
Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 24-Jan-2019

Subject: Planning Application 2018/93073 Erection of three storey side and single storey rear extension and erection of dormers 215, Birkby Road, Birkby, Huddersfield, HD2 2DA

APPLICANT

N Uppal

DATE VALID

20-Sep-2018

TARGET DATE

15-Nov-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: LINDLEY

No

Ward Members consulted

RECOMMENDATION: REFUSE

1. The proposed extensions, by reason of the scale, design and materials of the proposed side extension, would appear discordant and incongruous in the streetscene and would fail to relate to or respect the host dwelling's original form. The proposed scheme would be an unsympathetic form of development that would harm the character and appearance of the area and the host dwelling. This would be contrary to the aims of Policies D2(vi & vii), BE1(ii) and BE2(i) BE13i & iii) of the Unitary Development Plan and PLP24 (a & c) of the Publication Draft Local Plan and paragraph 127 of the National Planning Policy Framework.
2. The siting, design and scale of the proposed side extension would result in an undue overbearing impact on the amenities of the occupiers of no. 4 Brendon Drive. This would fail to retain a high standard of amenity for existing occupiers of this dwelling, contrary to Policies D2 (v) and BE14 of the Unitary Development Plan, PLP24 (b) of the Publication Draft Local Plan and para 127(f) of the National Planning Policy Framework.

1.0 INTRODUCTION:

The application is brought to Planning Committee at the request of Cllr Burke who has provided the following reason:

As the plot is more than large enough to accommodate the proposal, I do not consider that it will have a negative impact on the visual amenity of the local street scene.

- 1.1 The Chair of the Sub-Committee has confirmed that Cllr Burke's reason for making this request is valid having regard to the Councillors' Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 215 Birkby Road, Birkby is a two storey detached dwelling built of brick and a concrete tiled roof, located to the south of Birkby Road, on the inside of a long sweeping bend, close to the junction with Reap Hirst Road. The property and the adjacent property No. 217, were both built in the 1960's, in the grounds of 'Inglewood', a large Victorian Villa, where both properties are set back from the road with a low wall running along the front of the property. The property benefits from a drive along the west facing elevation, leading to a detached

double garage with storage above in the south west corner of the garden. Within the rear amenity space in the south east corner are mature trees protected by a Tree Preservation Order. The property is a modest size, sat within relatively large gardens giving an open aspect characteristic to the area.

3.0 PROPOSAL:

- 3.1 The application seeks permission for the erection of a single storey front, two storey side and single storey rear extension to the existing property to form a 6 bedroom dwelling across 3 floors with an additional gymnasium, games/cinema room, prayer room and living space to the upper floors. At ground floor the accommodation would comprise of two lounges, dining kitchen area, study, the 6th bedroom, laundry room, utility and WC.
- 3.2 The two-storey side extension would project from the gable by 6.3m by 11.6m including 4.05m projection from the rear elevation at ground floor, at first floor this would be reduced to the depth of the property with an additional 2m, a total length of 9.6m and would be 5.5m high to the eaves with the a gabled roof running at right-angles to the host property. The front elevation of the side extension has been designed with a large tapering overhang canopy, with a total additional projection of 1.2m.
- 3.3 The proposed single-storey rear extension would have a projection of 4.05m by 9.6m the full width of the rear elevation linked into the proposed side extension, and with a monopitch roof.
- 3.4 The proposed single storey front extension would enlarge the proposed study, projecting 1.75m in line with the existing WC by 2.95m to the gable of the host property.
- 3.5 Finally within the roof space on the front elevation, there would be two dormers, measuring 2.7m across, these would be set back from the gutter by 0.15m with a dual pitched roof and would be set below the ridge by 0.45m.
- 3.6 The proposed extension would be built from brick, with contrast panels of white render, timber cladding and concrete tiled roof. The front and rear ground floor elevations incorporate a number of bi-fold doors.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2016/93212 – Erection of two storey extension to side and single storey to front and rear. Conditional Full Permission

[http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2016/93212&file_referen
ce=605692](http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2016/93212&file_reference=605692)

2016/91082 – Erection of fencing on existing wall and vehicular and footway gates. Conditional Full Permission

2015/93128 - Erection of boundary wall and gates and formation of extension to dropped kerb. Refused

2015/91463 – Erection of garage extension, new boundary wall and gates and extension to dropped kerb. Withdrawn

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Discussions have taken place with the agent to request the scheme be amended to reduce the scale of extensions to follow the footprint of the previously approved scheme and change the roof to follow through over the extension rather than at right-angles. The request for amendments also included the removal of the rear first floor extension.
- 5.2 The application has been amended by reducing the rear first floor extension to 2m and removing 1 dormer on the side elevation.
- 5.3 The roof was initially changed to run through from the host property over the extension, however the applicant has had a meeting with neighbours who preferred the original scheme. Therefore the application has reverted back to the submitted option with regard the roof.

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
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)
- **BE15** - Dormers
- **T10** – Highway safety
- **NE9** – Retention of mature trees.

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
PLP 24: Design
PLP 33: Trees.

National Planning Guidance:

- 6.4
- Section 12 – Achieving well-designed places

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The proposal was advertised by a site notice and neighbour notification letters. The publicity period expired 01-11-2018. In addition, the agent has submitted amended drawings where neighbours have been given the opportunity to comment which expired on the 03-01-2019.
- 7.2 Representations have been made by a total of 4 local residents and another third party all in opposition to the original plans.
- 7.3 A summary of the concerns and comments made to the original plans are given below:

Grounds of objection and concerns

- overlooking,
- loss of natural light
- Overbearing & intrusive element.
- No boundary screening
- Large areas of cladding
- Increase in traffic due to the extended family
- Scale of the extension is out of proportions and not sympathetic to the area.
- 3 –storey extension will appear taller given the difference in levels
- changes the visual character of the development and that of the neighbourhood. The size and mass of the extended property will dominate the locality and be out of proportion to other properties.

Following amended plans 2 letters have been received and the comments are summarised below:

- No objections to the revised plan provided that any windows above ground level are frosted.
- Access would be dangerous.

8.0 CONSULTATION RESPONSES:

- 8.1 **Statutory:** none necessary

- 8.2 **Non-statutory:**

K.C Trees – No objections subject to condition

9.0 MAIN ISSUES

- Principle of development
- Design
- Residential amenity
- Highway Safety
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The site is unallocated on the Kirklees Unitary Development Plan (UDP) proposals map and as such Policy D2 applies and does indicate that permission will normally be granted provided it would not have any prejudicial impact upon, for example, visual and / or residential amenity or result in the overdevelopment of a site.
- 10.2 Other UDP Policies of relevance include BE1 and BE2 (development should be visually attractive and contribute to a sense of local identity), BE13 (extensions should respect the design features of the existing building), BE14 (extensions should not have an adverse impact on adjacent properties or land), and NE9 (mature trees should normally be retained).
- 10.3 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.
- 10.4 PLP24 (a and c) of the Publication Draft Local Plan states: "Proposals should promote good design by ensuring that . . . the form and scale, layout and details of all development respects and enhances the character of the townscape...[and] extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers". Policy PLP33 (Trees) states that proposals should normally retain any "valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location, or contribute to the environment."

Design

- 10.5 The proposed development seeks to substantially extend an existing dwelling to provide accommodation over three floors, as set out earlier in the report. This includes extending a total of 6.3m from the existing gable which would bring the dwelling approximately 2.9m from the boundary with Birkby Road at its closest point. Extensions are proposed to the front, side, rear and roof of the property resulting in a dwelling that would be significantly different to that presently on site. There is an extant scheme to extend the dwelling approved under application no. 2016/93212. This demonstrates that it is possible to provide additional accommodation on the site which would comply with existing and emerging policy. Indeed the proposed single storey extensions now proposed, and the dormers within the front roof slope subject to some slight

reductions, are all considered acceptable. The principal concern with the current scheme relates to the proposed side extension and the external facing materials.

- 10.6 The proposed side extension has been designed so that the ridge line runs at right angles to the host property with a feature canopy overhang projecting a maximum of 1.2m to the front elevation, which tapers from the ridge back into the eaves. This would provide accommodation over three floors and is particularly prominent in the streetscape due to sweeping nature of Birkby Road at this point and scale of the extension which extends 16.8m in length as opposed to the existing dwelling which has a depth of approximately 8 metres. This scale together with the orientation of the roof would be out of character with the host property, furthermore the canopy would add additional bulk to the property, introducing an incongruous feature to the street scene. The side elevation would 'face' Birkby Road due to the siting of the host dwelling. At present the dwelling has a blank elevation but the proposed development would introduce windows over two floors and rooflights. In addition it is proposed to add a large panel of white render as a feature of this elevation. These would all add to the prominence of the extension when viewed from Birkby Road and serve to create an incongruous feature at odds with the quiet character of the existing dwelling and surrounding dwellings. 215 Birkby Road is presently a modest size property within relatively large grounds characteristic to the surrounding properties and area. For these reason the development would be contrary to Policies D2(vi & vii), BE1(ii) and BE2(i) BE13i & iii) of the Unitary Development Plan and PLP24 (a & c) of the Publication Draft Local Plan and paragraph 127 of the National Planning Policy framework.
- 10.7 The host property, is built from brick with timber boarding detail below the first floor and ground floor windows to the left hand side of the porch and a concrete pantile roof. The proposed material would be concrete tiles and brick to match the host property which would be acceptable. However the extension has been designed with timber cladding and white render being the predominant facing materials with only the corners being brick. These materials in the proposed proportions would give a stark appearance to the building out of character with the property and drawing further attention to the mass of the proposed side extension. It is accepted that the host property is simple in design and the applicant would like modernise the appearance. However due to the prominent position of the property and the amount of render, it is considered that its use would fail to respect the host dwelling.
- 10.8 The two front dormers do not fully comply with Policy BE15 of the UDP in that they are not set back from the gutter at a sufficient distance and they cover over 50% of the total (original) roof slope. However, these details could be amended to comply with policy BE15 and if they were the only addition to the property, they could be considered as acceptable. However the dormers in addition to the larger extension is considered to dominate and add bulk to the host property.
- 10.9 It should be noted that the treatment to the site frontage, including fence and gates referred to in the Design & Access Statement, were approved under application 2016/91082. The works include widening the site entrance and the erection of gates and fencing.

Residential Amenity

- 10.10 The two-storey side extension would be 12m from the nearest point on the curtilage of the residential property at the rear (in this case, 4 Brendon Drive) and 40m from the facing front elevation of no. 324 Birkby Road with "Four Gables" still further away to the side. It is considered that the side extension would not give rise to any significant overlooking of neighbours to the front and side, given the distance from neighbours.
- 10.11 The single-storey extension would be approximately 10.5m from the southern boundary of the site and it is considered that owing to its separation distance and small size it would not affect the amenities of no. 4 Brendon Drive.
- 10.12 The properties along Brendon Drive to the rear of the site are at a lower ground level than the application property. This has been taken into account in the design of the side extension where the windows in the attic facing south towards these dwellings are shown to be obscurely glazed with no windows in the first floor rear elevation. This could be controlled by condition and therefore it is considered that there would be no undue overlooking of the properties to the rear.
- 10.13 The adjacent neighbours at No 217 Birkby Road are located on the opposite side to the proposed two storey extension and there are no windows proposed that would adversely affect the privacy of this property.
- 10.14 Notwithstanding the scheme has been designed to avoid undue overlooking of neighbouring properties, the scale of the development is considered to result in an overbearing impact to no. 4 Brendon Drive to the south of the site. This property is being at a lower ground level than the application site and the proposed separation distance between the extension and this dwelling being limited to 20.2m. It is considered that the scale and design of the side elevation would introduce a feature that would fail to retain a high standard of amenity for existing occupiers of this dwelling, contrary to Policies D2 and BE14 of the UDP, PLP24 (b) of the PDLP and para 127 of the NPPF.
- 10.15 With regard overshadowing the property is located to the north of properties along Brendon Drive and given the protected trees located between the neighbours and proposal, which will already cast a shadow. It is considered the extension would not create undue overshadowing of the neighbours.

Highway issues

- 10.16 The proposed development does not involve any new or amended means of access to the highway. Existing parking and manoeuvring arrangements within the site would be unaffected. The detached garage would be retained and there would be space enough within the site to park at least four vehicles.
- 10.17 The works to the site entrance and boundary treatment have an extant permission under application 2016/91082 and are considered to be an improvement to the access situation. There are no objections to the proposals subject to a footnote regarding the required works to the highway.

10.18 In conclusion, the proposed development, if implemented in accordance with the submitted plans, would not create or materially add to highway safety problems, and would accord with the aims of Policies T10, T19, PLP21 and PLP22.

Representations

10.19 The concerns expressed are summarised below with officer responses:

- Overlooking,
Response: The windows shown at first floor level are set a distance of over 22 metres to the rear elevation with 4 Brendon Drive. This distance is considered sufficient to avoid loss of privacy to the occupants and is in accordance with Policy BE12 of the Unitary Development Plan.
- Loss of natural light
Response: The proposed extension is north of the neighbours most effected by the proposal and due to the scale and height some natural daylight may be reduced by the extension
- Overbearing & intrusive element.
Response: Officers have concluded that the development would result in an unacceptable relationship being overbearing.
- No boundary screening
Response: It is acknowledged that the 3d drawings give the impression of screening where limited treatment exists.
- Large areas of cladding
Response: The concerns are noted and Officers recognise that the materials proposed are not acceptable adding weight to the unacceptability of the proposed development.
- Increase in traffic due to the extended family
Response: It is accepted that the number of bedrooms and accommodation would increase family members, however the drive can adequately accommodate several cars. Informal discussion with highways have confirmed there are no objections in this respect.
- Scale of the extension is out of proportions and not sympathetic to the area.
Response: Officers have agreed that the extension proposed is not acceptable for reasons referred to in the report.
- 3 –storey extension will appear taller given the difference in levels
Response: Officers have agreed that the extension proposed is not acceptable for reasons referred to in the report.
- Changes the visual character of the development and that of the neighbourhood. The size and mass of the extended property will dominate the locality and be out of proportion to other properties.
Response: Officers have agreed that the extension proposed is not acceptable for reasons referred to in the report.

- No objections to the revised plan provided that any windows above ground level are frosted.

Response: The windows at first floor level are considered to be sufficient distance to avoid any loss of privacy to nearby occupants. If necessary the windows could be obscurely glazed.

- Access would be dangerous.

Response: Alterations to widen the access have been approved under a previous application which remains extant. It is not considered that the works would result in any detriment to highway safety and discussions with Highways DM have confirmed that the increase in width would be beneficial.

Other Matters

10.20 *Trees*

The application is not accompanied by any information in respect of the impact on the protected trees within and adjacent to the site. The proposals show the trees to be retained and despite the submission of further information it remains unclear as to how the trees can be protected. The revised plans show the first floor stepped back and an absence in windows within the wall closest to the tree, these design changes are welcomed. However, in order to ensure that the trees can be protected a tree survey and Arboricultural Method Statement, to include a tree protection plan, would be required to safeguard the trees during the works.

- 10.21 Subject to the imposition of a condition to ensure the trees can be protected, the development can be carried out in accordance with Kirklees Unitary Development Plan Policy NE9 and Publication Draft Local Plan Policy PLP33.

11.0 CONCLUSION

- 11.1 It is considered that the proposed development, would not adequately respect the character of the existing dwelling or its surroundings and that it would result in undue harm to the amenities of existing occupiers of a neighbouring dwelling. It is therefore recommended that permission is refused.

Background Papers:

Application and history files can be accessed at:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f93073>

Certificate of Ownership – Certificate A signed