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**Report of the Head of Strategic Investment**

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 13-Dec-2018**

**Subject: Planning Application 2018/91542 Erection of two storey rear extension, porch to front and alterations to roof 9, Inglewood Avenue, Birkby, Huddersfield, HD2 2DS**

**APPLICANT**

M Ashfaq

**DATE VALID**

23-May-2018

**TARGET DATE**

18-Jul-2018

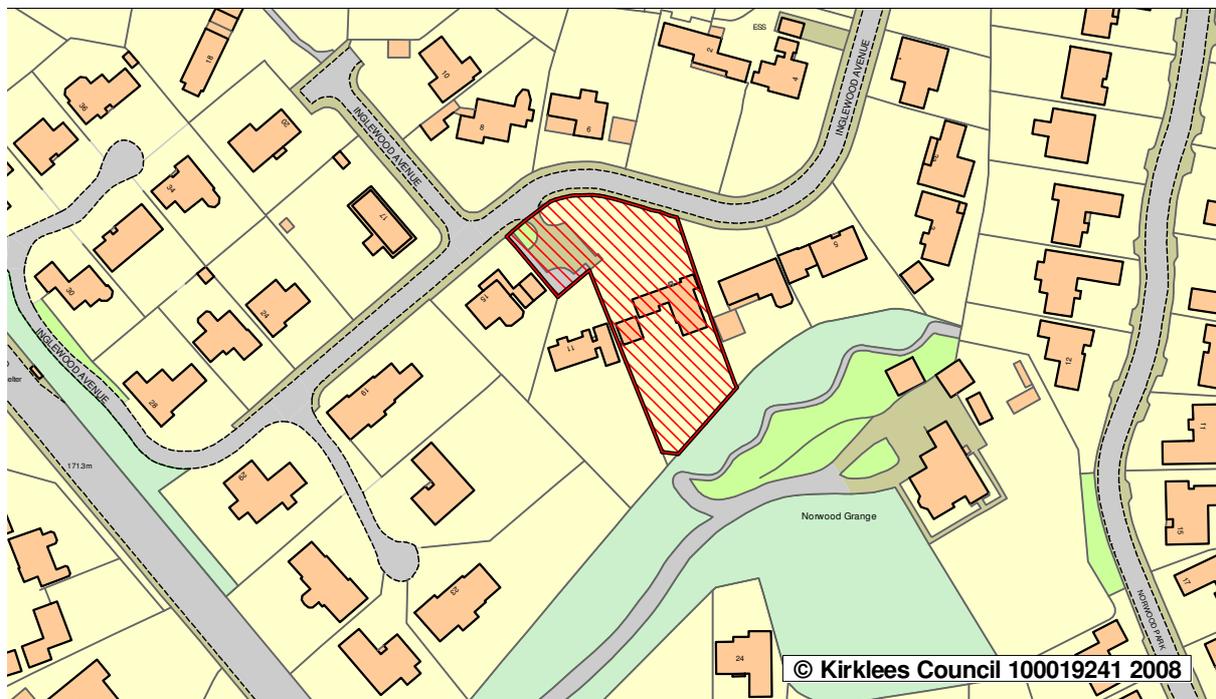
**EXTENSION EXPIRY DATE**

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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**

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**Electoral Wards Affected: Lindley**

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**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 Planning Committee at the request of Cllr Eastwood who has provided the following reason:

*The application will arguably have a detrimental impact on the area and near neighbours and thereby contrary to Policies BE1 & BE2 of Kirklees UDP.*

1.2 The Chair has agreed to this application being brought to Sub-Committee.

**2.0 SITE AND SURROUNDINGS:**

2.1 No.9 Inglewood Avenue at Birkby is a substantial two storey detached dwelling with stone and brick outer walls and a concrete tiled roof. The property, which has been subject to fire damage, is sited within generously proportioned grounds, with garden areas to the front and rear. It has a detached garage of stone construction to the side which is accessed via a private cul-de-sac, and within the front amenity space are mature trees protected by a Tree Preservation Order. The surrounding area is predominately residential and the site is unallocated on the Unitary Development Plan but backs onto the Edgerton Conservation Area to the south.

**3.0 PROPOSAL:**

3.1 The application seeks the extension and alteration of the existing property to form a 6 bedroom dwelling across 3 floors. The application includes the erection of a rear extension to square the property off on the western side and make the rear elevation of the dwelling level. A single storey ground floor element would be provided which would project out as far as an existing element on the eastern side of the property with an external terraced provided over the top. The existing front porch would be enlarged to provide a large entrance/foyer.

3.2 The overall height of the dwelling would be raised by 1.25 metres to facilitate the additional floor in the dwelling. It would be formed by a steeply sloping turned gable roof would be located on the eastern side with a pitched roof at right angles on the western side. The roof would be covered in zinc cladding with a black/grey colour. Large sections of glazing would be installed in the front and rear elevations along with pitched face Yorkshire stone at ground floor and white render at first floor level. A large timber decked area would be located on the rear of the property.

3.3 A new driveway entrance would be formed off Inglewood Avenue on the eastern side which would provide space for off street parking and internal turning.

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

4.1 2008/91144 – Demolition of existing house and garage and outline application for erection of 4 detached dwellings – Refused

4.2 2008/93776 – Demolition of existing house and garage and outline application for erection of 3 detached dwellings – Refused. Appeal Dismissed.

4.3 2010/90935 – Erection of two detached dwellings with integral garages and demolition of existing dwelling with detached garages – Refused.

4.4 2011/90866 – Erection of extensions, alterations, new roof structure and formation of new access – Withdrawn

4.5 2011/91529 – Demolition of existing dwelling and erection of 1 dwelling with detached double garage and formation of new access – Refused. Appeal Dismissed.

4.6 2013/90733 – Demolition of existing dwelling and detached garage and erection of new detached dwelling and associated works – Refused, Appeal Dismissed

4.7 2014/91857 - Demolition of existing dwelling and detached garage and erection of detached dwelling with associated works - Invalid

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

5.1 The case officer secured amended plans to address design concerns raised by Planning Officers and address inconsistencies regarding the submitted red line boundary.

#### **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.

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

The site is located on unallocated land on the UDP.

- 6.2 D2 – Unallocated Land
- BE1 – Design principles
- BE2 – Quality of design
- BE12 – Space about buildings
- NE9 – Retention of mature trees
- T10 – Highway Safety
- T19 – Parking Standards

#### Kirklees Publication Draft Local Plan:

The site is located on unallocated land on the draft Local Plan.

- 6.3 PLP1 - Presumption in favour of sustainable development
- PLP2 – Place shaping
- PLP21 – Highway Safety and access
- PLP22 - Parking
- PLP24 – Design
- PLP33 – Trees

#### National Planning Guidance:

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

### **7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 The application was advertised by site notice and neighbour notification letters were sent to adjacent properties. The amended plans received on 27/9/18 were also re-advertised for 2 and a half weeks. In total 8 representations have been received to the two periods of publicity.

#### **Comments from the initial Plans**

- The redline boundary between no.7 and no.9 is incorrect and includes land owned by no.7. This matter should be resolved.
- The application site has been subject to a number of previous applications which have been refused. Whilst the redevelopment of the site is supported there needs to be careful consideration to the impact on character and appearance of the local area, and the amenity of local residents, these matters formed reasons for refusals on the previous scheme. The current scheme is not consider to have addressed these concerns.

- The proposal includes raising the roof by 1.25 metres incorporating a steeper roof which is considered to have an adverse impact on no. 7 Inglewood Av. No.7 is set at a significantly lower level than no.9 and the proposal would lead to a detrimental overbearing impact on no.7 and have an adverse impact on the street scene and the character of the local area contrary to Policies BE1 and BE2 of the UDP and Policies in Chapter 12 of the NPPF.
- The proposal includes the enlargement of the front porch closer to no.7, this enlargement is considered to have a detrimental impact on the amenity bedroom window in the front elevation of no.7 and the front garden.
- The windows in the side elevation have the potential to detrimentally over look no.7, of particular concern is the side window to bedroom 4, this should be reduced in scale or removed.
- There is potential to overlook no.7 from the proposed external terrace from the master bedroom located within the roof space of the dwelling. A screen to protect this should be incorporated in the development.
- The application includes no provision for parking, the parking area by no.11 should not be included within the submitted red line boundary as this is not owned by the applicant.
- The application is supported and would represent an improvement in the local area.

#### **Comments from the Amended Plans**

- There is a discrepancy in between the red line showing the application site boundary on Plan (P-01) and the one on the existing site/block plan (P-02 Rev A). The former includes the parking area in front of no.11 Inglewood Ave the latter does not. Which is correct, has appropriate notice been served?
- The redevelopment of the site is welcomed, however the proposal as amended is still considered an adverse impact on no.7 Inglewood Av.
- There is no objection to a property at no.9, however adequate parking should be provided in any development with safe access onto Inglewood Avenue. The proposed dwelling is very large and would require significant off street parking.
- Hours of building work should be limited to appropriate times of the day with noise levels limited.
- Any alternations to the roof should be proportionate and commensurate with Inglewood Avenue.

### **8.0 CONSULTATION RESPONSES:**

8.1 **Statutory:** none necessary

8.2 **Non-statutory:** none necessary

## 9.0 MAIN ISSUES

- Principle of development
- Background
- Design
- Residential amenity
- Highway Safety
- 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]”. All these considerations are addressed later in this assessment.
- 10.2 Furthermore the site is without notation on the Publication Draft Local Plan. Policy PLP1 states that when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. The assessment below takes into account the aims of PLP1.

### Background

- 10.3 The host property is currently vacant having being damaged by fire some substantial time ago. It is noted that a number of previous applications listed in section 4 of this report have been submitted seeking to redevelop the property none of which have been approved, with the key reason for refusal being the scale of the development proposed. This application seeks to address the concerns set out in the previous applications by redeveloping the existing building to a single residential dwelling of a smaller front print to the schemes which have been refused.

### Design

- 10.4 The NPPF provides guidance in respect of design in chapter 12 (Achieving well-designed places) with 124 providing an overarching consideration of design stating:
- 124. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*

Kirklees UDP Policies D2, BE1, BE2 and BE5 and Policy PLP24 of the PDLP are also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive. The site is also within the setting of Edgerton Conservation Area and Policies in Chapter 16 of the NPPF and Policy PLP35 of the draft Local Plan need to be considered.

- 10.5 The proposed extensions to the host dwelling have been design with a contemporary appearance and it is noted that the appearance of the dwelling would be significantly different to the dwelling which currently occupies the site. There is no objection to a contemporary design approach to the dwelling and it is noted that the application site is within a substantial plot which allows good separation to adjacent properties. It is also acknowledged that dwellings along Inglewood Avenue are often individually designed properties with differing construction materials and architectural fenestration. The applicant has provided a street scene elevation of the application property adjacent to no.7 and 11 to demonstrate how the property would fit into the street. Whilst each property is significantly different in design, given the separation between the plots the contemporary design is considered to sit acceptably within the street scene.
- 10.6 The proposed design includes large sections of white through render on the dwelling, which whilst differing from the predominant stone material of no.s7 and 11 is not an uncommon material along Inglewood Avenue. The ground floor of the dwelling would be constructed of natural stone, which would be in keeping with adjacent properties and would help the dwelling sit within the character of the local area. The use of a roof clad in zinc of a black grey would introduce a new material into the street scene, however there is no objection in principle to use of such a material as it would represent a high quality material and would have a dark colour not dissimilar in colour to the slate roofs at no.s 5 and 7. It is therefore considered that the use of a zinc roof would sit acceptably with the contemporary nature of the proposed design. However to ensure that specific details of the materials are clear before their use a condition will require the submission of details before their use.
- 10.7 In terms of the setting of the conservation area, the site is bounded by Edgerton Conservation Area to the south and the impact of the development on the setting of the Conservation Area needs to be considered in detail. Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 introduces a general duty in respect of conservation areas. Special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Additionally, Policies BE5, PLP35 and NPPF Chapter 16 outline the principle of development and restrictions for development in conservation areas.
- 10.7 Whilst the application site is adjacent to the conservation area the proposed dwelling would be approximately 18.5 metres from the boundary and it is considered that the dwelling would be read in conjunction with properties on Inglewood Avenue with only limited views of the property from the conservation area. In light of this the proposal is considered to have an acceptable impact on the setting of the conservation area.

- 10.8 In terms of permitted development potential at the site it is noted that this application represents an application for extension to an existing dwelling. The rear elevation would be largely extended through the proposal and would therefore not represent the original rear elevation therefore limiting the scope for any further additions. In terms of outbuildings, the plot is large and a large garden area would be retained by the development. It is therefore not considered necessary or reasonable to remove permitted development rights for any outbuildings.
- 10.9 In conclusion, the design of the proposed dwelling is considered to be of an acceptable design and would have an acceptable impact on the setting of the conservation area.

#### Residential Amenity

- 10.10 A core principle of the National Planning Policy Framework is to seek high quality design and a good standard of amenity for all existing and future occupiers of land and buildings. The impact of the development on residential amenity also needs to be considered in relation to policies D2 and BE14 of the Unitary Development Plan. This is further reiterated in Policy PLP24 of the draft Local Plan.
- 10.11 The proposed development would lead an enlarged dwelling occupying the site which would also be significantly taller, 1.25 metres higher adjacent to no.7 and 1.7 metres higher adjacent to no.11. The closest residential properties to the proposed development would be no. 11 to the west, no.7 to the east. There are other properties in the local area which are opposite the site to the north at no.s 2 and 6 Inglewood Avenue, and Norwood Grange to the rear, south east. These dwellings are over 40 metres away from the application site which is considered to be sufficient to protect the amenity of these properties. The impact of the development on no.s 7 and 11 will be assessed below.

#### *No.7 Inglewood Avenue*

- 10.12 This property is located to the east of the application site and represents a detached bungalow. The proposed alterations to no. 9 would broadly retain the same footprint as the existing dwelling with the only addition being an enlargement to the single storey front porch. Therefore in terms of the footprint of the building the proposal is considered to have an acceptable impact on no.7. The main alterations to affect no.7 would be the increase in height of the host property by 1.25 metres and the use of windows on the side elevation and a rear terrace.
- 10.13 With regard to raising the height, whilst the dwelling would be taller overall, the existing eave's height would be retained and the sloping nature of the roof would take the majority of the bulk of no.9 away from no.7. The use of the existing footprint and separation between the two dwellings of 7.7 metres is considered sufficient to prevent the proposal having a detrimental overbearing impact on no.7. The orientation of the two dwellings with no.9 to the west would also assist in reducing the impact on no.7 in term of overshadowing with the main impact on no.7 not occurring until late afternoon or evening. The separation between the two properties combined with the orientation is considered sufficient to prevent any detrimental overshadowing impact from occurring.

- 10.14 Turning to overlooking it is noted that a number of windows would be installed in the facing side elevation which would serve a kitchen at ground floor, bedroom and ensuite at first floor, with roof lights serving part of a bedroom, an ensuite and a landing/hallway within the roof space. It is noted that the existing dwelling has a number of windows on the side elevation which already look towards no.7. With regards to the windows on the side whilst there are existing windows on the facing elevation, and many of the windows are secondary, it is noted that proposed windows could lead to some degree. Therefore in order to protect the amenity of no.7 the side facing windows including the roof lights will be conditioned to be obscurely glazed.
- 10.15 Also of note in terms of overlooking is the proposed rear terraces. The first floor terrace is large and would serve two bedrooms and would potentially allow future occupiers to look over towards the garden space of no.7. However a separation distance of 6 metres can be achieved to the boundary and an existing double garage helps to separate the garden of no.7 from the application site. Notwithstanding this existing mitigation to further reduce any concerns in respect of overlooking it is considered appropriate and necessary to condition the provision of a screen on the eastern boundary of the first floor terrace. With regards to the roof terrace, this would be shelled from direct views towards no.7 by the roof and it is considered that no further mitigation is necessary. To prevent any potential for further overlooking permitted development rights for any new windows will also be withdrawn.
- 10.16 Subject to the conditions set out above, the proposal is considered to have an acceptable impact on the occupiers of no.7.

*No.11 Inglewood Avenue*

- 10.17 This property is to the west of no.9 with the main body of the house separated from no.11 by the former vehicular drive achieving a separation distance of 6.7 metres to the shared boundary. Whilst the proposal would increase the overall height of the dwelling adjacent to no.11 by 1.7 metres given the separation distance to the shared boundary combined with the orientation it is not considered that the proposal would lead to a detrimental overbearing or overshadowing impact on no.11.
- 10.18 With respect to overlooking, a number of windows are proposed on the side elevation facing no.11 which would serve a reception room at ground floor, a bedroom at first floor and two en-suits at first floor level. In addition a roof terrace is to be formed which would have views towards no.11. To prevent detrimental overlooking of no.11 it is considered appropriate and necessary to condition that windows in the side elevation are obscurely glazed and that a glazed privacy screen is installed for the roof terrace. To prevent any potential for further overlooking permitted development rights for any new windows will also be withdrawn.
- 10.19 Subject to the conditions set out above, the proposal is considered to have an acceptable impact on the occupiers of no.7.

### Highway safety

- 10.20 The impact of the development on highway safety is an important consideration and Policies T10 and T19 of the UPD and Policies PLP21 and 22 of the draft Local Plan all need to be considered in detail.
- 10.21 The application seeks to provide a new point of access to the site and a new drive which would lead in front of the dwelling and provide an area of off street parking and internal turning. The new drive would be 5.5 metres in width which is considerable and significant space would be provided in front of the dwelling for off street parking. Whilst no parking bays are marked on the site plan, the space is considered to be more than sufficient to accommodate the minimum 3 spaces required for the development. The existing point of access would not be used under this application. The drive would be surfaced in loose stone chip paving which for the most part is considered to be acceptable. However to prevent stone chippings being dragged onto the highway a condition is attached to the recommendation requiring the first 5 metres of the drive to be hard surfaced.
- 10.22 Subject to the condition set out above the access and parking arrangements proposed are considered to be acceptable and the application would have an acceptable impact on highway safety.

### Other Matters

- 10.23 It is noted that the application site is within the Bat Alert layer and the impact on bats needs to be considered. The building has been damaged by fire for a substantial period of time and previous applications have determined that bat surveys were not required. Therefore in this instance a precautionary note is considered to be sufficient protect against the potential harm to bats. It is noted that there are a number of mature trees to the rear of the property which are protected by their location within the Conservation Area, however given the separation distance from extended dwelling to the trees it is consider that the proposal would not have a detrimental impact on these trees.

### Representations

- 10.24 In total 8 representations have been received to the two periods of publicity. A summary of the comments received is set out below along with a response to the points raised.

#### *Comments from the initial Plans*

- The redline boundary between no.7 and no.9 is incorrect and includes land owned by no.7. This matter should be resolved.

**Response:** This matter has been investigated by Planning Officers and the red line boundary has been amended removing the disputed land. The amended plans were received on 27 September 2018 and re-advertised.

- The application site has been subject to a number of previous applications which have been refused. Whilst the redevelopment of the site is supported there needs to be careful consideration to the impact on character and appearance of the local area, and the amenity of local residents, these matters formed reasons for refusals on the previous scheme. The current scheme is not considered to have addressed these concerns.

**Response:** As set out above, there has been a detailed assessment of the impact of the design of the proposal on the character of the local area. The currently proposed scheme is significantly smaller in scale than previously proposed schemes and as set out above is considered to be acceptable.

- The proposal includes raising the roof by 1.25 metres incorporating a steeper roof which is considered to have an adverse impact on no. 7 Inglewood Av. No.7 is set at a significantly lower level than no.9 and the proposal would lead to a detrimental overbearing impact on no.7 and have an adverse impact on the street scene and the character of the local area contrary to Policies BE1 and BE2 of the UDP and Policies in Chapter 12 of the NPPF.

**Response:** The impact on raising the roof by 1.25 metres has been assessed above and is considered to be acceptable.

- The proposal includes the enlargement of the front porch closer to no.7, this enlargement is considered to have a detrimental impact on the amenity bedroom window in the front elevation of no.7 and the front garden.

**Response:** It is considered that the enlargement of the porch would not have a detrimental impact on the front garden of no.7.

- The windows in the side elevation have the potential to detrimentally overlook no.7, of particular concern is the side window to bedroom 4, this should be reduced in scale or removed.

**Response:** As set out above the side elevation of host property already includes a number of windows, however to protect the amenity of no.7 and to prevent any adverse overlooking the windows will be conditioned to be obscurely glazed.

- There is potential to overlook no.7 from the proposed external terrace from the master bedroom located within the roof space of the dwelling. A screen to protect this should be incorporated in the development.

**Response:** As set out above the proposed terrace would be located 5.7 metres from the shared boundary which helps to mitigate any impact. However to fully mitigate any potential for overlooking and to protect the amenity of no.7 a condition for the provision of a 1.8 metre high obscurely glazed screen will be attached to the decision notice.

- The application includes no provision for parking, the parking area by no.11 should not be included within the submitted red line boundary as this is not owned by the applicant.

**Response:** As set out above the application includes parking provision for the host property on the drive. Whilst specific spaces are not marked it is considered that sufficient space is provided for the enlarged dwelling.

- The application is supported and would represent an improvement in the local area.

**Response:** Noted.

### **Comments from the Amended Plans**

- There is a discrepancy in between the red line showing the application site boundary on Plan (P-01) and the one on the existing site/block plan (P-02 Rev A). The former includes the parking area in front of no.11 Inglewood Ave the latter does not. Which is correct, has appropriate notice been served?

**Response:** The correct red line does not include the parking area in front of no.11, the plans online have been subsequently updated.

- The redevelopment of the site is welcomed, however the proposal as amended is still considered an adverse impact on no.7 Inglewood Av.

**Response:** As set out above the proposal is considered to have an acceptable impact on the occupiers of no.7.

- There is no objection to a property at no.9, however adequate parking should be provided in any development with safe access onto Inglewood Avenue. The proposed dwelling is very large and would require significant off street parking.

**Response:** As set out above the application includes parking provision for the host property on the drive. Whilst specific spaces are not marked it is considered that sufficient space is provided for the enlarged dwelling.

- Hours of building work should be limited to appropriate times of the day with noise levels limited.

**Response:** A note regarding hours for works will be attached to the recommendation.

- Any alternations to the roof should be proportionate and commensurate with Inglewood Avenue.

**Response:** As set out above the works to the roof are considered to be of an acceptable design.

## **11.0 CONCLUSION**

11.1 In conclusion the proposal is recommended for approval and would lead to the redevelopment of a run down site and bring a dwelling back into use.

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. 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. Development within 3 years.**
- 2. In accordance with the approved plans.**
- 3. Submission of materials.**
- 4. Condition obscurely glazed windows.**
- 5. Surfacing of parking and vehicles areas for first 5 metres.**
- 6. Provision of privacy screen to first floor terrace.**
- 7. Provision of privacy screen to roof terrace.**
- 8. Withdraw permitted development rights for any further windows.**

**Note**

Regarding Construction hours

**Background Papers:**

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2F91542>

Certificate of Ownership –Certificate A signed.: