
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 14-Apr-2021

Subject: Planning Application 2021/90302 Erection of first floor extensions and alterations to form first floor accommodation 1, Penn Drive, Hightown, Liversedge, WF15 8DB

APPLICANT

R Jagger

DATE VALID

27-Jan-2021

TARGET DATE

24-Mar-2021

EXTENSION EXPIRY DATE

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: Cleckheaton

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application 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 the Heavy Woollen Planning Sub-Committee at the request of Councillor Kath Pinnock. The reason for the committee request is set out as follows.
- 1.2 “I remain concerned about the loss of amenity and the massing effect on the neighbouring property. I would like the application to be determined at committee.”
- 1.3 The Chair of the Sub-Committee has confirmed that this arrangement is appropriate, having regard to the Councillor’s Protocol for Planning Committees and the Constitution.

2.0 SITE AND SURROUNDINGS

- 2.1 This application relates to 1 Penn Drive, which comprises a brick built detached bungalow, a lawned garden to the front and a driveway and an attached garage to the side. To the rear of the bungalow is a spacious garden enclosed by mature vegetation.
- 2.2 Penn Drive is purely residential characterised by detached and semi-detached bungalows of various designs and materials. Certain houses appear to have been extended. All bungalows on Penn Drive have a relatively large lawned garden to the front, which is an important element to the prevailing character, as well as the local street-scene.

3.0 PROPOSAL:

- 3.1 Planning permission is sought for the erection of extensions and alterations to from a first-floor accommodation. The ridge of the existing house would be elevated from 4.8m to 6.0m, whilst the width would be increased from 6.8m to 7.8m. In addition, the existing flat roof garage would be demolished and replaced by a dual pitched roof side extension.

3.2 The facing and roofing materials would be the same as existing. The first floor of the enlarged house would comprise two bedrooms, a home office, and a gaming room. There would be two extra windows in the front and rear elevations and one in the side elevation. Part of the front garden would be surfaced to provide more car parking spaces.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

2020/20461 – Pre-application for first floor extensions and other alterations to an existing bungalow (1, Penn Drive)

2006/95135 – Erection of extensions (4, Penn Drive) – Approved

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

5.1 No amendments were sought on this occasion, as the development is considered acceptable in its current form.

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).

The site is unallocated on the Kirklees Local Plan.

6.2 Kirklees Local Plan (KLP):

LP 1 – Achieving sustainable development

LP 2 – Placing shaping

LP 21 – Highway safety

LP 22 – Parking

LP 24 – Design

6.3 National Planning Policy Framework

Chapter 2 – Achieving sustainable development

Chapter 12 – Achieving well-designed places

7.0 PUBLIC/LOCAL RESPONSE:

7.1 This application was publicised by neighbour letter, which expired on 12-Mar-2021. Following this publicity, seven written representations were received from the occupants of the adjoining houses, who raised the issues below.

- There would be extensive noise and disruption from construction works.
- The extensions would be massive and out of proportion to the street scene.
- The proposal would not comply with the House Extensions and Alterations Supplementary Planning Document (SPD).
- This development, if permitted, would result in the loss of a bungalow, and would therefore affect the housing mix of this neighbourhood.

- The privacy of the neighbouring occupiers would be prejudiced by the extensions.
- This development would make it more difficult for elderly people and disabled people to find appropriate accessible homes.

8.0 CONSULTATION RESPONSE:

8.1 No formal consultations required for this application.

9.0 MAIN ISSUES

- Principle of development
- Impact on visual amenity
- Impact on residential amenity
- Impact on highway safety and parking
- 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. These considerations, along with others, are addressed in the following sections of this report.

Impact on visual amenity

10.2 The proposal is for extensions and alterations to create a chalet bungalow. The enlarged bungalow would be 1.2m higher than the existing one. The width would increase from 6.8m to 7.8m. The flat roof garage would be demolished and replaced by a dual-pitched roof extension with a garage on the ground floor and a gaming room on the first floor.

10.3 The scale of development could be supported in terms of visual amenity because there is already a variety of house types in this neighbourhood including two storey detached houses, detached bungalow, and semi-detached chalet bungalow. The enlarged house would not appear overly dominating and incongruous in this local context.

10.4 The ridge of the existing building would only be raised by approximately 1.2m. This would be insignificant compared to the height of the building on site and those immediately adjacent at nos.2, 3, and 4 Penn Drive. Furthermore, given no.1 is set at a lower land level than no.3, the development concerned is unlikely to disrupt the established roof line along Penn Drive.

- 10.5 When assessing the appropriateness of first floor extensions, careful consideration should be given to paragraph 118(e) of the NPPF, which stipulates that planning decisions should support opportunities to use the airspace above existing residential premises for new homes, where proposals would be consistent with the prevailing height and form of neighbouring properties and the overall street-scene. In addition, the recent changes to the GPDO mean that a first-floor extension to a bungalow could potentially be permitted without the need to apply for planning permission.
- 10.6 Officers' attention has also been drawn to section 5.7 of the emerging House Extensions and Alterations SPD. Paragraph 5.22 of this SPD provides that "increasing the height of the property by amending the roof pitch or eaves height will significantly affect the character and proportions of the building and will impact on the surrounding street scene and is usually not acceptable where the roof pitches and heights in the street scene are consistent."
- 10.7 On this occasion, as already set out in paragraphs 10.3 and 10.4, the height and roof pitch of the houses on Penn Drive vary considerably and, therefore, to permit this proposal does not conflict with paragraph 118(e) of the NPPF and paragraph 5.22 of the draft SPD. Furthermore, if a first floor extension is to be erected pursuant to Class AA of Part 1 of Schedule 2 of the GPDO, the visual impact arising from such an extension could have been much greater than that of the development under consideration. Consequently, the proposal is, on balance, acceptable in size.
- 10.8 The facing and roofing materials are to match those used in the construction of the existing bungalow. As such, no issues would arise from the selected materials of construction. The enlarged bungalow would have a dual pitched roof as existing. The proposed side extension would enhance the overall appearance of the main house through adopting a more sympathetic design.
- 10.9 As well as the above, given the existing houses in this locality are all slightly different in form and design, the proposed extensions and alterations would not detract from the character their surroundings, nor would they prejudice the street-scene of Penn Drive. The proposed design would be satisfactory in this regard.
- 10.10 In summary, despite the concerns raised in the written representation received, the above assessment demonstrates the proposal would be appropriate in scale, design, and appearance. It would not adversely affect the overall appearance of the existing house, nor would it prejudice the local character and the street-scene of Penn Drive. Thus, this development accords with policy LP24 of the KLP, and chapter 11 and 12 of the NPPF.

Impact on residential amenity (including noise and disturbance)

- 10.11 The development in question would increase the bulk of the existing house. Due to its proximity of the neighbouring house at 3 Penn Drive, it would have the potential of affecting the living conditions of these neighbours by way of overshadowing and overbearing impacts. The impact on residential amenity is addressed as follows.

- 10.12 3 Penn Drive is a similarly designed detached bungalow to the south-western aspect of the application site, with its gable wall fronting the road. The first-floor extensions would be directly adjacent to the site boundary but would not give rise to significant overshadowing and overbearing impacts upon these neighbours. This is because the roof would only be raised from its current level by 1.2m. On the opposite side of the site boundary is the flat roof garage of 3 Penn Drive, which means that the potential of overshadowing and overbearing impacts on its residents would be minimal. There would be no additional windows in the side elevation facing this adjoining site. As such, the privacy of the neighbours concerned would continue to be preserved as existing.
- 10.13 In addition to 3 Penn Drive, the occupants of 129 Quaker Lane could be affected by the first-floor extensions and alterations as well, despite to less extent than no.3. This house is a detached chalet bungalow to the north-eastern aspect of the application site. There is an electricity substation between these two houses. The first-floor extensions and other alterations would create a habitable room in the attic with a window in the gable wall facing towards the garden of this adjacent house. However, the likelihood of overlooking impact would be minimised by the separation distance between the proposed development and the house at this neighbouring site. It would also satisfactorily mitigate the overshadowing and overbearing impacts potentially arising from this development. On this basis, it is considered that the living conditions of these neighbours would be conserved.
- 10.14 To the rear of the application site is a two-storey detached dwelling known as 98 Hightown Road. Its rear garden might be visible from the bedroom window on the first floor of the enlarged house. However, it is acknowledged that the host building already has several habitable room windows in this elevation and, hence, the proposed development is unlikely to cause a greater impact on the privacy of these neighbours than the current situation. The ridge of the existing house would only be elevated by approximately a metre from the existing level. There would be no changes to the separation distance between the two buildings in question. As such, there would be no additional overshadowing and overbearing impacts on the occupants of this adjoining house.
- 10.15 For the same reasons given in relation to 98 Hightown Road, the bungalow on the other side of the road at 2 Penn Drive would not be adversely affected by the development under consideration. No other houses in the vicinity of the site would be unduly prejudiced in terms of residential amenity.
- 10.16 In short, it is considered that the proposal would establish an appropriate relationship with the surrounding buildings that it would preserve the living conditions of the occupants of the houses nearby. Consequently, it could be supported from a residential amenity perspective, in line with policy LP24(c) of the KLP.

Impact on highway safety

- 10.17 The proposal would intensify the residential use of the existing building, but it would not affect the parking arrangement of the site. There would remain an appropriate level of parking provision available to the occupants of this house, in line with the Highways Design Guide SPD and policy LP22 of the KLP.

- 10.18 The enlarged house would be occupied by one household as existing. Hence, the development concerned would not give rise to a material increase in traffic generation that would prejudice highway safety. It would be consistent with policy LP21 of the KLP and acceptable in highway safety terms.

Other matters

Climate emergency

- 10.19 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.
- 10.20 The proposal is a small-scale domestic development to an existing dwelling. As such, no specific measures are required in terms of this development with regards to carbon emissions. However, there are controls in place in terms of Building Regulations, which will need to be adhered to as part of the subsequent construction process, which will require compliance with national standards.
- 10.21 There are no other matters considered relevant to the determination of this application.

Representations

- 10.22 Seven written representations were received from the occupants of the adjoining houses following the statutory publicity. The issues below were raised these representations.
- There would be extensive noise and disruption from construction works.
Response: The noise and disruption resulting from construction works are temporary and, therefore, not considered to cause a permanent adverse impact on the living conditions of the neighbours.
 - The extensions would be massive and out of proportion to the street scene.
Response: This concern has been addressed in the visual amenity section.
 - The proposal would not comply with the House Extensions and Alterations Supplementary Planning Document (SPD).
Response: The proposal is considered appropriate in view of the site-specific circumstances.
 - This development, if permitted, would result in the loss of a bungalow, and would therefore affect the housing mix of this neighbourhood.
Response: The consideration of house type and mix is not directly relevant to the assessment of the current scheme, which is for the erection of extensions only.

- The privacy of the neighbouring occupiers would be prejudiced by the extensions.
Response: The impact has been considered in this residential amenity section.
- This development would make it more difficult for elderly people and disabled people to find appropriate accessible homes.
Response: The enlarged dwelling would remain as a (chalet) bungalow with two bedrooms provided on each floor.

11.0 CONCLUSION

- 11.1 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.
- 11.2 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.

Conditions

1. Timeframe of 3 years for implementing the development.
2. In accordance with the submitted plans.
3. Facing and roofing materials to match the existing building.
4. Areas for parking be surfaced and drained prior to occupation.

Background Papers:

Application web link:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021/90302>

Certificate of Ownership: Certificate A signed and dated 25-01-2021.