
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 29-Jul-2020

Subject: Planning Application 2020/90020 Erection of two storey side extension and external alterations 9, Kirkstone Drive, Gomersal, Cleckheaton, BD19 4QG

APPLICANT

G Waring

DATE VALID

06-Jan-2020

TARGET DATE

02-Mar-2020

EXTENSION EXPIRY DATE

17-Mar-2020

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Liversedge and Gomersal

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and issue the decision.

1.0 INTRODUCTION:

1.1 The application is brought to Strategic Planning Committee following a request from Cllr David Hall which stated:

- The proximity of the extension to the neighbouring house will be detrimental to the neighbours' amenity and will make the house look cramped compared to others on the street.
- The proximity of the extension is a precedent in the cul-de-sac. These two houses are at the end of the street, visible from the main road and thus quite prominent, the appearance would look like overcrowding.
- The next door residents are reliant on the distance between the houses for light into their kitchen, and this will be lost.

1.2 The Chair of the Strategic Planning Committee has confirmed that Councillor David Hall's reasons for referral to committee are valid having regard to the Councillor's Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

2.1 This application relates to 9 Kirkstone Drive in Gomersal. The site comprises a two storey detached dwelling which is constructed from stone to the front elevation, render to the side and brick to the rear. The property is designed with a gable roof form which is finished in concrete roof tiles. There are existing areas of uPVC cladding on the front and rear elevations. The dwelling is set back from the access road with an area of hardstanding to the front and side and a garden to the rear.

2.2 The surroundings of the site are residential in nature. Kirkstone Drive comprises a number of two storey dwellings of a similar appearance to the application site, as well as a number of 1.5 storey properties.

3.0 PROPOSAL:

- 3.1 Planning permission is sought for the erection of a two storey side extension and external alterations.
- 3.2 The two storey extension would project 1.78 metres from the northern side elevation of the dwelling and would sit flush with the existing rear elevation. It would be set back from the front elevation by 0.32 metres. The extension would be designed with a double gable roof form which would have an eaves and ridge height to match that of the host property.
- 3.3 The external walls of the extension would be finished in stone to the front, render to the side and brick to the rear which would match the host dwelling. Concrete tiles are proposed for the roof which would also match the dwelling.
- 3.4 External alterations are proposed for the rear elevation of the existing dwelling. These comprise a replacement opening at first floor level and the installation of bi-folding doors at ground floor level.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 No relevant planning history.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The application form states that the external walls of the extension would match those of the host property. The agent has confirmed by email received 11-Jun-2020, that the extension would be finished in stone to the front, render to the side and brick to the rear which is in keeping with the materials of the existing dwelling.

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 The site is unallocated on the Kirklees Local Plan.
- 6.3 Kirklees Local Plan (KLP):
- LP 1** – Achieving sustainable development
 - LP 2** – Place shaping
 - LP 21** – Highway safety and access
 - LP 22** – Parking
 - LP 24** – Design
 - LP 51** – Protection and improvement of local air quality

6.4 National Planning Policy Framework (NPPF):

Chapter 2 – Achieving sustainable development

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 As a result of the publicity period, 4 representations against the proposal have been received. The points raised are summarised as follows:

- Extension will be right up to the boundary seriously effecting daylight available to the kitchen window of the neighbouring property. The extension will be about 1m away from their house, blocking the window.
- The extension will result in the applicants being unable to access the rear of their property without trespassing the garden of the neighbouring property.
- Bins will have to be left at the front of the property which is unsightly and not in keeping with properties along the cul-de-sac.
- Concerned Council procedure has not been followed as notification of the application on the lamppost has only just appeared.
- Plans do not have full measurements and side elevation seems inaccurate. The roof does not correlate with other plans for front and side elevations.
- Adjacent property is dissimilar in terms of size and design and will be dwarfed by the proposed extension.
- Impact on surrounding properties and possibility of a precedent being set for further development which could affect re-sale value.
- We have lived in our property for over 30 years and have plans in place to continue living here in the future. The extension would have a detrimental impact on our lives and our home.
- For personal reasons I spend a lot of time tending to our garden. The extension would prevent wheelchair access down the side of our house.
- There is a covenant attached to the properties, limiting development.
- 90% of our amenity runs down this drive.
- Shared manhole cover and gas electric, water, drains etc.

- Carbon monoxide vent on the side of our property currently vents into an open area. With reduced space from the extension, this could blow back into our property through open windows.
- If the extension has an overhang with gutters etc, it will reduce space even further.
- An extension so close would completely cut off natural sunlight and would leave us looking onto a brick wall.
- An extension so close would represent a security risk, with the side window currently open to view from Kirkstone Drive.
- Concerned over foot traffic so close to window of adjacent property.
- For personal reasons, we use more electricity than normal use. Planned to reduce carbon footprint with the benefit of solar panels, the side elevation being ideal. May be no benefit due to the proposed extension.

7.2 The following comments have been made by Cllr David Hall (ward member for the Liversedge and Gomersal area).

- The proximity of the extension to the neighbouring house will be detrimental to the neighbours' amenity and will make the house look cramped compared to others on the street.
- The proximity of the extension is a precedent in the cul-de-sac. These two houses are at the end of the street, visible from the main road and thus quite prominent, the appearance would look like overcrowding.
- The next door residents are reliant on the distance between the houses for light into their kitchen, and this will be lost.

7.3 Officer comments in response to representations will be made in the report below.

8.0 CONSULTATION RESPONSES:

8.1 No consultations responses are required.

9.0 MAIN ISSUES

- Principle of development
- Impact on visual amenity
- Impact on residential amenity
- Impact on highway issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan. This policy stipulates that proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability.
- 10.2 These considerations, along with others, are addressed in the following sections in this report.

Impact on visual amenity

- 10.3 The proposed two storey side extension would be modest in terms of its projection, projecting 1.78 metres from the side elevation of the property, representing a subservient addition to the existing dwelling. Whilst the extension would extend the full length of the property, set back from the front elevation by 0.30 metres and would be designed with a double gable roof form, it is not considered that this would be significantly detrimental to the character of the host property in this case.
- 10.4 The extension would be finished in stone to the front, render to the side, brick to the rear and concrete tiles for the roof to match the materials used on the host dwelling. The extension is considered to be in keeping with the property in terms of its design and fenestration.
- 10.5 The extension would be visible from the street scene, and it is noted that none of the properties along Kirkstone Drive have been extended to the side elevation. Whilst the adjacent property is 1.5 storeys in nature, with the eaves sitting at a much lower level than the host property, given the scale of the proposal, and the overall height of the adjacent property, it is not considered that the proposal would be detrimental to the character of the street scene when viewed alongside the neighbouring dwellings.
- 10.6 Given the limited projection of the extension, along with its design and the fact that it would be set back slightly from the front elevation of the existing dwelling, it is not considered that it would appear overly dominant within the street scene, nor would it be out of keeping with the character of the surrounding area. The dwelling is also set back from the access road, which would reduce some of the prominence of the extension when viewed from Kirkstone Drive. It is noted that views of the side elevation of the extension would be limited.

- 10.7 Given the design of the proposed extension, which would have a gable roof which would slope perpendicular to that of the host dwelling, as well as the design of the neighbouring property which is 1.5 storeys in nature, it is not considered that the proposal would create a terracing effect in this instance.
- 10.8 The proposed external alterations which include replacement openings on the rear elevation are considered to be sympathetic to the design of the host property.
- 10.9 In conclusion, it is considered that the proposed development would be acceptable in terms of its design and the impact on the visual amenity of the application property and the character of its immediate surroundings. On this basis, officers are satisfied that the proposal complies with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Impact on residential amenity

- 10.10 The site is located within a residential area. This section will assess the relationship of the proposed development with the neighbouring properties.

Impact on 14 Kirkstone Drive

- 10.11 The dwelling at 14 Kirkstone Drive is located immediately to the north of the application property. The property is 1.5 storeys in scale, with its overall height slightly greater than the application property. Notwithstanding this, the property is designed with a steep roof pitch with the eaves height located significantly below that of the application property. The property benefits from an opening in the side elevation at ground floor level which serves a kitchen.
- 10.12 A second site visit was carried out at the site, at which time the case officer viewed the proposed plans from inside the neighbouring property to assess to proposed relationship between the property and the proposed extension.
- 10.13 The extension would project 1.78 metres closer to the property than the existing dwelling, with there being a close relationship between the two properties as existing. The proposed extension would therefore have a greater overbearing and overshadowing impact than existing. The proposed extension would be set in from the shared boundary by 0.70 metres, with 1.80 metres retained between the side elevation of the extension and the side of the property. Whilst the property benefits from an opening on the side elevation, this serves a kitchen which is considered a non-habitable room. The application site is located to the south of the dwelling, with a degree of overshadowing present as existing. Whilst it is acknowledged that the proposed development would have an impact on the residential amenity of the property, given the distance that would be retained between the extension and the property, along with the existing relationship, it is not considered, on balance, that this impact would be significantly detrimental in this instance.

- 10.14 An opening is proposed in the side elevation of the extension at first floor level which would serve a stairway. Taking this into consideration, as well as the fact that the opening would face onto the blank gable roof form of the property, it is not considered that this opening would allow for harmful overlooking into the side elevation of the property in this instance. Whilst no openings are proposed for the side elevation of the extension at ground floor level, to prevent harmful overlooking into the neighbouring property, should the application be approved, a condition will be imposed to remove permitted development rights for new openings in side elevation of the extension at ground floor level. New first floor level side openings would be controlled by the General Permitted Development Order (England)(2015).
- 10.15 For the reasons set out above, the impact on the residential amenity of the property is considered, on balance, to be acceptable.

Impact on 8 & 10 Oxford Walk

- 10.16 The dwellings at 8 & 10 Oxford Walk are located to the rear of the property. The proposed extension would not project beyond the existing rear elevation of the application dwelling, and as such, would not be located any closer to the properties than existing.
- 10.17 Given the distance that would be retained between the extension and the properties, it is not considered that there would be a significant overbearing or overshadowing impact. It is considered that sufficient distance would be retained to prevent harmful overlooking from the habitable room openings which are proposed for the rear elevation of the extension.

Impact on 7 Kirkstone Drive

- 10.18 The dwelling at 7 Kirkstone Drive is located to the south of the property. Given the location of the proposed extension to the north of the application dwelling, and the fact that it would not project beyond the existing front or rear elevations, it is not considered that it would have a significant impact on the property in terms of residential amenity. No additional openings, other than the lounge, and bathroom opening which are on the southern elevation of the property as existing, are proposed for this elevation which would prevent harmful overlooking.

Impact on 4 Kirkstone Drive

- 10.19 The dwelling at 4 Kirkstone Drive is located to the front of the application property and is orientated towards the south east. Given the distance that would be retained between the proposed extension, it is not considered that the proposal would have a significant impact in terms of residential amenity.

Summary in regard to residential amenity considerations

- 10.20 For the reasons set out above, the proposed development is considered, in the view of officers, acceptable on balance, complying with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Impact on highway safety

- 10.21 The proposed development would facilitate an extension of the existing living accommodation at first floor level, with the property benefiting from three bedrooms following development. The proposed extension would be located on an area of existing hardstanding, which could potentially be used for parking. Notwithstanding this, it is noted that the property currently benefits from an area of hardstanding to the front, which is considered of a sufficient size to be able to accommodate two off-street parking spaces. This is considered sufficient to accommodate the property following development. Access to the site would not be altered from existing as a result of the proposed development.
- 10.22 Considering the above, the proposal is considered acceptable from a highway safety perspective, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

10.23 Representations

- Extension will be right up to the boundary seriously effecting daylight available to the kitchen window of the neighbouring property. The extension will be about 1m away from their house, blocking the window.

Officer comment: The impact of the development on the neighbouring properties has been addressed in the impact on residential amenity section above. The impact of the development on the neighbouring properties, is considered on balance, to be acceptable.

- The extension will result in the applicants being unable to access the rear of their property without trespassing the garden of the neighbouring property.

Officer comment: Access to the rear of the property would be retained through the dwelling. This would be a private issue which is not a material planning consideration which can be taken into account as part of this planning application.

- Bins will have to be left at the front of the property which is unsightly and not in keeping with properties along the cul-de-sac.

Officer comment: It is considered that sufficient space would be retained to the front of the property for the storage of bins following development without having an impact on highway safety or on visual amenity.

- Concerned Council procedure has not been followed as notification of the application on the lamppost has only just appeared.
Officer comment: The application has been advertised in accordance with the Kirklees Development Management Charter.
- Plans do not have full measurements and side elevation seems inaccurate. The roof does not correlate with other plans for front and side elevations.
Officer comment: Officers have reviewed the submitted plans and consider them acceptable for the purpose of this application.
- Adjacent property is dissimilar in terms of size and design and will be dwarfed by the proposed extension.
Officer comment: The impact of the proposal on visual amenity has been addressed in the impact on visual amenity section of this report. The impact on visual amenity is considered to be acceptable.
- Impact on surrounding properties and possibility of a precedent being set for further development which could affect re-sale value.
Officer comment: The impact of the proposal on the visual amenity of the surrounding area has been addressed in the impact on visual amenity section of this report and is considered to be acceptable. A precedent being set for further development and re-sale value are not material planning considerations which can be taken into account as part of this application.
- We have lived in our property for over 30 years and have plans in place to continue living here in the future. The extension would have a detrimental impact on our lives and our home.
Officer comment: These comments are noted. The impact of the development on the neighbouring properties has been addressed in the impact on residential amenity section of this report.
- For personal reasons I spend a lot of time tending to our garden. The extension would prevent wheelchair access down the side of our house.
Officer comment: The proposed extension would not extend beyond the curtilage of the application dwelling. The granting of planning permission would not override any legal rights of access either.
- There is a covenant attached to the properties, limiting development.
Officer comment: Whilst this is not a material consideration which can be taken into account as part of this planning application, the grant of planning permission would not override any legal covenant at the properties.
- 90% of our amenity runs down this drive.
Officer comment: This comment is noted.

- Shared manhole cover and gas electric, water, drains etc.

Officer comment: These are not material planning considerations which can be taken into account as part of this application. Issues relating to the shared manhole cover will be addressed via a Building Regulations application.

- Carbon monoxide vent on the side of our property currently vents into an open area. With reduced space from the extension, this could blow back into our property through open windows.

Officer comment: Whilst the extension would project closer to the property than existing, it would be set in from the neighbouring property by 1.80 metres. It is therefore not considered that this impact would be harmful to occupiers of the property in this instance.

- If the extension has an overhang with gutters etc, it will reduce space even further.

Officer comment: The submitted plans show that the proposed extension would be located within the curtilage of the application property. The impact of the proposed development on the neighbouring properties has been addressed in the impact on residential amenity section above.

- An extension so close would completely cut off natural sunlight and would leave us looking onto a brick wall.

Officer comment: The impact of the proposed development on the neighbouring properties has been addressed in the impact on residential amenity section above and is considered to be, on balance, acceptable.

- An extension so close would represent a security risk, with the side window currently open to view from Kirkstone Drive.

Officer comment: The proposal represents an extension to an existing residential property. Taking this into consideration, it is not considered that the proposal itself would have an impact on safety that would require mitigation in this instance.

- Concerned over foot traffic so close to window of adjacent property.

Officer comment: The application relates to an extension to an existing residential property. It is therefore not considered that the proposal would be detrimental to the amenity of the neighbouring property by virtue of noise created by foot traffic at the property.

- For personal reasons, we use more electricity than normal use. Planned to reduce carbon footprint with the benefit of solar panels, the side elevation being ideal. May be no benefit due to the proposed extension.

Officer comment: At the time of the site visit it was noted that there were no solar panels on the side elevation of the property, nor is there any planning history for solar panels at the site. This can therefore be awarded little weight when determining this particular planning application and is not considered sufficient to warrant refusal of the application in this instance.

10.24 Cllr Hall's comments are as follows:

- The proximity of the extension to the neighbouring house will be detrimental to the neighbours' amenity and will make the house look cramped compared to others on the street.

Officer comment: These matters have been addressed in the impact on visual and residential amenity sections of this report.

- The proximity of the extension is a precedent in the cul-de-sac. These two houses are at the end of the street, visible from the main road and thus quite prominent, the appearance would look like overcrowding.

Officer comment: The impact of the proposed development on visual amenity has been addressed in the impact on visual amenity section of this report.

- The next door residents are reliant on the distance between the houses for light into their kitchen, and this will be lost.

Officer comment: The impact of the proposed development on residential amenity has been addressed the impact on residential amenity section of this report.

Other Matters

Coal Mining Legacy

10.25 The site is located within a 'high risk' coal mining area. The proposed development is for householder extensions and therefore this falls under the 'exemptions' on the Coal Authority's exemptions list. For this reason, a Coal Mining Risk Assessment or consultation with The Coal Authority has not been undertaken and the proposed development is considered acceptable in this regard.

Climate Change

10.26 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

10.27 The proposal represents domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards. For this reason, the proposed development is considered to comply with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

10.28 There are no other matters considered relevant to the determination of this application.

11.0 CONCLUSION

11.1 To conclude, it is considered that the proposal, on balance, would have an acceptable impact with regards to visual amenity, residential amenity and highway safety as discussed in the above report.

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

1. Standard timeframe for implementation of development (3 years).
2. Development in accordance with the submitted plans.
3. External walls to be finished in stone to the front, render to the side and brick to the rear. Render to be of a similar colour to that on the host property and applied before the extension is first brought into use.
4. Roofing materials to match existing.
5. No new openings in the side elevation of the extension.

Background Papers:

Application documents can be viewed using the link below:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020/90020>

Certificate A was submitted as part of this application, signed and dated 03.01.2020.