectural feature of the rear of the property. However the location of the host dwelling means the rear elevation would not be fully visible meaning there would be limited impact on the visual amenity of the wider area. With regards to the raised patio it is not considered that this would introduce a detrimental feature in design terms.

- 10.8 Subject to the use of matching materials, the proposal is considered to have an acceptable impact in terms of visual amenity and would accord with the referred to policies.

Residential Amenity Issues

- 10.9 The National Planning Policy Framework seeks a good standard of amenity for all existing and future occupiers of land and buildings though Chapter 12. Policy BE14 of the Unitary Development Plan reiterates the intentions of the NPPF and states that extensions to dwellings should not have a detrimental impact on 'adjoining dwellings or any occupier of adjacent land'. This is further reiterated in Policy PLP24 of the draft Local Plan. The impact on each of the surrounding properties is considered in turn.

No.12 Quarry Court

- 10.10 No.12 is the closest property to the proposed development located to the south east and shares the boundary adjacent to the proposed extension. Architecturally no.12 has an active frontage facing the proposed extension, however after reviewing the planning permission for no.12 (91/03601) it is noted that all windows in the facing elevation are non-habitable.
- 10.11 The proposal would increase the amount of built form adjacent the shared boundary with no.12, however it is noted that host property is set a lower level and the use of a pitched roof of the same scale as the existing garage is considered to provide sufficient mitigation to prevent any detrimental overbearing impact from occurring. The proposed extension is also located to the north of no.12 and this combined with the pitched roof sloping away from the shared boundary and given that it is set at a lower level than no.12 would prevent any detrimental overshadowing from occurring.
- 10.12 With respect to overlooking it is noted that 2 roof lights are also proposed on the side facing no.12. However these roof lights are high level preventing any view out of them which would ensure that there is no detrimental impact from these windows. However in order to prevent any potential for further overlooking permitted development rights for any new windows will be withdrawn.
- 10.13 The works to form a raised patio area on the rear of no.10 are not considered to lead to a detrimental impact on no.12 as any views are restricted by the garage of no.12.
- 10.14 Subject to removing permitted development rights for additional windows the proposal is considered to have an acceptable impact in terms of residential amenity in regards to no.12 Quarry Court.

No.8 Quarry Court

- 10.15 No.8 is located to the north west of the application site and shares a boundary with no.10. The proposed extension would be a minimum of approximately 9 metres from no.10.

- 10.16 It is noted that the proposed angled rear extension would create a new sight line from the rear elevation of no.10 which looks towards the rear garden of no.8 and the side elevation of no.8s conservatory.
- 10.17 Due to the changes in levels between no.s 8 and 10, the proposed floor level of the extension will be approximately 1m above the garden level of the host dwelling and between 1m and 1.5m above the floor level of no.8. This notable increase in height could have an impact on the residential amenity of no.8 as it will reduce the functionality of the existing 2 metre boundary fence. However it is important to note the rear extension will be approximately 9 metres away from the conservatory of no.8 and the relationship between the rear elevation of the extension and no.8 would be largely be at an oblique angle. This separation distance between the two properties combined with oblique angle is considered on balance to provide sufficient mitigation to prevent any detrimental impact from occurring.
- 10.18 Turning to the raised patio area it is noted that this would also be located away from the shared boundary of no.8 by approximately 7 metres. Increasing the height of the existing patio area is not considered to be significantly detrimental to the amenity of no.8 given the separation distance between the properties. As there is already a 2m boundary in place there are no further conditions that could be implemented to mitigate this issue any further.
- 10.19 On balance, the proposal is considered to have an acceptable impact in terms of residential amenity in regards to no.8 Quarry Court.

Other Properties

- 10.20 It is noted that 6b Quarry Court is located to the rear (south) of the application site however this property is set at a significantly lower level than host dwelling and therefore the proposal is not considered to have a detrimental impact on the amenity of no.6b

Highway issues

- 10.21 As the proposal does not seek to add a feature that will intensify trips to and from the site, it can be stated there are no highway safety issues.

Representations

- 10.22 In total, 5 representations were received for the first two sets of plans (both two storey side extensions, all of which were against. The following comments were raised:

Impacts on residential amenity

- Overbearingness to the principle elevation of no.12. BE12 not adhered too.

Response: This opinion was agreed with by the Case Officer and amendments were sought. The two storey element has been removed. In addition it is noted that the facing windows in no.12 are all non-habitable.

- Blocking up of path down the south east side elevation means access down the north east side elevation only option to access the rear. This would have a detrimental impact on no.8.

Response: This issue has been mitigated in the amended plans.

Impacts on visual amenity

- Development would ruin street scene.
- Design too commanding and in turn would overdevelop the plot.
- Contrary to PLP24 as not respecting the form and layout of the neighbouring plots.

Response: As set out above, there has been a detailed assessment of the impact of the design of the proposal on the character of the local area. The currently proposed, amended scheme is significantly smaller in scale than previously proposed scheme and as set out above is considered to be acceptable. The proposed extension would have limited views from the street scene.

Impacts on non-material planning considerations

- Stability of construction to new development and existing buildings.
- Concerns of access to the building site if approved.
- Loss of view over Valley.
- Bought with no NHBC certificate.

Response: The matters above are non-material planning matters which will be can be dealt with through building control or separate legal matters between the interested parties.

10.23 Only 1 representation was received for the third (two storey) proposal, however advertisement expiry had not ended before the scheme was re-advertised as single storey. This representation raised the following comments:

- Extension would cause stability issues when being constructed.

Response: A matter which would be investigated by building control when building regulations are sought.

- The fence between nos.10 & 12 is not the actual boundary.

Response: This matter was investigated with the plans 91/03601, and has subsequently been address above in 10.3 Background.

- Overbearing to the principle elevation of no.12.

Response: As the amended scheme was still two storey, these objections were still agreed with by the case officer and again further amendments were sought.

- Detrimental impact on residential amenity no.10 and the wider street scene as not in keeping with area.

Response: As set out above, there has been a detailed assessment of the impact of the design of the proposal on the character of the local area. The currently proposed, amended scheme is significantly smaller in scale than previously proposed schemes and as set out above is considered to be acceptable.

10.24 6 representations has been received for the fourth (single storey) and final set of plans for this application. The following comments were raised.

Impacts on residential amenity

- The location and site plan are not accurate, No.10 set further back than shown and nos 8, 10 & 12 are a lot closer together than shown. OS Maps are wrong hence this error. Also chimney breasts have been excluded from the side elevations.

Response: This statement correlates with the application 91/03601 which was the permission for the construction of no.s 8, 10 and 12. The red line boundary has now been altered with an amended plan submitted on 7 January 2019 to support the comments made. A decision on the application will not be made until a period of 21 days has lapsed since the submission of this amended plan.

Impacts on residential amenity in regards to 8 Quarry Court

- Great loss of privacy to no.8 in terms of view over garden and in to conservatory due to the height increase and angle of rear extension.
- The raised patio would greatly impact the privacy of no.8.

Response: As set out above, there has been a detailed assessment of the impact of the proposal towards no.8 Quarry Court. Whilst the rear extension will have an impact on no.8, it is considered, on balance, acceptable for the reasons set out in said assessment.

Impacts on residential amenity in regards to 12 Quarry Court

- Overbearing on the principle elevation of no.12 due to the scale and windows proposed.

Response: As set out above, there has been a detailed assessment of the impact of proposal on no.12 in terms of residential amenity. The currently proposed, amended scheme is significantly smaller in scale than previously proposed schemes and as set out above is considered to be acceptable.

Impacts on visual amenity

- The plot would appear cramped.
- Does not respect design features of existing and adjacent properties and changes the view line out of the rear elevation as seen in BE13 of the Unitary Development Plan.
- The application is contrary to BE14 of the Unitary Development Plan as it extends beyond the rear by more than 3m and therefore would have a detrimental effect on the visual amenity of adjoining dwellings.

Response: As set out above, there has been a detailed assessment of the impact of the design of the proposal on the character of the local area. The currently proposed, amended scheme is significantly smaller in scale than previously proposed schemes and as set out above is considered to be acceptable.

Non-material planning considerations

- Excavation for constructed would compromise the foundations no.10, garage of no.8.
- Due to the pipe below no.10, excavation could alter the water flow and compromise the retaining wall at the edge of the plot.
- The side extension would build over an existing manhole and subsequently effect the drains around the site.
- Would need to access land of no.12 to build the propose extension if approved.

Response: The matters above are non-material planning matters which will be can be dealt with through building control or separate legal matters between the interested parties.

Other matters

- A Construction Method Statement should be submitted via a condition if the application is approved.

Response: All development will cause some disruption, however for a development of this size a construction method statement would not be required.

11.0 CONCLUSION

- 11.1 In Conclusion, the proposal is recommended for approval but would be maximum development appropriate on a plot this size.
- 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 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 within 3 years**
- 2. In accordance with the approved plans**
- 3. Matching materials**
- 4. Withdraw permitted development rights for any further windows**

Background Papers:

Application and history files.

Website link to be inserted here <http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f93228>

Certificate of Ownership –Certificate A signed: