
Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 17-Aug-2017

**Subject: Planning Application 2017/92147 Erection of single storey extension
7, Woodfield Avenue, Staincliffe, Batley, WF17 7EA**

APPLICANT

G Hussain

DATE VALID

22-Jun-2017

TARGET DATE

17-Aug-2017

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:
Batley West Ward**

No

Ward Members consulted
(referred to in report)

RECOMMENDATION:

REFUSE

1. The proposed extension to the rear of no. 7 Woodfield Avenue, when considered cumulatively with the existing extension, would have a detrimental impact on the residential amenities of the occupants of the adjoining no.5 Woodfield Avenue. To permit the extension would be contrary to Policies D2 and BE14 of the Kirklees Unitary Development Plan and advice within the National Planning Policy Framework. As well as the aims of the National Planning Policy Framework which states that planning should “*always seem to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*” (paragraph 17).

1.0 INTRODUCTION:

1.1 The application is brought to the Heavy Woollen Planning Sub- Committee at the request of Councillor Gwen Lowe for the following reason:

“I would request that the application is considered by members, with a site visit, to better appreciate the planning application. Whilst I understand that there are some concerns of the scale of the proposed rear extension in addition an existing extension to the rear of the dwelling, I hope that members of the committee would give additional and sympathetic consideration to the needs of the disabled resident. It cannot be easy for the disabled resident, or the family, to be confined to one small room. As such the additional accommodation proposed, to allow access to the kitchen in the wheel chair as well as having a wet room large enough for family members to help with bathing and use the toilet, would have a huge impact on the quality of life for the disabled resident and the other members of the family. Also whilst I appreciate that normally ground floor extensions for disability would normally be considered in terms of facilities for sleeping and bathing, the additional space proposed within the kitchen would also allow the disabled resident to join in with the family more instead of the disabled resident being isolated in the small bedroom.”

1.2 Cllr Lowe has requested a site visit for the members to gain a better understanding of the site.

1.3 The Chair of the Sub-Committee has confirmed that Cllr Lowe’s reason for making this request is valid having regard to the Councillors’ protocol for planning committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 No. 7 Woodfield Avenue, Staincliffe, Batley is a red brick mid terraced property with an existing porch and enclosed yard area to the front; a shared passageway between the host property and the adjoining no.9 Woodfield Avenue to the side; and existing single and two storey extensions to the rear, along with an enclosed rear yard. There are solar panels on the front roof plane.
- 2.2 The surrounding properties are similarly aged residential properties with some degree of variety in terms of extensions and alterations.

3.0 PROPOSAL:

- 3.1 The applicant is seeking permission for the erection of a single storey rear extension. The extension would project a further 3m from the existing 3m two storey rear extension and 1m from the existing 5m single storey element. The extension would extend across the full width of the dwelling and would have a lean to roof form.
- 3.2 The extension would increase the floor area of the existing kitchen (from 3m by 4.4m to 6m by 4.4m). The bedroom would retain the existing footprint; a lobby area would be created (measuring 1.6m by 2.7m) and the bathroom would alter from the existing 1.15m by 2.9m to 2.6m by 1.3m.
- 3.3 The plans also show ramped access being formed into the rear of the property.
- 3.4 The walls of the extension are proposed to be constructed using red brick with tiles for the roof covering.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2006/91981 – permission was granted for a porch to the front and single and two storey extensions to the rear of the property. The two storey rear extension had a projection of 3m which was in line with policy and an additional 2m part width single storey was approved to provide ground floor bedroom and bathing facilities of a disabled resident.
- 4.2 2016/94228 – permission was refused for a single storey extension to the rear as the cumulative bulk and massing of the proposed extension in addition to the existing extension would result in an overbearing and oppressive impact in terms of the amenities of the occupiers of the adjoining 5 Woodfield Avenue.
- 4.3 2017/91337 – the applicant submitted a larger home notification. This application was disqualified as it did not meet the criteria of permitted development in terms of its height.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The officer met with the applicant and Cllr Lowe in May 2017 to discuss if any scheme for further extending the property could be supported. The officer discussed the additional space the applicant is trying to achieve and why the

applicant had proposed to increase projection and layout. The Officer explained to the applicant and Cllr Lowe that without the support of the Accessible Homes Team, specifically stating that there is no other way to meet the need of the disabled resident, the proposal would have to be assessed against UDP policy. Advice by officers was that the scheme could not be supported. It was agreed that the officer would discuss with the Accessible Homes Team to see if they would be able to support the application.

5.2 The officer spoke with the Accessible Homes team, who was aware of the disabled resident and the history of the previous applications. They had assessed the needs of the disabled resident last year and they would have met the needs of the client within the existing footprint of the property.

5.3 A response was provided after the meeting and discussions with the Accessible Homes team to the effect that officers would not be able to support any further extension in terms of planning policy and the officer outlined a number of options to Cllr Lowe on 10/05/2017, Cllr Pandor on 16/06/2017 and the applicant on 17/05/2017 as follows:-

1. The applicant appeals the existing refusal (2016/94228) through the Planning Inspectorate – this would need to be started before July 2017 as applicants only have 12 weeks from the issue of the decision to start an appeal;
2. The applicant submits the proposals again and ward councillors request the application is determined by the Planning Committee.

5.4 The officer also advised the applicant of a possible alternative to gain some additional floor space by infilling the area to the side of the existing extension. The applicant did not wish to pursue the suggested option because it would involve the remodelling of the interior of the property.

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 weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. 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 (2012), these may be given increased weight. At this stage Officers consider considerable weight can be afforded to the Publication Draft Local Plan. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

- 6.2 The land is without allocation/designation within the UDP and the Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 **D2** – Unallocated Land
BE1 – Design principles
BE2 – Quality of design
BE13 – Extensions to dwellings (design principles)
BE14 – Extensions to dwellings (scale)
T19 – car parking

National Planning Guidance:

- 6.3 **Chapter 7** – Requiring good design

Kirklees Publication Draft Local Plan: Submitted for examination April 2017 (PDLP)

- 6.4 **PLP1** – Presumption in favour of sustainable development
PLP2 – Place shaping
PLP21 – Highway safety and access
PLP24 – Design

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 As a result of publicity, no response has been received from neighbouring residents.
- 7.2 Representations of support have been received from Cllr Gwen Lowe (set out in paragraph 1.1 of this report), Cllr Shabir Pandor, and Tracy Brabin MP.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

None

8.2 **Non-statutory:**

K.C. Accessible Homes Team – Aware of the disabled need and would offset the cost of works. However, they consider the needs could be met within the existing footprint of the building.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 The site is unallocated within the Unitary Development Plan. As such, development can be supported providing the proposal does not prejudice the avoidance of overdevelopment, highway safety, residential amenity, visual amenity and the character of the surrounding area in line with the requirements of policy D2 (specific policy for development on unallocated land).

Visual Amenity

- 10.2 The properties on Woodfield Avenue are similarly aged properties which would have been originally alike in design and scale. However, a number of the properties in the area have been extended and altered including the host property. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.
- 10.3 The property does have a single storey porch to the front and single and two storey extensions to the rear. The proposals now under consideration would increase the development to the rear of the property. However, as the property has a long rear yard area, much of which would be retained, together with a paved front garden, the proposals are not considered to represent overdevelopment of the property.
- 10.4 Furthermore, given the position of the extension to the rear of the dwelling there would be limited views of the property in the wider area, mainly from the gardens of the neighbouring properties. The materials proposed would be to match the main house and the fenestration detail would be acceptable in terms of the domestic character of the host property.
- 10.5 Having taken the above into account, the proposed extension would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policies D2, BE1, BE13 and BE14 of the UDP and the aims of chapter 7 of the NPPF.

Residential Amenity

- 10.6 The property to the rear, no.30 Woodsome Estate occupies a position some 23m to the rear of the proposed extension and at a considerably lower level. Given the single storey nature of the extension, together with the separation distance between the properties and the land level difference, there would be no significant harm caused to the amenities of the occupiers of the neighbouring no.30 Woodsome Estate.
- 10.7 The adjoining neighbour to the west, no.9 Woodfield Avenue shares an outbuilding with the host property, which would mitigate the impact of the proposed single storey extension. The extension would therefore not cause any significant harm to the amenities of the occupiers of this property.

- 10.8 The adjoining property to the east, no.5 Woodfield Avenue does have a current planning permission to build an extension which would project 5m on the ground floor. However, at the time of the site visit, work had not been commenced on the approved extension. It is therefore considered by officers that, although there is a live permission for the adjoining no.5 Woodfield Avenue, this is afforded minimal weight at present because it has not been implemented.
- 10.9 The extension would increase the bulk and massing along the common boundary which would have a significant overbearing and oppressive impact. If the neighbour were to implement their permission, the impact would be mitigated to a modest degree. However, the proposed extension to the rear of the host property would still extend further out than the neighbour's property. It is considered that the harm caused with such an extension is unacceptable and the scheme does not therefore comply with policy.
- 10.10 Having considered the above factors, the proposals are considered to result in an overbearing and oppressive impact upon the residential amenity of the adjoining no.5 Woodfield Avenue. As such the proposal fails to comply with policies D2, BE1 and BE14 of the UDP, as well as paragraph 17 of the NPPF which states that planning should "*always seem to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*".

Highway issues

- 10.11 The proposals will result in some intensification of the domestic use. However the parking area to the front of the property would not be affected by the proposed extension and is considered to provide a sufficient provision. The scheme would not represent any additional harm in terms of highway safety and efficiency, complying with policies D2, T10 and T19 of the UDP.

Representations

- 10.12 Representations have been received from Local MP Tracy Brabin and Local Councillor's Gwen Lowe and Shabir Pandor which support the proposed extension in terms of the benefits for the disabled resident. Tracey Brabin MP and Cllr Lowe have both expressed their opinion that the proposals represent a holistic approach to improving the facilities for the disabled resident and allowing for integration for the family as a whole. Cllr Shabir Pandor also supports the proposal in terms of enabling the disabled resident to have a better quality of life.

Other matters

- 10.13 A member of the family has physical disabilities with very limited mobility. The resident has been assessed by the appropriate professionals and it has been confirmed that there is a need for further adaptations to be made to the family home.

- 10.14 Members are advised that it is not unusual for larger extensions than would usually be permitted to be granted planning permission when taking account of the special circumstances of an applicant, particularly when disability and mobility issues of the occupiers are the driver behind requiring a larger extension than planning policy would normally allow. This approach is consistent with the requirements of Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".
- 10.15 The accommodation proposed within this application will retain the existing ground floor bedroom; alter the existing bathing facilities for the disabled member of the family by re-positioning the shower room and increasing the width 0.15m and the formation of a lobby area. It is also the intention of the applicant to increase the size of the kitchen and install a ramp to the back of the property.
- 10.16 Therefore consultation has been carried out with the Council's Accessible Homes team who confirmed that they are aware of the family and the nature of the disabled resident's needs. As part of their consultation response, the Accessible Homes Team have responded that although they can see the benefits in the proposal in terms of the bathroom, they could provide for the needs of the client within the footprint of the existing dwelling. The Accessible Homes Team are not supporting the proposal as the only option to provide the required facilities in this case. Therefore, there is insufficient weight regarding this issue to override the concerns relating to the impact on the amenities of the occupants of the adjoining property.
- 10.17 Officers have suggested an alternative scheme in terms of infilling the area to the side of the single storey extension away from the shared boundary with the adjoining property, no.5 Woodfield Avenue. Although this would bring the extension closer to the other adjoining neighbour at no.9 Woodfield Avenue, there is an existing outbuilding which would screen much of the extension. The applicant has considered this suggestion however the applicant considers that the significant changes required in terms of the internal arrangements would result in unacceptable financial hardship to the family.

11.0 CONCLUSION

- 11.1 This application to erect a single storey extension to the rear of no.7 Woodfield Avenue 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 proposed rear extension, due to the excessive 6m projection when considered with the existing extension, together with its position close to the common boundary with the adjoining no.5 Woodfield Avenue, would form an oppressive and overbearing relationship in terms of the amenities of the occupiers of the adjoining property. As such it would be detrimental to residential amenity and contrary to policies D2 and BE14 of the Kirklees UDP and guidance given in the NPPF.

11.3 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. It is considered that the development proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration. Recommendation is therefore to refuse the application.

Background Papers:

Application and history files:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2006%2f919811>

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f942288>

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f913377>

Certificate of Ownership – Certificate B completed with notice served on: *Rehana Hussain, 5 Woodfield Avenue*