
Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 07-Mar-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

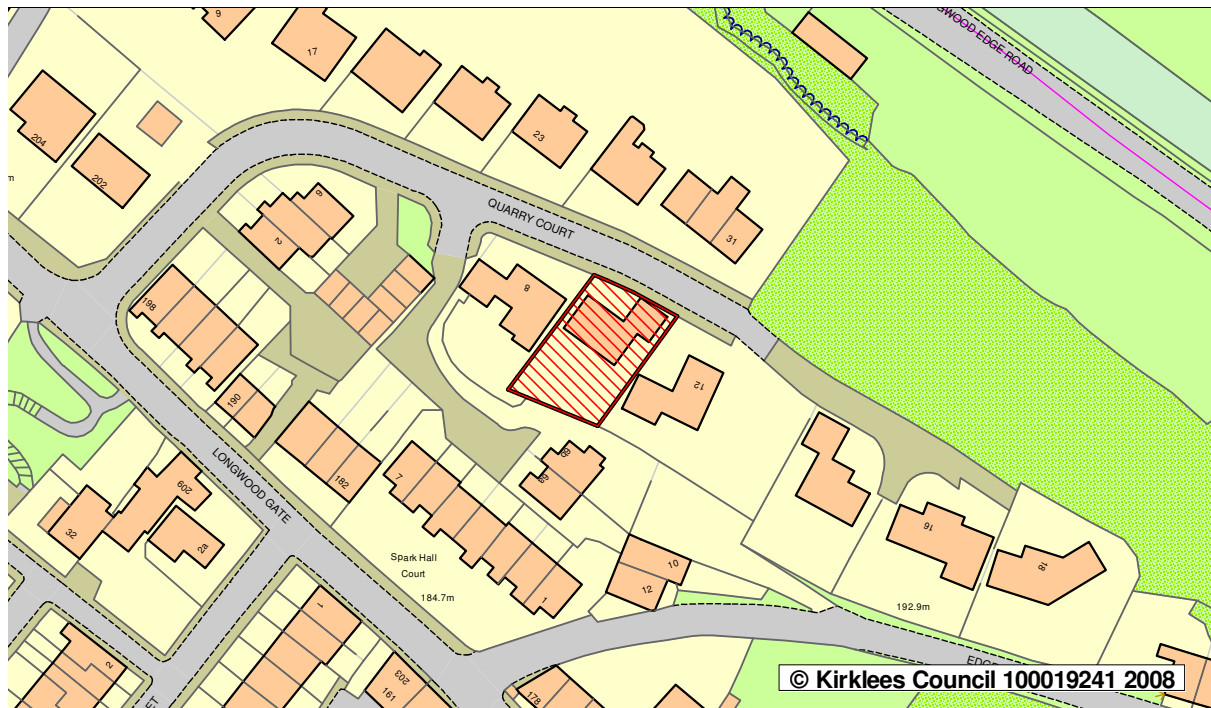
EXTENSION EXPIRY DATE

12-Mar-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

No

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 was deferred from the 24th January 2019 Planning Sub Committee at the request of members in order to provide the applicant the opportunity to amend the scheme to address concerns raised.
- 1.2 Originally the application was 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.
- 1.3 The Chair agreed to this application being brought to Sub-Committee for determination confirming Cllr Richards' reason for making this request is valid having regard to the Councillors' Protocol for Planning Sub-Committees.

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 falls 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 side and part south-west 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, as now amended, 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 1.5m out of the rear elevation. The extension would have a width is 5.85m with the maximum height of 4.35m and with an eaves height of 2.6m. There will be no windows or openings in the walls of either side elevations. A number of rooflights are proposed (4 in total).
- 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. This was subsequently dismissed at appeal.

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 contrary to BE14 of the UDP and PLP24 of the PDLP in regards to residential amenity, particularly due to the close proximity to the principal elevation of no.12. Subsequently the scheme was amended to a single storey extension with a smaller projection.
- 5.2 The first set of amended plans saw the two storey side extension with a reduced projection of 70mm to 2.8m. This was still deemed contrary to BE14 and PLP24. The agent was contacted again, and recommended to amend the plans to be single storey.
- 5.3 A third set of amended plans was received. These included 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 Cllr Richards requested the application be determined by sub-committee in accordance with council's delegation agreement.
- 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 of 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 realigned to the south west to follow the line of the rear elevation of the property. The agent declined and wished the decision to be made based on the plans as currently submitted and as described above.
- 5.7 Following committee on 24/01/19, officer's sought amendments to create a 'squared off' rear elevation. Amendments were also sought to ensure the roof lights on the side elevation were obscured. All of these amendments were address by the agent and submitted on plans received 05/02/18.
- 5.8 A construction statement was requested also, to which the agent provided a construction brief/summary. This was deemed satisfactory and reasonable by officers in order to allow committee to make a decision and then apply a pre-commencement condition for a full construction statement.

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 (2019). 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 (2019), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan, its published modifications and Inspector's final report dated 30 January 2019 and 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 The Inspector's Report of 30/01/2019 concluded that the draft Local Plan provides an appropriate basis for the planning of Kirklees, provided that modifications are made to it. Given the conclusions of the Local Plan Inspector, adoption of the draft Local Plan is to be considered by Council on 27/02/2019. If Council resolve to adopt the Local Plan at that meeting, the Local Plan would carry full weight as the statutory development plan (effective immediately), and the UDP policies listed below would need to be disregarded.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.3 **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:

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

National Planning Guidance:

- 6.5 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published February 2019, 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 first 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. The fifth set of plans, to which are being assessed by committee after the previous deferral were advertised on the 06/02/19, initially for a 7 Day Period. The construction summary was not received until 11/02/19 and therefore the advertisement period was extended until 19/02/19.
- 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 principal 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) 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.
- 7.5 The amended scheme submitted after the January Planning Sub Committee has been re-advertised and 5 representation have been received. They raised the following matters:
- Overdevelopment of the plot/out of scale with existing neighbouring development
 - Affect underground springs below.
 - Detrimental on appearance of the street scene.
 - The proposed development cannot be constructed without using of neighbours land.
 - A construction method statement should be submitted pre determination.
 - A detailed construction method statement should be conditioned for pre commencement in approved. Some of the issues raised to be included within this are:
 - Access the site by the builders
 - Method of construction

- Provision of easy access to sewage pipes which will lay under the extension
 - Excavation and initiation of the Party Wall Act
 - Possible piling for the foundations, which will certainly affect the garage and dwelling of neighbouring dwelling
 - Construction of steel girder supports, when load bearing walls are demolished.
- Damage to foundations of existing development.
 - Terracing effect on extension to neighbouring garage.
 - Effect drains in the area.
 - Restrict PD rights on property if approved. To further extend or insert windows in side facing elevations or increase the size of the patio.
 - Discrepancies between plans, as to the size of the raised patio area and its proximity to 3rd party property
 - Patio would need a balustrade to prevent persons falling from this into the existing garden. This would further exacerbate hard landscape within the plot.

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 or Planning Control) 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 property 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 consider that the proposed extension as amended has 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 principal 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 principal 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 by 1.5 metres with a 'squared off' design to address concerns raised at the January Planning Sub Committee with regards to the proposed angled design and would have a 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. The overall scale of this feature is not excessive when considered against existing topography or the size of the rear garden area.
- 10.8 It is noted that at the sub-committee on the 24/01/19 that some committee members were concerned about the level of development on the plot. To alleviate their concerns, should the application be supported it is proposed that Permitted Development Rights for extensions, alterations to the roof, porches and outbuilding/enclosures are removed so as to avoid an overdevelopment of the site and in the interests of visual amenity.
- 10.9 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

- 10.10 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 PLP24 of the Publication Draft Local Plan states that proposals should promote good design by ensuring 'extensions...minimise impact on residential amenity of future and neighbouring occupiers. Policies D2 and BE14 of the UDP express similar aims. The impact on each of the surrounding properties is considered in turn.

No.12 Quarry Court

- 10.11 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.
- 10.12 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.

- 10.13 With respect to overlooking it is noted that 3 roof lights are also proposed on the side facing no.12. However these roof lights are high level preventing any view out of them. After the January sub-committee meeting and taking note of members concerns, these roof lights have been obscurely glazed 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 and the retention of obscure glazing in the rooflights controlled by condition.
- 10.14 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.
- 10.15 Subject to removing permitted development rights for additional windows and obscurely glazing the proposed roof lights, 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

- 10.16 No.8 is located to the north west of the application site and shares a boundary with no.10. The proposed projecting rear extension would be a minimum of approximately 9 metres from no.10.
- 10.17 Following comments raised at January sub-committee meeting, the rear element of the extension has been squared off so it is set at the parallel to, and in keeping with, the existing build line. This alteration has also ensured there will be no longer be any windows or opening facing towards no.8.
- 10.18 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. However the rear extension will be approximately 9 metres away and is now set at a parallel angle to no.8. This separation distance between the two properties combined with the newly proposed orientation of the rear element of the extension would any detrimental impact occurring in regards to overbearingness, overshadowing and privacy of no.8.
- 10.19 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.
- 10.20 When considering the latest set of amendments received on 05/02/19, the proposal is considered to have an acceptable impact in terms of residential amenity in regards to no.8 Quarry Court.

Other Properties

- 10.21 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

- 10.22 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.

Other Matters

Construction

- 10.23 Concerns have been raised in respect to how the development will be constructed and the applicant has provided a construction brief/summary. This details different construction options but demonstrate that the development would be constructed with access from within the applicant's ownership which is considered to be acceptable. Give that it is currently only a brief/summary, it is considered appropriate to condition a more detailed plan once a contractor has been appointed to ensure that the development is constructed in accordance with an acceptable method of access.

Representations

- 10.24 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 principal 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.

10.25 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 principal 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.

10.26 6 representations were received for the fourth (single storey) of plans for this application. This was the scheme considered by Members at the 24th January sub-committee. 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 was 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 was considered, on balance, acceptable but this element of the proposal has since been amended.

Impacts on residential amenity in regards to 12 Quarry Court

- Overbearing on the principal 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 proposed, amended scheme at that stage was significantly smaller in scale than previously proposed schemes and was 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: That amended scheme was significantly smaller in scale than previously proposed schemes and was considered to be acceptable. The scheme has since been amended.

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. In light of Concerns have been raised in respect to how the development will be constructed and the applicant has provided a construction brief/summary. Give that it is currently only a brief/summary, it is considered appropriate to condition a more detailed plan once a contractor has been appointed to ensure that the development is constructed in accordance with an acceptable method of access. This is in light of comments raised at sub-committee.

10.27 5 representations has been received for the fifth, post sub-committee set of plans for this application. The following comments were raised:

- Overdevelopment of the plot/out of scale with existing neighbouring development
- Detrimental on appearance of the street scene.

Response: Addressed within Visual Amenity assessment

- Damage to foundations of existing development.
- Effect drains in the area.
- Affect underground springs below.

Response: Not a material planning consideration; will be assessed through the application to building control for building regulations. Building Control were consulted and their response can be seen above.

- Terracing effect on extension to neighbouring garage.

Response: Noted, assessed within Visual and Residential Amenity above.

- Restrict PD rights on property if approved including further extensions to patio and side facing windows.
Response: If granted it is proposed to remove permitted development rights for extensions, raised platforms, outbuildings and additional windows.

- A construction statement should be submitted pre determination.
- A construction statement should be conditioned for pre commencement in approved.
- The proposed development cannot be constructed without using of neighbours land.

response: Addressed above where relevant in assessment, and will be tackled by condition where appropriate. This cannot control those matters that fall outside the scope of planning legislation however. It should be noted that the granting of planning permission, including the 6-tests for the imposition of planning conditions, can only take into account those matters which have relevance to planning and which do not duplicate the effect of other controls – in this case including Building Regulations, The Party Wall Act and Health and Safety legislation set out in The Construction (Design and Management) Regulations 2015. In these circumstances it would not be necessary, reasonable or relevant to planning to seek to control such matters through planning control. A construction method statement would seek to mitigate the impact of construction work on the amenities of surrounding residents by requiring details such as working hours, storage of materials and contractor parking. It would not require details such as “Excavation and initiation of the Party Wall Act”, “Possible piling for the foundations”, or “Construction of steel girder supports, when load bearing walls are demolished”.

The grant of a planning permission would not override requirements for the owner/developer to comply with other legislation.

- Discrepancies in the plans relating to the size of the patio and whether a balustrade would be required.

Response: The agent will be asked to confirm that the plans indicating the raised patio only extends as far as the new rear extension, as shown on drawing nos. 103D, is correct. This is also shown on drawing nos 104B and clarification of this will be sought for drawing 101D.

11.0 CONCLUSION

- 11.1 In Conclusion, the proposal is recommended for approval but would be maximum development appropriate on a plot this size. As such it is deemed necessary to remove permitted development rights for further extensions and outbuildings.
- 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. Obscure glazing to roof lights.**
- 5. Withdraw permitted development rights for extensions, alterations to the roof, porches, raised platforms, outbuildings and additional windows.**
- 6. Pre-commencement condition for a construction management/method statement**
- 8. Garage cannot be converted (condition on original development)**

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: