
Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 21-Mar-2019

Subject: Planning Application 2018/93126 Erection of rear extension with store below and rear dormer window 16, Thomas Street, Heckmondwike, WF16 0NW

APPLICANT

Q Hussian

DATE VALID

25-Sep-2018

TARGET DATE

20-Nov-2018

EXTENSION EXPIRY DATE

25-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: Heckmondwike

No

Ward Members consulted

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 brought to the Heavy Woollen Planning Sub-Committee for determination after it was deferred from the previous meeting held on 7th February 2019. The application was deferred to allow the applicant the opportunity to amend the proposals to reduce the harmful impact on the primary window of the adjoining no.22 Thomas Street. Members suggested the applicant reduce the projection along the common boundary with the adjoining no.22 Thomas Street and retain the 4 metre projection along the boundary with no.14 Thomas Street.
- 1.2 Since the application was deferred, further discussions have taken place with the applicant and amended plans submitted taking into account the above. On the basis of the submitted amended plans and for the reasons set out in the main assessment below, the recommendation by officers is now amended to delegate approval of the application.
- 1.3 It should be noted that since the previous planning application was deferred, the Local Plan has now been adopted as the development plan for Kirklees, replacing the previous Unitary Development Plan.
- 1.4 The application was originally brought to committee at the request of Councillor David Sheard for the following reason: *“I have visited the applicant and on balance believe circumstances justify an exception in this case. The main reason being that the applicant is a carer for his wife who has physical and non-physical medical needs that her doctors have said will only get worse, which is where the downstairs extension whilst marginal (though needed) now, will become more needed in the near future. On the ground, the terrace is really two joined terraces one of two houses and one of three with a large number of steps to the back door, but they have exceptionally long gardens. I don't feel that the extra metre would be detrimental to the neighbours to such an extent to justify refusal. I am therefore requesting that this application be referred to the planning committee on the basis that it is needed to make caring for his wife at home possible with as much dignity as can be afforded.”*

- 1.5 The Chair of the Heavy Woollen Planning Sub-Committee previously confirmed that Councillor David Sheard's reason for making this request is valid having regard to the Councillor's Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site, no.16 Thomas Street, Heckmondwike is a stone built mid terraced property. The front door of the property opens onto the back of the pavement and there is a long paved yard area to the rear.
- 2.2 The property backs onto Walkley Lane. There are business units to the south east, Moorbank Mills on the opposite side of Thomas Street along with the entrance to Brunswick Place and similar terraces each side of the site.

3.0 PROPOSAL:

- 3.1 The applicant is seeking permission for the erection of a rear extension with a lower ground floor and a rear dormer.
- 3.2 Following receipt of amended plans, the rear extension is now proposed to project 3 metres from the original rear wall of the dwelling along the boundary with the adjoining 22 Thomas Street stepping out to 4 metres along the common boundary with the adjoining 14 Thomas Street and would extend across the full width of the property (the proposal was to originally project 4.0 metres across the full width of the property). The proposal includes accommodation on the lower level and the ground floor of the property with steps up to the ground floor entrance and down to the lower entrance. The roof over the extension is proposed to be of a lean to design.
- 3.3 The walls of the extension are proposed to be constructed using reconstituted stone and concrete tiles for the roof covering.
- 3.4 As previously reported to members, a rear dormer is also proposed. The dormer would be centrally sited within the rear roof plane and would have a width of 3.4 metres with an eaves height of 1.7 metres and an overall height of 2.4 metres. The roof over the dormer would be pitched and the dormer would be clad with vertically hung tiles.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 None

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

- 5.1 Given the height and projection of 4 metres, the proposed extension was considered to result in overshadowing and an overbearing impact on the adjoining properties. In particular, the adjoining 22 Thomas Street is a back to back property and the overbearing impact would have been on their principle window. There are considered to be no mitigating factors on site to justify the harm. On this basis, the applicant was requested to submit amended plans showing a reduction in the projection of the proposed extension to 3 metres. No amended plans were forthcoming prior to the application being considered at the 7th February 2019 Heavy Woollen Planning Sub-Committee, however the applicant's agent submitted a letter from the GP in support of the proposal on medical grounds.

5.2 Following the resolution of the previous Heavy Woollen Planning Sub-Committee to defer the application, the agent has now amended the plans to reduce the originally proposed 4 metres projection along the common boundary with the adjoining 22 Thomas Street. This is in line with member's request.

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

6.2 Kirklees Local Plan:

- **PLP 1** (as modified) – Achieving sustainable development
- **PLP 2** (as modified) – Place shaping
- **PLP 22** (as modified) – Parking
- **PLP 24** (as modified) - Design

6.3 National Planning Policy Framework:

- **Chapter 12** – Achieving well-designed places

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised by site notice and neighbour notification letters. No representations were received in relation to site publicity.

7.2 Following receipt of amended plans, because the rear extension has been reduced in scale, it was not considered necessary by officers to undertake further publicity. This is in accordance with the Council's Development Management Charter.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

None

8.2 Non-statutory:

None

9.0 MAIN ISSUES

- Principle of development
- Visual amenity
- Residential amenity
- Highway issues
- Conditions
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The site is without notation on the Kirklees Local Plan (KLP). Policy PLP1 (as modified) of the KLP 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. In terms of extending and making alterations to a property, Policy PLP24 (as modified) of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.
- 10.2 These issues, along with other policy considerations, will be addressed below.

Visual Amenity

- 10.3 Thomas Street is characterised by a mix of residential and commercial properties with varying sizes of building and age. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.
- 10.4 The scheme under consideration consists of two elements which shall be addressed below.
- 10.5 *Single storey rear extension:* As set out to members in the previous committee report considered on 7th February, the scale of the rear extension can be considered to be acceptable relative to the size of the host property and its associated curtilage. The materials proposed include the use of reconstituted stone which would be similar in appearance to the original dwelling. Notwithstanding this, any discrepancy in the finish would be limited to the rear of the dwelling and would have limited visual impact. The detailing can also be considered to be appropriate for a development this type. As such, the rear extension can be considered to be acceptable in terms of visual amenity.
- 10.6 *Rear dormer:* The design of the proposed dormer is considered likely to form an appropriate relationship with the host property. It is also quite likely to constitute permitted development. Taking into consideration the provisions of Schedule 2, Class B of The Town and Country Planning (General Permitted Development) Order 2015, the development would not exceed the highest part of the roof; is not to the principal elevation; the cubic content of the resulting roof space would not exceed 40 cubic metres; it does not include a veranda, balcony or raised platform; the plans indicate that the development would not involve the installation, alteration or replacement of a chimney, flue or soil and vent pipe. The site is not within a Conservation Area.
- 10.7 As previously reported to members, the proposed rear extension and dormer would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy PLP24 (as modified) of the Kirklees Local Plan and the aims of chapter 12 of the National Planning Policy Framework.

Residential Amenity

- 10.8 *Impact on 22 Thomas Street:* The extension to the rear of the host property would be positioned to the south east of the adjoining property and would have the potential to cause some overshadowing in the middle of the morning. There would also be some overbearing impact given the height of the extension. The neighbouring property is a back to back dwelling, the main habitable room of which is located towards the common boundary with the proposed extension. However, following receipt of amended plans, the reduced projection of 3m along this common boundary is considered, by officers, to reduce the impact and it is therefore considered that the impact on the amenity of the occupiers of No.22 Thomas Street would not be so significant so as to justify refusal.
- 10.9 The proposed dormer would be located up within the roof plane and as such would be unlikely to have any significant impact upon the amenity of the occupiers of the adjoining 22 Thomas Street.
- 10.10 *Impact on 18 Thomas Street:* The extension to the rear of the host property would be positioned to the north west of No.18 and would not therefore result in any overshadowing given the orientation of the extension relative to the neighbouring property. However, the exaggerated height of the extension and the 4m projection, would have the potential to form an overbearing and oppressive impact given the proximity to the common boundary. However, it was noted on the site visit that the neighbour's rear door is towards the common boundary with the extension which would go some way to mitigating the harm in terms of the amenities of the occupiers of the adjoining 18 Thomas Street.
- 10.11 The dormer would be located up within the roof plane and as such would be unlikely to have any significant impact upon the amenities of the occupiers of the adjoining 18 Thomas Street.
- 10.12 Having considered the above factors, the proposals as amended, on balance, are not considered to result in any significant adverse impact upon the residential amenity of any surrounding neighbouring occupants. The amended projection of the rear extension along the common boundary with the adjoining 22 Thomas Street is considered sufficient to mitigate any undue impact on these neighbouring occupants. In order to ensure that the privacy of neighbouring occupants is safeguarded into the future, a condition removing permitted development for the insertion of new openings in both side elevations of the rear extension is recommended. With the inclusion of this suggested condition, the proposal is therefore considered to comply with Policy PLP24 (as modified) of the Kirklees Local Plan and Paragraph 127 (f) of the National Planning Policy Framework.

Highway issues

- 10.13 The proposals would result in some intensification of the residential use. However whilst there is no off-road parking provision on site at present and the proposals do not include the provision of a such a facility, there is on street parking available on Thomas Street. As such, the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy PLP22 (as modified) of the Kirklees Local Plan.

Representations

10.14 None received

Other Matters

- 10.15 *Personal Circumstances:* The applicant is seeking consent for part of the rear extension to provide downstairs toilet/bathing facilities. A letter was provided from their GP which cited their justification for the request. This letter was reviewed and it was previously reported to members on 7th February that it did not provide sufficient justification on disability grounds, given the nature of the resident's ailment, for the scale of the rear extension previously proposed. The Council's Accessible Homes Team have been informally consulted and they have confirmed that there is no current referral to their service and that they are not aware of the applicant's situation.
- 10.16 There are no other matters for considered relevant to the determination of this application.

11.0 CONCLUSION

- 11.1 This application to erect a rear extension and a dormer within the rear roof plane of 16 Thomas Street has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.
- 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. This application has been assessed against relevant policies in the development plan and other material considerations and, following receipt of amended plans, recommendation is to approve.

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

1. Standard timeframe for implementation (3 years)
2. Development in accordance with plans
3. Facing and roofing materials to match those used on the host dwelling
4. Remove permitted development rights for the insertion of windows/openings in the side elevations of the rear extension

Background Papers:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f93126>

Certificate of Ownership –Certificate A signed and dated: 21.09.2018