
Report of the Head of Strategic Investment**HEAVY WOOLLEN PLANNING SUB-COMMITTEE****Date: 15-Nov-2018**

Subject: Planning Application 2018/90723 Erection of extensions and alterations to existing outbuilding to create dwelling forming annex accommodation associated with 32, Falcon Road, Savile Town, Dewsbury, WF12 9NH 32, Falcon Road, Savile Town, Dewsbury, WF12 9NH

APPLICANT

Y Patel

DATE VALID

20-Mar-2018

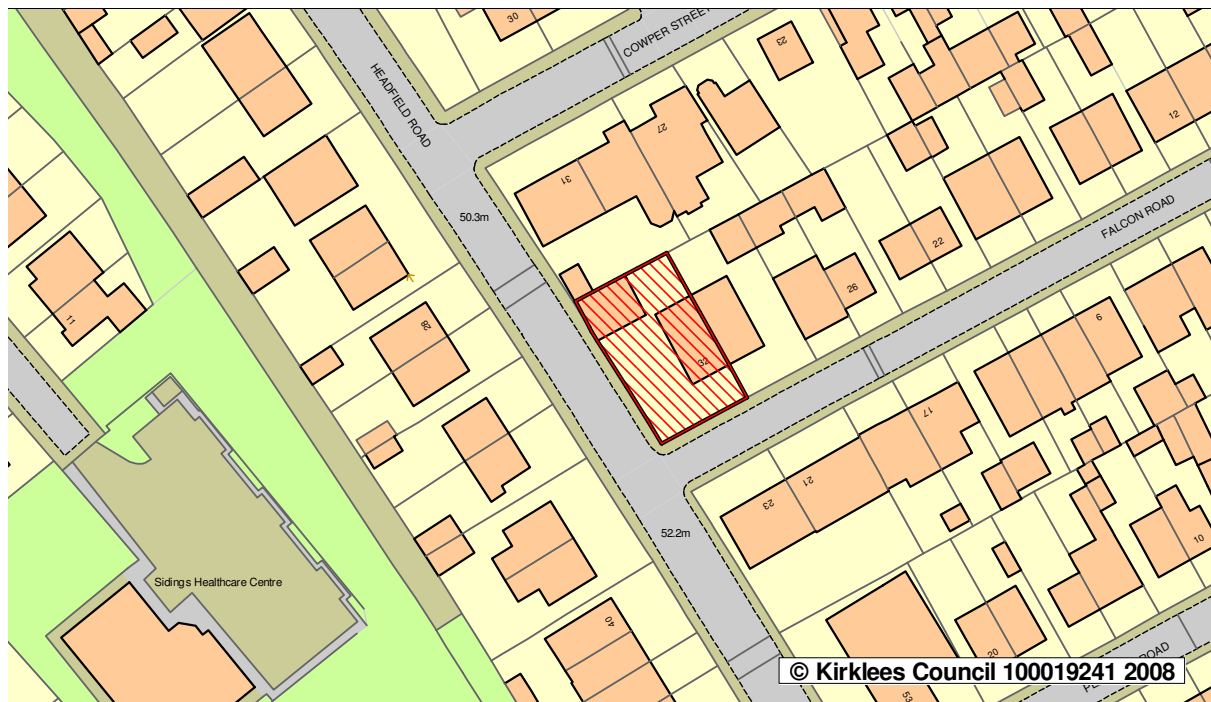
TARGET DATE

15-May-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. By virtue of the scale and design of the extensions to the existing outbuilding in a prominent location, the building would be unduly prominent and would have a detrimental visual impact on the character of the host dwelling, the character of the area and the streetscene when viewed from Headfield Road and Falcon Road. The design of the proposed building would not relate to the existing property and would result in overdevelopment of the site, failing to comply with Policies D2, BE1 and BE2 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 proposal, by virtue of habitable room windows in the side elevation of the proposed annex, would lead to direct overlooking and a loss of privacy to the rear amenity space of no. 30 Falcon Road. To approve the application would be significantly harmful to residential amenity, contrary to Policies D2 and BE12 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and the Core Planning Principles of the National Planning Policy Framework.

1.0 INTRODUCTION:

- 1.1 This application is reported to the Heavy Woollen Planning Sub-Committee following a request by Councillor Masood Ahmed which states the following:

"I have spoken to and met my constituent and he feels that your points regarding refusal, do not reflect his argument that there are other extensions that have been approved that are much larger in scale.

I would therefore request that the planning application be heard by The Dewsbury Heavy Woollen Planning Committee along with a site visit.

My reason for it to go to Committee are:

1. *There is sufficient parking for vehicles to park on the property and Highways have No Concerns*

2. The properties on the opposite side of the road to my constituent are much larger in scale and are overbearing towards my constituents property, which have been approved.

3. My constituents proposed development will not have an impact on the neighbouring properties to the rear (Cowper Street), as the large trees will cover the development.

4. As my constituent's property is on a lower ground level, the new build will not have any street scene impact from both Headfield or Falcon Road, as there is a boundary wall, hedges and trees that will cover the impact of the build.

5. As there have been recent applications approved for larger developments on Falcon Road, Headfield Road and Cowper Street. I would request that the planning committee visit the site and make their own judgements on my constituents planning application.

- 1.2 The Chair of the Heavy Woollen Planning Sub Committee has confirmed that Councillor Ahmed's reason for making this request is valid having regard to the Councillors' Protocol for Planning Sub Committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site at no. 32 Falcon Road, Savile Town, Dewsbury is a two storey semi-detached dwelling constructed from brick for the external walls, tiles for the roof and upvc for the openings. The dwelling has a small lean to porch to the front, a large area of hardstanding/grassed area to the side and rear of the site. There is a raised patio and small rear extension.
- 2.2 There is an existing outbuilding to the side of the dwelling which is the subject of this application. The outbuilding is constructed from brick and is visible when viewed from Falcon Road, despite being set back from this highway. The garage is however sited immediately adjacent to Headfield Road. The existing garage has not been built in accordance with approved plans (2001/91235).
- 2.3 The site is unallocated on the Kirklees Unitary Development Plan proposals map and unallocated on the Kirklees Publication Draft Local Plan.

3.0 PROPOSAL:

- 3.1 Planning permission is sought for the erection of extensions and alterations to the existing outbuilding to create dwelling forming annex accommodation associated with no. 32 Falcon Road, Savile Town, Dewsbury.
- 3.2 The extensions would project approximately 8.0 metres from the front of the existing outbuilding, it would be 9 metres in overall width and it would be 6.3 metres in overall height. The extensions would also include a small projection to the side to include a ground floor WC and there would be two dormers and rooflights in the side elevations of the building. The height of the existing building would also increase.
- 3.3 The extension would be constructed from materials to match the existing which is brick for the external walls, tiles for the roof and uPVC for the openings.

- 3.4 The extensions to the existing garage would provide two bedrooms and a bathroom/store at first floor and a kitchen, dining room, study, WC and lounge at ground floor.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2001/91235 – Erection of store/study/hobby room extension to existing garage APPROVED (no. 32 Falcon Road)

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The case officer has been in negotiations with the applicant to discuss concerns relating to visual amenity, residential amenity, parking provision and coal mining. Following extensive discussions and the submission of additional information, the concerns relating to parking provision and coal mining legacy have been overcome. The applicant was not however prepared to amend the scale of the proposed extensions.

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.

The site is unallocated on the Kirklees Unitary Development Proposals map and as part of the Kirklees Publication Draft Local Plan.

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

D2 – Unallocated Land
BE1 - Design principles
BE2 – Quality of design
BE12 – Space about buildings
T10 – Highway Safety
T19 – Parking Provision
G6 – Land Contamination

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

PLP1 – Achieving sustainable development

PLP2 – Place Shaping

PLP21 – Highway Safety and Access

PLP22 - Parking

PLP24 – Design

PLP53 – Contaminated and unstable land

6.4 National Planning Policy Framework (NPPF):

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

7.0 PUBLIC/LOCAL RESPONSE:

7.1 No representations have been received from neighbouring occupiers.

7.2 Ward Councillor Masood Ahmed has requested that the application be referred to committee for determination for the reasons set out in paragraph 1.1 of the report above.

7.3 No Parish/Town Council comments are applicable.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

The Coal Authority – no objection.

8.2 **Non-statutory:**

K.C Highways Development Management – No objection following the submission of a parking plan.

K.C Environmental Health Strategic Waste – Site is close to former landfill site however confirmed no objection subject to footnote being attached should planning permission be granted.

9.0 MAIN ISSUES

- Principle of development
- Visual amenity/local character
- 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]”. Subject to other material considerations being addressed, the proposed annex accommodation would be acceptable in principle in relation to policy D2. The site is also unallocated on the Kirklees Publication Draft Local Plan.
- 10.2 A full assessment in respect of the impact on visual amenity, residential amenity and highway safety is set out below.

Visual amenity:

- 10.3 The impact on visual amenity is considered by officers to be unacceptable. The reasons for this are set out below.
- 10.4 The existing garage is much larger than the outbuilding that was granted planning permission in 2001. From research into these plans and on site observations, it is clear that the building has already been significantly extended without planning permission, resulting in a very large structure in the garden of no. 32 Falcon Road.
- 10.5 Officers’ concerns relate to the scale of the accommodation and whether this would actually form annex accommodation to the property. Officers contend that the structure would be operated as a self-contained unit, comprising of a kitchen with separate dining room, lounge, study and WC at ground floor with two bedrooms and a bathroom at first floor. Due to the extent of accommodation being proposed, the scale of the proposed building relative to that of the host property would not appear to be ancillary, but rather competing for dominance with the host property on the site. The proposed annex building would have the appearance of a dwelling in the existing garden space of no. 32, rather than a subservient small scale outbuilding that would be expected in the garden of a closely-spaced residential property.
- 10.6 The design features, especially the proposed porch and dormer features would exacerbate the overall large scale of the building (which provides more accommodation than would normally be expected for an annex building). As a result of this, the proposed annex would over-dominate the host property and would detract from its character.
- 10.7 Additionally, the building, although set back within the site, is in a prominent position, visible from both Headfield Road and Falcon Road. The submitted elevations show the roof of the proposed annex would be very prominent and extend along a significant proportion of the boundary with Headfield Road meaning that it would be visible in both directions when viewed from the northwest and southeast on Headfield Road. The outbuilding would create a form of development that would be out of keeping with the existing form of development.

- 10.8 By virtue of the scale, prominent location and design of the annex building, there would be harm to the streetscene and character of the area in which the building is proposed. The extension to the front of the existing outbuilding would not be small in scale and would result in an overly dominant structure being created in the context in which it would be read / within the streetscene. Although it is acknowledged that there are annex buildings within the near vicinity (including next door at no. 30 Falcon Road), the proposed annex building is not comparable. It would be significantly larger in scale and its design would give the appearance of a dwelling, rather than an annex building.
- 10.9 Finally, the erection of the annex building would result in the overdevelopment of the site. The annex building would be large in scale and would develop a significant amount of the amenity space surrounding the site. This would make the relationship between the two buildings incongruous, where they would not relate harmoniously to each other due to the close relationship between two large buildings.

Summary

- 10.10 In all, officers consider that the proposal is not acceptable from a visual amenity perspective by virtue of detracting from the character of the area, the streetscene and the host dwelling, failing to comply with Policies D2, BE1, BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and Chapter 12 of the National Planning Policy Framework.

Residential Amenity:

- 10.11 The impact on residential amenity is not acceptable. The impact on each of the surrounding residential properties will be assessed below.

Impact on no. 30 Falcon Road

- 10.12 Although the outbuilding will be larger in scale as a result of the extensions, given the location of the outbuilding and the distance between the building and the neighbouring dwelling (and associated garden), it is not considered that there would be any overbearing impact on the occupiers of the adjoining dwelling.
- 10.13 In terms of overlooking/loss of privacy, there would be non-habitable room windows facing no.30 at ground floor, with first floor openings proposed in the side elevation serving habitable rooms. Although these rooms would also be served by rooflights, the side openings within the dormers are primary windows for these rooms.
- 10.14 It is noted that there is an outbuilding at no. 30 which has a large window and door in its side elevation, facing towards the application site (no.32). There is no planning consent for the outbuilding or its use.

- 10.15 In relation to overlooking into the private rear amenity space of no. 30, the proposed habitable room windows in the side elevation, which is within 8.9m of the shared boundary with no.30, would have a direct view into this amenity space which would lead to overlooking over and above the existing situation. Whilst it is acknowledged that there is existing overlooking from first floor rear habitable room windows and a raised platform at ground floor level at no. 32 Falcon Road, the views from the dormers at an elevated level and within 10.5m to adjacent undeveloped land (Point iii) of Policy BE12 of the UDP), the proposal would lead to increased direct overlooking than the existing situation. For this reason, this constitutes a further reason for refusal of the development proposal since it would be contrary to the aim of Policies D2 and BE12 of the UDP, Policy PLP24 of the PDLP and the core planning principles of the NPPF.

Impact on no. 31 Cowper Street / dwellings to the rear of the application site

- 10.16 The dwellings to the rear of the site have habitable room windows and private amenity space to the rear of the existing garage. Therefore consideration has to be given to the possible impact that the extensions to the existing building would have on the occupiers of these dwellings.
- 10.17 The proposed extensions would not significantly impact on the occupiers of this dwelling. This is because the majority of the additional bulk and massing of the proposed annex building would be to the front of the site, with only an increase in height of approx. 1.4 metres to the proposed ridge and a small single storey extension to the side. Given the distance between the sites (including a garage structure associated with no. 31 Cowper Street being located between the buildings) and the small single storey addition to the overall scale of the building, which would not lead to the building projecting closer to these houses on Cowper Street than existing, the proposal would not have a detrimental impact on the occupiers of these dwellings.

Impact on surrounding dwellings

- 10.18 To the south of the site, there are dwellings on the other side of Falcon Road. Given the distance between the sites and the scale of the proposed building, there will be no harmful relationship between the building as extended and the occupiers of these dwellings.
- 10.19 There are dwellings on the opposite side of Headfield Road but given the distance between the sites, again there will be no harmful impact on the occupiers of these dwellings.

Summary:

- 10.20 To conclude, there is a concern relating to direct overlooking of the private amenity space of no. 30 Falcon Road as a result of the proposal, thus failing to comply with Policies D2 and BE12 of the UDP, Policy PLP24 of the PDLP and the core planning principles of the NPPF.

Highway issues:

- 10.21 Due to the nature of the proposal, there would be some degree of intensification of traffic movements at the site and therefore consideration needs to be given to the potential requirement for additional parking on the site. In this case, there is a large area of hardstanding to the front of the site which currently accommodates the parking at the site. However, it is noted that the extension to the annex building would be erected on part of this land.
- 10.22 Following consultation with Highways Development Management, a parking plan was requested to show that additional vehicles could be accommodated at the site. Following review of this plan, it is considered by officers that an adequate number of vehicles could be accommodated within the site to serve both the dwelling at no. 32 Falcon Road and the annex accommodation that is proposed.
- 10.23 Furthermore, the existing access to the site will be used. Given that this is the existing arrangement, it is not considered that the formation of annex accommodation would lead to a significant intensification of the use of this access point that would lead to highway safety issues over and above the existing situation.
- 10.24 On balance, due to the proposal being to provide ancillary annex accommodation, it would not lead to highway safety implications and complies with Policies T10 and T19 of the UDP and Policies PLP21 and PLP22 of the PDLF.

Other matters

- 10.25 *High Coal Mining Risk Area* – Initially, the applicant did not provide adequate coal mining information which led to an objection being raised on the grounds of insufficient information to assess the impact that the development would have on coal mining legacy. Following this consultation response, the applicant provided a coal mining risk assessment.
- 10.26 The Coal Authority reviewed this information and there is now no objection to the proposal. The Coal Mining Risk Assessment is sufficient to demonstrate that the application site is, or can be made, safe and stable for the proposed development. The objection on these grounds have been withdrawn by The Coal Authority.
- 10.27 The proposal complies with UDP Policy G6, Policy PLP53 of the Kirklees Publication Draft Local Plan and Chapter 15 of the National Planning Policy Framework.
- 10.28 *Landfill Gas* – Following a consultation with K.C Minerals and Waste Disposal, the methane levels recorded on the nearby tipped site following the most recent monitoring exercise fall within the lower explosive limit. However, as the site is approximately 60 metres from the generation source and built development is located in between, it is considered unlikely that methane would migrate this distance in sufficient quantities to present a hazard. If the application is to be approved, a footnote would be added to the decision notice to advise the applicant to carry out gas monitoring prior to development.

- 10.29 The proposal would therefore comply with UDP policy G6, Policy PLP53 of the Kirklees Publication Draft Local Plan and Chapter 15 of the National Planning Policy Framework in this regard.
- 10.29 There are no other matters relevant to the determination of this application.

Representations:

- 10.30 No representations have been received from members of the public.
- 10.31 Ward Councillor Ahmed's comments on the planning application are set out in full below and responded to by officers in paragraph 10.32:

"I have spoken to and met my constituent and he feels that your points regarding refusal, do not reflect his argument that there are other extensions that have been approved that are much larger in scale. I would therefore request that the planning application be heard by The Dewsbury Heavy Woollen Planning Committee along with a site visit. My reason for it to go to Committee are:

- 1. There is sufficient parking for vehicles to park on the property and Highways have No Concerns*
- 2. The properties on the opposite side of the road to my constituent are much larger in scale and are over bearding towards my constituents property, which have been approved.*
- 3. My constituents proposed development will Not have an impact on the neighbouring properties to the rear (Cowper Street), as the large trees will cover the development.*
- 4. As my constituents property in on a lower ground level, the new build will not have any street scene impact from both Headfield or Falcon Road, as their[sic] is a boundary wall, hedges and trees that will cover the impact of the build.*
- 5. As there have been recent applications approved for larger developments on Falcon Road, Headfield Road and Cowper Street. I would request that the planning committee visit the site and make their own judgements on my constituents planning application".*

- 10.32 Officers have reviewed Councillor Ahmed's comments. In this instance, it is considered that, for the reasons set out in the visual amenity section of this report, it is Officers' view that the extensions to the existing garage would have a harmful impact on the character of the host dwelling, the character of the area and the streetscene, thus failing to comply with the relevant design policies as listed above.

11.0 CONCLUSION

- 11.1 To conclude, the proposals have been carefully considered, particularly in regard to the design and scale of the proposed extensions to the garage building to create annex accommodation. In the view of officers, this would have a detrimental impact on visual amenity. Furthermore, due to the overlooking from the proposed dormer windows in the side elevation of the annex at close quarters to the garden area associated with no.30 Falcon Road, there are also significant concerns in relation to the detrimental impact to residential amenity too.
- 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.
- 11.3 This application has been assessed against relevant policies in the development plan and other material considerations and it is considered that the development proposals do not accord with the development plan and that there are specific policies in the NPPF which set out that development should be restricted. Recommendation is therefore to refuse the application.

Background Papers:

Link to the application details:-

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018/90723>

Certificate of Ownership – Certificate B signed and dated 2nd March 2018. Notice has been served on other owners of the land.