
Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 17-Aug-2017

Subject: Planning Application 2017/91660 Erection of single and two storey rear extension 28, Lower Lane, Gomersal, Cleckheaton, BD19 4HZ

APPLICANT

Ms Jude McKaig

DATE VALID

15-May-2017

TARGET DATE

10-Jul-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:
Liversedge and Gomersal Ward**

No

Ward Members consulted
(referred to in report)

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 reported to the Heavy Woollen Planning Sub-Committee following a request from Cllr Michelle Grainger-Mead who states:

"I have been alerted by some residents, that following on from your recent approval of the one storey 6m extension, that was met with objections, there has now been a further application for a second storey extension at the same property. The residents are concerned about the impact this extension would have on their property. They feel that this extension would completely over shadow not only their garden but also the house making the whole area dark. I believe there may be a TPO in place or if not, I believe residents were trying to ensure that there was one put in place, as there are some large, mature trees that if felled would severely affect the Streetscene in that area, if the application were to go ahead. Please could I ask you to seriously consider the consequences of this development on the residents next door. If Planning decided to progress this application for approval, could I request that it was brought to Heavy Woollen Planning Committee with a request for a site visit, for further consideration by the committee".

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

1.3 The Chair of the Sub-Committee has confirmed that Cllr Grainger-Mead'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 28 Lower Lane, Gomersal is a semi-detached stone built dwelling with accommodation over 3 floors. The main front door into the property is located in an elevated position from the road level. The dwelling has a very small garden to the front, drive to the side and tiered garden to the rear.

- 2.2 There are mature trees along part of the rear boundary between the host property and the land to the rear which consists of open fields. The adjoining property is similar in appearance to the host property and there are other residential properties to the front and side with some variety in terms of age and style.

3.0 PROPOSAL:

- 3.1 The applicant is seeking permission for the erection of a single and two storey extension to the rear of the dwelling.
- 3.2 The extension would extend across the width of the dwelling, would project out 6m from the ground floor and 3m from the first floor of the original rear elevation of the dwelling. Both elements would have a perpendicular roof forms.
- 3.3 The walls of the extension are proposed to be stone on the south side elevation and the rear and north side elevation would be finished with render and the roof would be covered with roof tiles.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2006/94583 – change of use from 1 dwelling into 2 dwellings – granted and implemented.
- 4.2 2016/93975 – erection of two storey rear extension – refused by reason of its excessive projection at 7.3m.
- 4.3 2017/90932 – larger home notification for 6m single storey rear extension – granted.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The mature trees surrounding the site were issued with a tree preservation order (TPO) during the course of this application. As a result of this, the proposal was amended to retain the existing parking provision instead of providing a new parking area.

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 on the UDP proposals map 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)
T10 – Highway safety
T19 – car parking
NE9 – Mature Trees

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, 3 letters of objection have been received. The issues raised are summarised below:

- Harm to the established trees.
- Potential for increased traffic.
- The extension would have an overbearing impact on the adjoining property.
- Overshadowing of the dining kitchen window and the rear amenity space of the adjoining property.
- The works would have the potential to de-stabilise the land.
- The extension would represent overdevelopment of the site.
- The use of render would be incongruous within the wider area.
- Concerns regarding the impact on shared facilities, such as the chimney.
- Impact on drainage.
- The occupiers of the adjoining property would not allow the applicant access to their land during construction.
- De-valuation of the neighbour's property.
- The incremental method of application with a refusal then a larger home notification and this application is of concern to the adjoining neighbour.
- The lack of consultation between the applicant and the adjoining neighbour while the other neighbours have been consulted has upset the adjoining neighbour.

- 7.2 Cllr Grainger-Mead has also submitted comments, as outlined in paragraph 1.1 of this report.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

None necessary

8.2 Non-statutory:

K.C. Arboricultural officer – Support the scheme as the proposal has been redesigned to retain the trees. The extensions can be achieved without damage to the protected trees.

9.0 MAIN ISSUES

- Principle of development
- Visual Amenity
- Mature / protected trees
- 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 proposals map. 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 of the UDP (specific policy for development on unallocated land).

Visual Amenity

- 10.2 The properties on Lower Lane are residential although there is some diversity in terms of age and style. There are true bungalows and chalet style bungalows on Willow Close with a mix of stone and render. There are modern red brick properties on the opposite side of Lower Lane along with traditional cottages with a mix of stone and painted finishes. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.
- 10.3 The rear of the property does have an unusual level of prominence given its orientation with the road. It is accepted by officers that there would be potential for views of the proposed extension on the western approach along Lower Lane.
- 10.4 However, although the projection of the ground floor would 6m, which is more than would normally be supported in terms of policy BE14 of the UDP, this element of the proposal has already been agreed through the larger home notification procedure (reference 2017/90932).

- 10.5 It should be noted that the raised land to the rear of the dwelling would be excavated to accommodate the ground floor, therefore minimising the visual impact of the extension to a degree.
- 10.6 The first floor would have a projection of 3m, which is in line with policy BE14 of the UDP. It should be acknowledged that there has been a previous scheme for a two storey extension refused on this site however, the previously refused scheme projecting in excess of 7m at both ground and first floor level. This scheme now proposes the first floor element to project 3.0m. As such, officers are satisfied that this scheme addresses the previous concerns regarding bulk and massing.
- 10.7 The host property is a three storey dwelling and therefore the height of the proposed extension is limited and would be in line with the first floor of the property. The second floor of the host property would be retained as existing. The scale of the extension is therefore considered to be acceptable, relative to the size of the host property and its associated curtilage.
- 10.8 The extension is proposed to be constructed using stone for the side elevation which will face towards Lower Lane, similar in appearance to the stone used in the existing dwelling. This would aid the proposed extension in forming an appropriate relationship with the host property, particularly given the side wall of the extension would be a continuation of the main side wall of the dwelling.
- 10.9 The rear elevation and the opposite side elevation, which would face towards the garden of the neighbouring 26 Lower Lane, are proposed to have a render finish. This is, on balance, considered to be acceptable in forming an appropriate contrast with the main property. Furthermore, the surrounding properties have a diverse pallet of materials, including stone, brick and render. The proposed extension is not considered to form an incongruous or out of keeping feature within the area.
- 10.10 In addition to the above, the design of the roofs proposed over the ground and first floor extensions are considered to form an appropriate relationship with the main house, as are the window openings in terms of their proportion and position.
- 10.11 For the reasons outlined above, the proposed extensions are considered to be acceptable in terms of visual amenity and would accord with the aims of Policies D2, BE1, BE2, BE13, and BE14 of the UDP as well as chapter 7 of the NPPF.

Mature / protected trees

- 10.12 The initially submitted plans showed the existing parking area being altered to form a garden and a new parking area being formed. The new parking area would have requiring the removal of two mature trees. However, the trees along both sides of the boundary have now been served with Tree Preservation Orders (TPO's) (*subject to confirmation by the Council*).

- 10.13 The proposed site plan has since been amended to retain the existing parking in its current position. Furthermore, the position of the proposed extension relative to the now protected trees is such that the continued vitality of the trees would not be compromised because a sufficient separation distance would be retained.
- 10.14 Taking the above into account, and following consultation with the Council's Arboricultural officer, there are no significant concerns regarding the impact of the development on the protected trees. The proposals are therefore considered to comply with the aims of Policy NE9 of the UDP.

Residential Amenity

- 10.15 There are no properties to the rear of the dwelling which would be affected by the proposed extension.
- 10.16 The neighbouring properties to the south side, nos.13 and 15 Lower Lane are positioned at an angle to the host property on the opposite side of the road. Given the orientation of the dwellings together with the separation provided by both the land to the side of the host property and the road itself, there would be no undue harm caused to the amenities of the occupiers of these neighbouring properties.
- 10.17 The extension would be built along the common boundary with the adjoining no.26 Lower Lane. The adjoining property does have a modest patio area, external door, and a very small second floor window adjacent to the common boundary. Taking the above into account, there is potential for the proposed extension to cause an overbearing and oppressive impact as well as some overshadowing in the later afternoon.
- 10.18 The previous application was submitted for a two storey extension with a projection of 7.5m. The application was refused on the grounds of the impact on the amenities of the occupiers of the adjoining property.
- 10.19 The current proposals include a ground floor extension with a projection of 6m, which is still significantly greater than would normally be supported in terms of policy BE14 of the UDP. However, as previously set out, the ground floor has already been agreed via the larger home notification procedure.
- 10.20 The first floor has been reduced significantly since the previously refused application and is now proposed to have a projection of 3m. This is in line with policy BE14 of the UDP. It is acknowledged that there would still be some impact on the amenities of the occupiers of the adjoining property however, the impact is minimised with the 3m projection together with the limited height of the extension. Furthermore, the proposal would incorporate a pitched roof form which would take the vertical emphasis up and away from this neighbouring property.
- 10.21 For the reasons outlined above, the proposed extensions are considered to be acceptable in terms of residential amenity and would comply with the aims of Policies D2, BE1, BE2, and BE14 of the UDP as well as the NPPF.

Highway issues

- 10.22 The proposed extensions would represent an intensification of the domestic use at the site. However, the level of additional accommodation is not significant and would not warrant the formation of additional off-street car parking spaces over and above the existing capacity.
- 10.23 The proposed plans show the retention of the parking area which has the capacity to host two vehicles off road. 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

- 10.24 Concerns relating to visual amenity, residential amenity and highway safety have been addressed in the relevant sections of the report above but are highlighted here, together with other issues raised, along with the response of officers.
- Harm to the established trees.
Response: this is a material consideration and has been addressed within paragraphs 10.12 – 10.14 of the main report.
 - Potential for increased traffic.
Response: this is a material consideration and has been addressed within paragraph 10.22 – 10.23 of the main report.
 - The extension would have an overbearing impact on the adjoining property.
Response: this is a material consideration and has been addressed within paragraphs 10.17 – 10.20 of the main report.
 - Overshadowing of the dining kitchen window and the rear amenity space of the adjoining property.
Response: this is a material consideration and has been addressed within paragraphs 10.17 – 10.20 of the main report.
 - The works would have the potential to destabilise the land.
Response: paragraph 120 of the NPPF states that, “where a site is affected by [contamination or] land stability issues, responsibility for securing a safe development rests with the developer and/or landowner”.
 - The extension would represent overdevelopment of the site.
Response: this is a material consideration and has been addressed within paragraph 10.7 of the main report.
 - The use of render would be incongruous within the wider area.
Response: this is a material consideration and has been addressed within paragraphs 10.8 – 10.9 of the main report.
 - Concerns regarding the impact on shared facilities, such as the chimney.
Response: this is not a material consideration. The granting of a planning application does not override any private legal matters, such as land ownership, which is covered under civil legislation.

- Impact on drainage.
Response: due to the scale and nature of the proposal, along with the location of the site, consultation is not required to be carried out with the Council's Strategic Drainage section, Yorkshire Water, or the Environment Agency. Furthermore, as part of any subsequent application for Building Regulations, the applicant would need to show adequate drainage systems etc to serve the property.
- The occupiers of the adjoining property would not allow the applicant access to their land during construction.
Response: this is not a material consideration as it relates to ownership which is covered under civil legislation. A note can be added to the decision notice if the application is approved to reinforce the applicant's awareness that the grant of planning permission does not override the neighbour's rights regarding access over their property.
- Devaluation of the neighbour's property.
Response: this is not a material consideration.
- The incremental method of application with a refusal then a larger home notification and this application is of concern to the adjoining neighbour.
Response: this is not a material consideration. The procedures which have been used by the applicant are available as part of the planning process.
- The lack of consultation between the applicant and the adjoining neighbour while the other neighbours have been consulted has upset the adjoining neighbour.
Response: this is not a material consideration. Although it is good practise, there is no statutory duty for the applicant to consult with their neighbours prior to submitting a planning application.

Other Matters

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

11.0 CONCLUSION

11.1 This application is for single and two storey extensions to the rear of 28 Lower Lane 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.

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

1. Time limit (3 years) for implementation of development.
2. Development to be carried out in accordance with the approved plans and information.
3. The external walls on the south western elevation of the extension to be faced in natural stone to match that used on the host dwelling.
4. The render finish on the west and north elevation shall be painted with a cream colour or equivalent to standard colour code RAL1013 (oyster white).
5. Removal of permitted development rights for the insertion of any windows/openings in the side elevation of the extensions facing towards no. 26 Lower Lane.

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2F90932>

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2F93975>

Certificate of Ownership – Certificate A signed by Ms Jude McKaig and dated 23/11/2016.