
Report of the Head of Strategic Investment**HEAVY WOOLLEN PLANNING SUB-COMMITTEE****Date: 12-Jul-2018****Subject: Planning Application 2018/90390 Erection of extensions, creation of first floor terrace and external alterations 11, Hollybank Avenue, Upper Batley, Batley, WF17 0AQ****APPLICANT**

Amina Laher

DATE VALID

05-Feb-2018

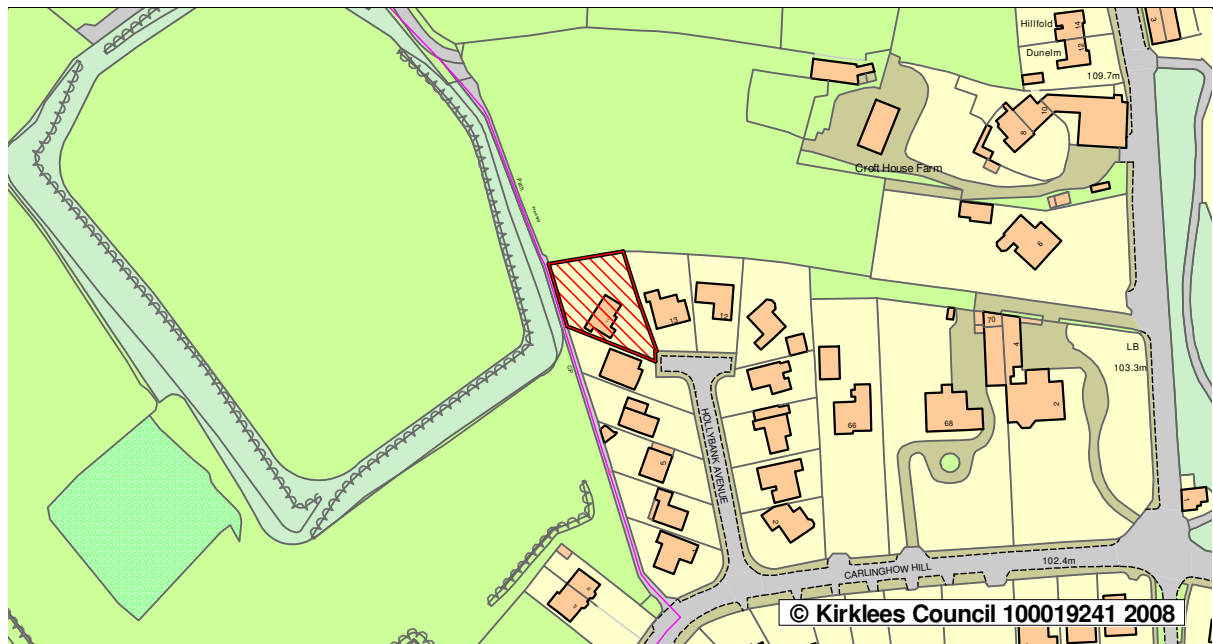
TARGET DATE

02-Apr-2018

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 East

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 The application is brought to the Heavy Woollen Planning Sub-Committee in accordance with the Council's Scheme of Delegation as a significant number of representations have been received. This is in agreement with the Chair of the Sub-Committee.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application relates to no. 11, Hollybank Avenue, Upper Batley; a two storey detached property located at the north western end of the residential cul-de-sac of Hollybank Avenue. The front elevation of the property is orientated towards Hollybank Avenue and a driveway provides vehicular access to the site and access into the projecting integral garage. The dwelling has a dual pitched roof, a balcony to the front elevation, a small porch projecting from the western side elevation and patio doors to the rear elevation. The front wall of the projecting garage ties into the roof plane of the property. There is garden space to the front, side and rear. Hedging forms the boundary treatment. Materials for the external walls are a mixture of brick, stone, render and timber cladding with concrete tiles for the roof.
- 2.2 The application property is set back and slightly elevated in relation to the adjacent residential properties, nos. 9 and 13, Hollybank Avenue; these properties adjoin the shared site boundaries. To the north of the application site is a field used for grazing. There is a Public Right of Way running to the rear of the site. The application does not fall within the Upper Batley Conservation Area but is within close proximity to its boundary.

3.0 PROPOSAL:

3.1 Planning permission is sought for the erection of extensions and alterations to the application property. These are outlined below.

- Single storey and two storey rear extensions and rear dormer
 - The single storey element would project 5.2m from the rear elevation with a canopy projecting a further 1.5m. The two storey element would be attached to the rear elevation of the existing dwelling. Part of the roof of the single storey extension would be used as a roof terrace. Privacy screens are proposed.
 - The dormer would be located on the existing roof plane and would be flat roofed, containing glazed openings
- Single storey side extension to western side elevation and demolition of existing porch
 - This would project 950mm to widen the garage and 1.5m further along in the location of the existing porch and forward of this to provide an extended utility space
- Single storey side extension to eastern side elevation
 - This would extend 5m to the side elevation of the property and align with the rear elevation of the proposed rear extension.
- Increase in ridge height to facilitate the conversion of the roof space to living space by 1.1m
- Extensions to front of property with inset balcony and front dormer
 - The existing projecting garage element would extend 500mm forward of its existing front elevation and the front elevation would be constructed perpendicular to the ground level
 - The remainder of the front elevation would be extended 2.6m in front of the property at a two storey scale. This would contain an inset balcony and create a front projecting gable.
 - A dual pitched dormer would be constructed above the projecting garage element.
- External alterations include the introduction of a glazed entrance porch and the use of stone and render for the external walls.
- The plans also show the erection of boundary treatment and alterations to the driveway – these elements are not included in the description of development and could be carried out under permitted development

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 2017/93325 – Erection of extensions, creation of first floor terrace and external alterations on the application site – withdrawn
- 2001/92848 – Erection of 2 storey and dormer extensions at no.9, Hollybank Avenue – approved
- 89/05214 – Erection of 2 storey and single storey extension at no. 10, Hollybank Avenue – approved

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

5.1 The proposal under consideration has been amended in the following ways:

- Amendments to the design
- Amendments to the materials proposed
- Amendments to the scale and projection of extension to all elevations
- Indicative CGIs have been provided

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 Examination in Public began in October 2017. 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 of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

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
R13 – Public Rights of Way

Kirklees Publication Draft Local Plan

- 6.3 **PLP 1** – Presumption in favour of sustainable development
PLP 21 – Highway safety and access
PLP 23 – Walking and cycling routes
PLP24 – Design
PLP 35 – Historic Environment

National Planning Guidance:

- 6.4 **Core Planning Principles**
Chapter 7 – Requiring good design
Chapter 10 – Addressing the challenge of climate change, flooding and coastal change
Chapter 11 – Conserving and enhancing the natural environment
Chapter 12 – Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 As a result of the publicity process (which was based on the original plans and not the amended scheme under consideration), representations have been received from 27 interested parties. Of these representations, 20 are in objection, 6 are in support and 1 provided general comments. A second round of public consultation is currently underway; representations received will be reported and addressed in the update.

7.2 These can be summarised as follows:

7.3 Objections

- Concerns about scale
- Concerns out it being imposing and overbearing
- Concerns about overshadowing and loss of light
- Concerns about design and appearance of streetscene
- Overlooking/loss of privacy
- Separation distances reduced
- Members of public would like a committee decision
- Overdevelopment
- Concern about materials
- Concern about fencing
- Set precedent for other developments of this type
- Concerns about construction process
- Existing residents already experience access issues due to parking associated with the school
- Concern about loss of hedge and vegetation which is contrary to the application form
- Question about publicity process
- Concerns about noise and disturbance from on the terrace
- Concerns about red line boundary and encroachment onto neighbouring land
- Impacts upon services underground
- Concerns about outdoor lighting
- Poor drainage on the site
- Large amounts of glass could require air-conditioning which is bad for the environment
- Re-location of the kitchen could result in increased noise and smells on neighbouring property
- Views
- Impact on micro-environment
- Concerns that the plans are misleading
- Concern that the description of development is misleading
- Concern that the proposed development fails to comply with planning policy
- Concern due to application property being in an elevated position
- Comment about being in a conservation area

7.4 In support

- Scale is in-keeping
- Proposed enhances visual amenity and the appearance of the area
- Scheme is well designed
- No adverse impact on neighbours
- Better scheme has been submitted in comparison to the one that has been withdrawn
- Similar features within the streetscene such as dormers and balconies
- Properties need updating
- The design offers a modern twist to the property
- May increase house prices
- Could have positive impact in terms of reducing crime and burglaries
- Pleased that people are investing in the area

7.5 A further round of publicity is currently underway following receipt of amended plans. Any further response will be included and addressed in the update.

8.0 **CONSULTATION RESPONSES:**

8.1 **Statutory**

None

8.2 **Non-statutory:**

KC Highways Development Management: no objection

KC Conservation and Design: no objection in terms of setting of adjacent Conservation Area or streetscene

KC Arboricultural officer: no objection

KC Ecology: no objection

9.0 **MAIN ISSUES**

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Representations
- Other matters

10.0 **APPRAISAL**

Principle of development

10.1 The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. Visual amenity, residential amenity and highways safety will be assessed in this report.

- 10.2 The general principle of making alterations to a property is assessed against Policies BE1, BE2, BE13 and BE14 of the Unitary Development Plan, PLP 24 of the Publication Draft Local Plan and guidance within Chapter 7 of the National Planning Policy Framework regarding design. Highway safety and parking provision issues will be considered against policies T10 of the UDP and PLP 21 of the Publication Draft Local Plan. These policies require balanced considerations of impacts on visual and residential amenity, highway safety and other relevant material considerations.

Urban Design issues

- 10.3 The application property occupies a set-back position at the end of a cul-de-sac of Hollybank Avenue, although is visible within the streetscene.
- 10.4 The proposed extensions and alterations have undergone a series of amendments since the application was originally submitted. The design under consideration remains contemporary in appearance; although it is now considered that the design of the front elevation, which would be most visible within the streetscene can be supported. Officers are of the view that the correct balance between contemporary design and retaining the original character through retaining existing design elements has been achieved. Gable features and dormers are visible within the streetscene, as are balconies to the front elevations. The position of the dwelling (set back within the site) also assists in easing the visual impact that it would have.
- 10.5 Similarly, to the rear elevation of the property, the design has been amended to make it more sympathetic to the host property and surroundings than the previously proposed scheme. The two storey element has been re-orientated to have a rear facing gable, reflecting the existing roof form of the property. It is acknowledged again that the contemporary design is retained, however, it is not considered that this would harm visual amenity. Design along the eastern side elevation has also been reviewed in order to ease concerns; this involves a reduction in projection from the side, a set back from the front elevation and the two storey element being re-orientated and pushed to the back of the existing rear elevation meaning that it would not project from the side.
- 10.6 The scale of the extensions has been reduced since the submission of the original scheme. Whilst it is acknowledged that they remain large in scale, it is considered by officers that they would not represent overdevelopment of the site or appear out of character against the established urban grain. It is considered necessary to remove permitted development rights for the erection of any outbuildings within the curtilage of the application site. This will prevent any further development on the site outside of the remit of planning control.
- 10.7 Concern was raised during the course of the application in relation the timber cladding proposed on the external walls of the building. This has been removed and the proposed materials are now stone and render. It is considered that off-white or cream coloured render could be supported here and would harmonise well against the stone. Elements of stone and render cladding can be seen elsewhere within the streetscene and are therefore characteristic of the surrounding area.

- 10.8 Whilst the application site is close to the boundary of the Conservation Area, given the scale and nature of what is proposed and the separation from the boundary, it is considered that the proposed development would not impact upon the setting of the nearby Conservation Area.
- 10.9 In summary, the application is on balance considered acceptable by officers in relation the visual amenity and its impact on the streetscene. It is considered to comply with the aims of Policies D2, BE1, BE2, BE13 and BE14, as well as the aims of Policy PLP 24 of the Kirklees Publication Local Plan and the guidance of Chapter 7 of the NPPF.

Residential Amenity

- 10.10 The closest residential properties are nos. 9 and 14, Hollybank Avenue. The impact on the amenity of these neighbouring properties is assessed below.

9 Hollybank Avenue

- 10.11 No. 9, Hollybank Avenue is a detached property located to the south west of the application site. The application property is already positioned significantly further back from the road than this neighbouring property, meaning that the side elevation of the application property runs along the shared boundary with this neighbour. As such, the existing property already has a close relationship with No.9. In this context, the assessment will look at the additional impact caused by the proposed development over and above the existing situation.
- 10.12 The proposed development will mainly impact this neighbour in terms of the increase in ridge height, the alterations/extensions to the front of the property, the front and rear dormers and the single storey rear and side extensions.
- 10.13 The side extension would be small in scale and it is considered that this would not result in any material harm to the amenity of this neighbour. This element has been reduced in scale in order to ensure that all is within the red line boundary of the application site.
- 10.14 The increase in ridge height of around 1.1m would increase the massing of the property however it is considered that this would not result in significant harm over and above the existing situation.
- 10.15 There would be a degree of impact associated with the pitched roof dormer to the front elevation, however, this would be set in from the edge of the roof plane and the roof of the dormer would slope away from the boundary with No.9; these help to lessen the impact.
- 10.16 To the rear of the property, the extension closest to the boundary with No.9 would be single storey in scale, and given the current existing relationship it is considered that the proposed projection would not lead to significant harm. There is also vegetation screening at the end of the gardens which does assist in mitigating some of the impact.
- 10.17 The rear dormer would also contribute to an increase in the mass of the application property, but the impact on the neighbour is not considered to be significant from this element; this could also potentially be carried out as permitted development.

- 10.18 There are no concerns in respect of an overbearing or overshadowing impact from the two storey element due to the separation distance. In addition, Officers consider that there would be no loss of privacy from the terrace as it is set in from the boundary with No.9 and privacy screens would be installed. It is recommended that a condition is imposed requiring the screens to be retained in perpetuity. The openings in the side elevation could be required to be obscurely glazed (by condition) with the exception of the bedroom window which already exists. The proposed development would not unduly impact on the dormer to the roof plane of this neighbouring property due to the relationship that it has with the site.
- 10.19 In summary, whilst it is acknowledged that there would be harm to the amenity of this neighbouring property as a result of the proposals, it is considered that, on balance, the cumulative level of harm would not be severe enough to warrant refusal of the application given the existing relationship that exists.

14 Hollybank Avenue

- 10.20 No. 14, Hollybank Avenue is located to the east of the application site. This property will be impacted by the front extension, single storey side extension and the two storey rear extension. The impact on this property has been the main justification for seeking various amendments on the proposed development.
- 10.21 Firstly, the projecting front extension has been reduced in projection in order to ease the relationship with this neighbouring property. The side extension has also been reduced in projection and set back from the front elevation to reduce the impact on the window in the side elevation of No.14 which serves a dining room and is classed as a habitable room window. It is also noted that under permitted development, a large single storey extension to the side elevation of the application property could also be constructed outside of the remit of planning control.
- 10.22 The openings in the side elevation are proposed, however these would be obscurely glazed in order to prevent loss of privacy to the neighbouring property. This element can be controlled by condition in order to ensure that it is retained. Openings in the front elevation of this are also proposed; these would not be obscurely glazed; however this element is considered on balance to be acceptable, taking into account what could be constructed as permitted development.
- 10.23 Whilst it is noted that the two storey rear element would have a large projection, it is considered that the amended scheme would not have a significant detrimental impact on residential amenity in terms of overbearing, overshadowing or overlooking due to the orientation of the properties. This too has been subject to amendments; the two storey element now would not project from the side elevation of the property.
- 10.24 In terms of the front projection, this too has been reduced in scale to reduce the impact on the secondary bedroom window at first floor level and dining room window at ground floor level located within the side elevation of the neighbouring property. There are no properties immediately to the front or the rear.

- 10.25 Given the scale and nature of the proposed development, together with the relationship with existing properties, it is considered that there would be no other residential property close enough to be materially impacted. For the reasons set out above, the proposed development is considered on balance acceptable from a residential amenity perspective subject to the imposition of the aforementioned conditions. It is considered to comply with Policies D2 and BE1 of the UDP and Policy PLP 24 of the PDLP.

Highway Safety

- 10.26 The application proposes to increase the internal dimensions of the existing garage and increase the extent of hardstanding to the front of the application property. There would be adequate parking and turning at the application property to serve the extended dwelling and there are no concerns in terms of highway safety.
- 10.27 A condition will be imposed in relation to the surfacing of hardstanding areas to ensure that they are permeable.
- 10.28 The application is considered acceptable in relation to highway safety and compliant with Policy T10 of the UDP and Policy PLP 21 of the PDLP.

Representations

- 10.29 The representations received are summarised and responded to below.
- 10.30 In objection:
- Concerns about scale
Response: the scale has been addressed in the report and is considered acceptable for the reasons discussed above
 - Concerns about it being imposing and overbearing
Response: impact in relation to imposing and overbearing set out in the residential amenity section above
 - Concerns about overshadowing and loss of light
Response: impact in terms of this has been discussed in the residential amenity section of the report
 - Concerns about design and appearance of streetscene
Response: addressed in the visual amenity section of the report
 - Overlooking/loss of privacy
Response: discussed in the residential amenity section of the report
 - Separation distances reduced
Response: discussed in the residential amenity section of the report
 - Members of public would like a committee decision
Response: in line with the delegation agreement the application will be determined by the sub-committee due to the number of representations
 - Overdevelopment
Response: discussed in visual amenity section
 - Concern about materials
Response: the originally proposed areas of timber cladding have been removed. Areas of render and stone are visible within the streetscene as discussed above.

- Concern about fencing
Response: the fencing indicated on the plans is not in the description of development and could be erected under permitted development
- Set precedent for other developments of this type
Response: future application will be determined on their own merits if they are received
- Concerns about construction process in particular with existing residents already experiencing access issues due to parking associated with the school
Response: noise and disturbance during the construction process are not material considerations. KC Highways DM has reviewed the application and due to the scale and nature of the development as well as the site context, no construction management plan would be required. They have no concerns about the construction process from a highway safety perspective
- Concern about loss of hedge and vegetation which is contrary to the application form
Response: Notwithstanding details on the application form KC Trees and KC Ecology have reviewed the application and raise no concerns in terms of impact on trees/hedging or ecology.
- Question about publicity process
Response: the application has been publicised by site notice, neighbour letter and press notice; it is currently in a second round of publicity
- Concerns about noise and disturbance from on the terrace
Response: as this would be one residential unit, it is considered that any harm from this would be similar to that which could be achieved in the domestic garden space. The terrace is also well set in from the boundary.
- Concerns about red line boundary and encroachment onto neighbouring land
Response: this has been investigated and the footprint of the side extension has been marginally reduced in order to ensure all development is within the red line boundary
- Impacts upon services underground
Response: not a material consideration
- Concerns about outdoor lighting
Response: none proposed under this application and should typical domestic lighting be installed this would be outside the control of planning
- Poor drainage on the site
Response: acknowledged. Planning cannot control the loss of trees that are not protected. In terms of overall drainage, a condition is recommended in relation to the surfacing of the hardstanding area, ensuring that it is surfaced in line with current guidance in order to limit run-off
- Large amounts of glass could require air-conditioning which is bad for the environment
Response: this would not be a reason for refusal
- Re-location of the kitchen could result in increased noise and smells on neighbouring property
Response: this would not be a reason for refusal; it is not considered that harmful levels of noise or smells would arise from this domestic property that would harm the amenity of this neighbouring property
- Views
Response: loss of view is a material planning consideration
- Impact on micro-environment
Response: no objection from KC Ecology in terms of impact on micro-environment.

- Concerns that the plans are misleading
Response: the plans are fully understood by Planning Officers and CGIs have also been submitted in order to model the proposed development in order to increase public understanding due to the various aspects of the proposed development
- Concern that the description of development is misleading
Response: Officers are satisfied that the description accurately reflects the proposed development
- Concern that the proposed development fails to comply with planning policy
Response: An assessment against relevant planning policies has been made above
- Concern due to application property being in an elevated position
Response: the elevated position is noted and the Officer is aware of this when considering impacts on visual and residential amenity
- Comment about being in a conservation area
Response: the property is not within a conservation area and is not considered to impact on the setting of the nearby conservation area.

10.31 In support:

- Scale is in-keeping
- Proposed enhances visual amenity and the appearance of the area
- Scheme is well designed
- No adverse impact on neighbours
- Better scheme has been submitted in comparison to the one that has been withdrawn
- Similar features within the streetscene such as dormers and balconies
- Properties need updating
- The design offers a modern twist to the property
- May increase house prices
- Could have positive impact in terms of reducing crime and burglaries
- Pleased that people are investing in the area

Response: the points in support are noted.

Other Matters

10.32 Public Right of Way

A Public Right of Way runs to the rear of the application property. This would not be unduly impacted as a part of the proposed development scheme due to the separation distance that would still be retained between the extensions and the position of the PROW. The application therefore complies with Policy R13 of the UDP.

10.33 Bats

The application site lies within the bat alert layer on the Council's GIS system. As such, careful attention was paid when undertaking the site visit to look for evidence of bat roost potential. In this instance, the property appeared well sealed around the eaves and roof area and it was judged unlikely to contain roosting bats. Even so, should permission be granted, as a cautionary measure, a note shall be added to the decision notice stating that if bats are

found development shall cease and the advice of a licenced bat worker sought. A condition is also recommended to be imposed requiring a bat box to be installed in accordance with the aims of Chapter 11 of the NPPF.

10.34 Boundary Treatment

The block plan indicates fencing and gates the application site. This is not included in the description of development however, this could potentially be carried out under permitted development.

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 For the reasons outlined in the report, the amended scheme under consideration is considered to be on balance acceptable, subject to the conditions recommended, in terms of visual and residential amenity. The impact on highway safety is also considered acceptable.

11.3 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.

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

1. Timeframe of 3 years for implementing the development
2. In accordance with submitted plans
3. Materials
4. Remove permitted development rights for outbuildings
5. Privacy Screens
6. Obscure glazing in side elevations
7. Provision of one bat box
8. Surfacing of hardstanding areas

Background Papers:

Application web link:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90390>

Certificate of Ownership: Certificate A signed and dated 05/02/2018