
Report of the Head of Strategic Investment**HEAVY WOOLLEN PLANNING SUB-COMMITTEE****Date: 04-Oct-2018****Subject: Planning Application 2018/92294 Erection of two storey and single storey rear extension and single storey front extension 6, Churchbank Way, Thornhill Lees, Dewsbury, WF12 9DA****APPLICANT**

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DATE VALID

16-Jul-2018

TARGET DATE

10-Sep-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: **Dewsbury South**

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION: **REFUSE**

1. The proposed rear extension, by reason of its scale, bulk and massing and taking into account the land level difference between the host property and the dwelling to the rear, no. 57 Ashfield, would have an overbearing and oppressive impact upon the residential amenity of the occupiers of the dwelling to the rear. To permit the proposed extension would therefore be contrary to Policies D2, BE1 and BE14 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and Chapter 12 of the National Planning Policy Framework.

2. The proposed rear extension, by reason of its proximity, scale, bulk and massing along the common boundary with the adjoining no. 4 Churchbank Way together with the land level difference, would result in an overbearing and oppressive impact upon the occupiers of the adjoining no. 4 Churchbank Way. To permit the proposed extension would therefore be contrary to Policies D2, BE1 and BE14 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and Chapter 12 of the National Planning Policy Framework.

1.0 INTRODUCTION:

- 1.1 This application is brought to the Heavy Woollen Planning Sub-Committee for determination at the request of Ward Councillor Masood Ahmed for the following reason:

"The rear 3m first floor extension has no impact on the neighbour at 4 Churchbank Way. The council planning department has already approved a 3m extension at first floor level on the join neighbour side at 8 Churchbank Way. There is a reasonable distance to the neighbour at 4 Churchbank Way even after the 3m rear first floor extension. The applicant has spoken to their neighbour and the residents at 4 Churchbank Way and the family at Ashfield and they have no objection to the proposal. The proposal does not impact on their houses in any way as there are no habitable room windows facing 6 Churchbank Way. Number 4 & 8 Churchbank Way are both supporting the applicant and do not feel the proposal will result in significant bulk and massing".

- 1.2 The Chair of the Sub-Committee has confirmed that Councillor Masood Ahmed'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 6 Churchbank Walk is a modern two storey terraced property. The row of dwellings are linked with garages, although the host property has converted their garage into a kitchen and built a first floor side extension. There is also a conservatory to the rear which extends across the width of the original dwelling and a single storey flat roofed extension. The property is of brick construction and has parking to the front with a modest garden enclosed to the rear.
- 2.2 The property is located within a recent development of similar properties and backs onto an older estate of brick built properties which occupy a lower position relative to the host property.

3.0 PROPOSAL:

- 3.1 The applicant has been granted planning permission for a single storey front and a single and two storey rear extension in June of this year. During the course of the previous application concerns were raised regarding the bulk and massing of the rear extension and amended plans were sought and received to reduce the width of the first floor rear extension.
- 3.2 The current application is seeking consent to extend across the width of the dwelling including the area of the rear of the existing side extension at first floor level.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 The original permission for the development was under 94/92816 – which removed permitted development rights for extensions and outbuildings.
- 4.2 There is no planning history for the conservatory which appears to have been built between 2002 and 2006.
- 4.3 2004/92578 – erection of first floor side extension – granted and built
- 4.4 2006/90124 – single storey rear extension, dormer within rear roof plane and garage conversion – granted and built
- 4.5 It is noted that the single storey extension approved to the rear should have projection 1.5m and has been constructed with a split of between 2m and 3.5m.
- 4.6 2018/91443 – erection of single storey front and single & two storey rear extensions - granted

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

- 5.1 Discussions with the agent took place during the previous application which required amended plans to overcome officer concerns. This application has been submitted with the applicant and agent being aware of officers' concern in relation to the proposals.

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 48 of the National Planning Policy Framework (2018). 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 (2018), 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.

6.2 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)
- **T10** – Highway Safety
- **T19** – Parking

6.3 Kirklees Publication Draft Local Plan:

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP 22** – Parking
- **PLP 24** - Design
- **PLP 30** – Biodiversity

6.4 National Planning Guidance:

- **Chapter 12** – Achieving well-designed places
- **Chapter 15** – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Two responses were received. A summary of the concerns raised are as follows:-

- The front extension would block vehicle access to the neighbours drive
- Potential for odours from the kitchen
- The extension to the rear would overshadow the adjoining property, 4 Churchbank Way
- The extension would exacerbate the existing overbearing impact of the previous extensions on the adjoining 4 Churchbank Way
- Loss of privacy for the occupants of 4 Churchbank Way
- Disruption during the works
- The works would impact on the ability of the neighbour to sell their property
- The front extension would be out of character with Churchbank Way
- The reduction of the applicant's drive would affect parking for the street
- The rear extension would overshadow the adjoining 8 Churchbank Way.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

None

8.2 **Non-statutory:**

None

9.0 MAIN ISSUES

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

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).

10.2 These issues along with other policy considerations will be addressed below.

Visual Amenity

- 10.3 The property is sited within a modern development with similarly sized dwellings. Dependent upon design, scale and detailing, it may be acceptable to extend the host property. Indeed permission has already been granted earlier this year for extensions to the property.
- 10.4 The property has already been heavily developed to the rear in an irregular fashion with the conservatory and single storey flat roofed extension. The proposed extension, in the opinion of officers, would represent an enhancement in terms of the appearance of the development to the rear of the dwelling, removing the existing piecemeal development.
- 10.5 The proposed extension is slightly larger than the existing extensions however, a reasonable degree of amenity space would be retained. The materials proposed would be to match the main house and the detailing is for the most part considered to be appropriate.
- 10.6 The roof over the first floor element would be acceptable being a low degree pitch to occupy a position under the existing dormer. Therefore, on balance, the appearance of the extension to the rear would not be unduly harmful in terms of visual amenity.
- 10.7 Having taken the above into account, the proposed extensions 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, Policy PLP24 of the PDLP and the aims of Chapter 12 of the NPPF.

Residential Amenity

- 10.8 *Impact on 4 Churchbank Way:* The first floor extension would be built up to the common boundary with the adjoining property, 4 Churchbank Way. Given the position of the extension to the north east of the neighbour, there would be some limited overshadowing in the early morning. Furthermore, the two storey structure at a higher level than the neighbour would have an overbearing impact upon the amenities of the occupiers of the adjoining 4 Churchbank Way. It is appreciated that the projection is limited to 3m which is in line with the advice set out in policy BE14 of the UDP. However, the land level difference is considered to exaggerate the overbearing impact. Therefore the harm caused to the amenities of the occupiers of the adjoining 4 Churchbank Way is considered to be unacceptable.
- 10.9 *Impact on 8 Churchbank Way:* The first floor element has already been agreed on the common boundary with the adjoining 8 Churchbank Way. This was accepted as part of the previous application given the neighbours property is on the same level as the host property and given the projection of 3m was in line with policy BE14. Increasing the width towards the neighbouring 4 Churchbank Way would have no further impact upon the amenities of the occupiers of the adjoining 8 Churchbank Way over and above the previously approved scheme.

- 10.10 *Impact on 57 Ashfield:* The separation between the host property and the neighbouring property to the rear, as originally built was less than 18m. This limited separation distance is exaggerated by the land levels as the property to the rear occupies a lower position. The neighbour to the rear also has its own two storey rear extension which further reduces the separation distance between the properties. The existing separation is 15.5m at first floor level. The existing conservatory to the rear of the host property reduces this separation to 11.2m at ground floor level and the proposed ground floor extension would reduce this further to 10.5m. The first floor extension would see this reduced to 12.5m. The previously approved scheme had the width of the first floor extension reduced which also resulted in the roof over the extension being reduced in terms of height and was therefore considered acceptable because of its reduced scale, bulk and massing. The current scheme has increased the width and overall height of the proposed extension and as such would have an unacceptably close relationship with the neighbour to the rear which, as previously set out, would be exaggerated by the difference in land levels. It is therefore considered by officers that the impact on the neighbouring property to the rear, as a result of this proposal, would be significantly overbearing and oppressive.
- 10.11 Although there would be no undue impact caused to the adjoining 8 Churchbank Way, there would be significant harm caused to the amenity of both the adjoining 4 Churchbank Way and the neighbouring 57 Ashfield. Therefore the proposed first floor extension is considered to be unacceptable in terms of residential amenity, failing to comply with Policies D2, BE1 and BE14 of the UDP as well as Policy PLP24 of the PDL.

Highway issues

- 10.12 The proposals would 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 there is a limited degree of parking available in Churchbank Way which is, on balance, considered to represent 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 and Policy PLP22 of the PDL.

Representations

- 10.13 Two responses have been received. A summary of the concerns raised, along with the officer response, is set out below:
- The front extension would block vehicle access to the neighbours drive.
Officer Response: *This is a material consideration as it relates to highway safety. However, this element of the scheme has already been agreed under 2018/91443.*
 - Potential for odours from the kitchen.
Officer Response: *This is a material consideration as it relates to residential amenity. However, this element of the scheme has already been agreed under 2018/91443.*

- The extension to the rear would overshadow the adjoining property, 4 Churchbank Way.

Officer Response: *This is a material consideration as it relates to residential amenity. Given the position of the extension to the north east of the neighbour, there would be some limited overshadowing in the early morning.*

- The extension would exacerbate the existing overbearing impact of the previous extensions on the adjoining 4 Churchbank Way.

Officer Response: *This is a material consideration as it relates to residential amenity. The two storey structure at a higher level than the neighbour would have an overbearing impact upon the amenities of the occupiers of the adjoining 4 Churchbank Way. It is appreciated that the projection is limited to 3m which is in line with the advice of policy BE14. However, the land level difference is considered to exaggerate the overbearing impact. Therefore the harm caused to the amenities of the occupiers of the adjoining 4 Churchbank Way is considered to be unacceptable.*

- Loss of privacy for the occupants of 4 Churchbank Way.

Officer Response: *This is a material consideration as it relates to residential amenity. However, there would be no new windows in the side elevation and the new window in the rear elevation would not result in any significant increase in overlooking over and above that which is possible at present.*

- Disruption during the works.

Officer Response: *This is a material consideration as it relates to residential amenity. However, normally works of this nature would be transitory and expected to cease upon completion.*

- The works would impact on the ability of the neighbour to sell their property.

Officer Response: *This is not a material consideration as it relates to a private matter.*

- The front extension would be out of character with Churchbank Way.

Officer Response: *This is a material consideration as it relates to visual amenity. However, the impact of the front extension was fully assessed as part of the previous application*

- The reduction of the applicant's drive would affect parking for the street.

Officer Response: *This is a material consideration as it relates to highway safety. However, this element of the scheme has already been agreed under 2018/91443.*

- The rear extension would overshadowing the adjoining 8 Churchbank Way.

Officer Response: *This is a material consideration as it relates to residential amenity. However, the impact of the first floor extension as it would be sited along the common boundary with the adjoining 8 Churchbank Way was assessed as part of the previous application, 2018/91443 and the impact as not considered to be significant.*

Other Matters

10.14 Biodiversity:

After a visual assessment of the building by the officer, it appears that the building is in good order, well-sealed and unlikely to have any significant bat roost potential. Even so, a cautionary note should be added that if bats are found during the development then work must cease immediately and the advice of a licensed bat worker sought. This would comply with the aims of Chapter 15 of the NPPF.

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

11.0 CONCLUSION

- 11.1 This application to erect a first floor extension rear of 6 Churchbank Way 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, given the scale, bulk and massing and taking into account the land level difference between the host property and the dwelling to the rear, 57 Ashfield, would have an overbearing and oppressive impact upon the amenities of the occupiers of the dwelling to the rear.
- 11.3 The proposed rear extension would also, because of its proximity, scale, bulk and massing along the common boundary with the adjoining 4 Churchbank Way together with the land level difference, would have an overbearing and oppressive impact upon the occupiers of the adjoining 4 Churchbank Way.
- 11.4 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.
- 11.5 It is recommended that the application be refused for the reasons set out at the beginning of this report.

Background Papers:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f91443>

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2006%2f90124>

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2004%2f92578>

Certificate of Ownership –Certificate A signed and dated 13 July 2018.