
Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 07-Mar-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:

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 in this report.

1.0 INTRODUCTION:

The application was originally 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 confirmed that Cllr Burke's reason for making this request is valid having regard to the Councillors' Protocol for Planning Committees.
- 1.2 Members visited the site and considered the application at the Sub-Committee meeting on 24th January 2019. Members resolved to defer the application and requested officers to negotiate an amended scheme with the applicants.

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, as now amended, 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 5 bedroom dwelling across 3 floors with a large storage area with en-suite and bedroom no. 5 located in the attic. At ground floor the accommodation would comprise of two lounges, dining kitchen area, study, laundry room, utility and WC.
- 3.2 The two-storey side extension would project from the gable by 5.8m by 11.7m 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 1.5m, a total length of 9.0m and would be 5.25m high to the eaves with the a gabled roof running at right-angles to the host property.
- 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 three equally spaced dormers, measuring 2.7m across, these would be set back from the gutter by approx. 0.45m with a dual pitched roof and would be set below the ridge by approx. 1m.
- 3.6 The proposed extension would be built from brick, with a concrete tiled roof. The front and rear ground floor elevations incorporate a number of larger glazed openings.

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 Originally discussions took place with the applicant and 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 was first 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 met with neighbours who, it was stated, preferred the original scheme. Therefore the application was reverted back to the originally submitted option with regard the roof of the side extension being at right angles to the main roof. This was the scheme presented to Sub-Committee on 24th January.
- 5.4 The application was considered by members at Sub-Committee on 24th January where members resolved to defer the application to enable potential amendments to the submitted scheme to be explored. Since that time officers have negotiated with the applicants and agent to secured further amendments to the scale and appearance of the proposed extensions. These have resulted in the following changes to the scheme:
- The large tapering overhang canopy, with a total additional projection of 1.2m along the front elevation of the side elevation has been omitted.
 - the roof pitch of the existing property has been re-surveyed and corrected to 37 degree roof pitch. This has resulted in the re-siting of the dormers in the existing dwelling and a reduction in the eaves and ridge height of the projecting element of the side extension beyond the rear elevation of the existing house.
 - reduction in width of side extension by 0.5m
 - addition of 3rd dormer in the front elevation of the extended property
 - reduction in the width of the extension projecting at first floor beyond the original dwelling. This has resulted in the original form of the dwelling to be read across the side extension.
 - the external walls would all be brick faced, omitting previously proposed panels of render and timber cladding.
 - forecourt slightly enlarged to allow at least 3 vehicles to park within the 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 (2019). 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 (2019), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan, its published modifications and Inspector's final report dated 30 January 2019 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 The Inspector's Report of 30/01/2019 concluded that the draft Local Plan provides an appropriate basis for the planning of Kirklees, provided that modifications are made to it. Given the conclusions of the Local Plan Inspector, adoption of the draft Local Plan is to be considered by Council on 27/02/2019. If Council resolve to adopt the Local Plan at that meeting, the Local Plan would carry full weight as the statutory development plan (effective immediately), and the UDP policies listed below would need to be disregarded.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

The site is located on unallocated land on the UDP.

6.3

- **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.

- 6.4 **PLP1:** Presumption in favour of sustainable development
PLP2: Place shaping
PLP 24: Design
PLP 33: Trees.

National Planning Policy Framework:

6.5

- 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. On receipt of further amended plans on 8th February a third round of publicity was undertaken by neighbour notification letter. The period of publicity expires on 26th February.

7.2 Representations in opposition were made by a total of 4 local residents and another third party 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 were 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.

Following receipt of amended plans Ward Councillors were notified and comments received from Councillors Burke and Eastwood as follows:

“We are writing to support the planning application proposal for an extension at 215, Birkby Road, Huddersfield, HD2 2DA (planning reference number: 2018/93073).

This is a modified scheme and we are satisfied that the applicant and architect have listened to the advice of planning officers and have proposed an amended scheme which is reduced in scale and is more in keeping with the surrounding area.

We are satisfied that the modified scheme is acceptable from a Highways perspective and that the applicant has provided a Road Safety Audit. We are also satisfied that there are adaptations to address privacy concerns and we recognise that the extensions will not encroach on adjacent trees and result in TPO trees being removed. We believe that the modified scheme will not have a negative impact on the neighbours.

We support the officer’s recommendation for approval at a future planning committee.”

Two representations have been made in respect of the latest amended plans summarised below (site publicity expired 26th February).

- The house is similar design wise to those in the area. The only outstanding issue for the writer concerns exiting and entering the drives from Birkby Road.
- The size and scale is out of keeping with the area
- The development does not adequately respect the character of the existing dwelling or its surroundings
- The development will still cause undue harm to existing occupiers.
- Insufficient evidence provided as part of the revised plans to suggest the tree can be adequately protected.

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 The site is also without notation on the Kirklees 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. PLP1 goes on further to stating that:

“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

In this case the principle of development, to extend the dwelling, is acceptable and shall be assessed against other material planning considerations below.

- 10.3 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).
- 10.4 PLP24 (a and c) of the Publication Draft Local Plan state: "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, as amended, 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 5.8m from the existing gable which would bring the dwelling approximately 3.5m from the boundary with Birkby Road at its closest point. This is 0.5m less than the previous proposal and has also removed the overhanging canopy and changed the roof form. The revised scheme still proposes extension to the front, side, rear and roof of the property resulting in a dwelling that would be significantly larger to that presently on site. However, the cumulative impact of the amendments made to the scheme are now considered, on balance, to be such that they would respect the character of the host building and townscape of this section of Birkby Road.
- 10.6 The revisions to the scheme previously considered by members have significantly altered the design and appearance of the side extension. As well as a reduction in footprint the roofline now follows the linear form of the host building and includes a slight reduction in the width of the projecting element to the rear. This sets it off the side wall of the extension such that the gabled roof form of the original property follows through the full width of the extension. In addition following the correction of the roof pitch, this projecting element is now set down from the ridge of the existing roof. The correction to roof pitch also results in the dormer windows being smaller elements in a larger roof – despite the addition of a third window. These amendments help to reduce the apparent mass of the extensions to the extent that the original property still has dominance on the site. This is a finely balanced conclusion and has taken into account the alternative extant permission to extend the property under application no. 2016/93212 which proposed the same form of side extension and palette of external facing materials.
- 10.7 The proposed side, west, extension would be particularly prominent in the streetscape due to sweeping nature of Birkby Road. The scheme previously presented to Members would have extended 16.8m in length when viewed from Birkby Road, the existing dwelling has a depth of approximately 7.75 metres. The revised scheme, including the changes to roof form, has reduced this to 11.70m at ground floor and 7.75-9.25m at first floor and omitted the canopy feature. At present the dwelling presents a blank west side elevation. Whilst

the amended scheme still proposes a number of openings in this elevation these are either secondary, obscure glazed or non-habitable which reduces their perceived impact. In addition the proposal to add a large panel of white render as a feature of this elevation has been omitted. This further reduces the visual prominence of the extension.

- 10.8 215 Birkby Road is presently a modest size property within relatively large grounds characteristic to the surrounding properties and area. The revised proposals to extend it would significantly enlarge the property but the design as amended is such that, on balance, it would now comply with 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.
- 10.9 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 materials would be concrete tiles and brick throughout to match the host property which would be acceptable. The amended scheme has now deleted proposals to include large sections of timber cladding and white render. These materials in the proposed proportions were considered to give a stark appearance to the building out of character with the property and drawing further attention to the mass of the previously proposed side extension.
- 10.10 The three front dormers proposed now comply with Policy BE15 of the UDP in that they are set back from the gutter and ridge of the roof at a sufficient distance and they cover less than 50% of the total roof slope as extended. These no longer dominate the roof, although it is acknowledged they add mass to the overall scheme.
- 10.11 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. The only alteration to this now proposed is to enlarge the forecourt to allow additional parking within the site. Subject to the surfacing being permeable materials, so as to avoid flood risk, there is no objection to this alteration.

Residential Amenity

- 10.12 The two-storey side extension would be over 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.
- 10.13 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.

- 10.14 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 in the interests of residential amenity and therefore it is considered that there would be no undue overlooking of the properties to the rear.
- 10.15 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.
- 10.16 Notwithstanding the scheme has been designed to avoid undue overlooking of neighbouring properties, the scale of the development was previously considered to result in an overbearing impact to no. 4 Brendon Drive to the south of the site. This formed the second reason for refusal in the report to members. This property is being at a lower ground level than the application site. The proposed separation distance between the extension and this dwelling is limited but has increased from 20.2m to 21.3m as a result of the amended plans. The perceived height of this element has also been reduced as a consequence of the correction of the roof pitch. Although this again is a finely balanced conclusion, it is considered these changes would result in a scheme that would provide a good standard of amenity for existing occupiers of this dwelling, in accordance with Policies D2 and BE14 of the UDP, PLP24 (b) of the PDLP and para 127 of the NPPF.
- 10.17 With regard overshadowing, the property is located to the north of properties along Brendon Drive and 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

- 10.18 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 save for an increase in the forecourt area. The detached garage would be retained and there would be space enough within the site to park at least four vehicles.
- 10.19 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.
- 10.20 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

- 10.21 The concerns expressed to the original details 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 and Policy PLP24 of the PDLP.
- 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, on the basis of the amended plans that the development would not 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 previous palette of materials proposed were not acceptable. The cladding has been omitted from the scheme.
- 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 agreed that the previously proposed extension proposed was not acceptable. These plans have been amended
- 3 –storey extension will appear taller given the difference in levels
Response: Officers agreed that the previously proposed extension proposed was not acceptable. These plans have been amended
- 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 agreed that the previously proposed extension proposed was not acceptable. These plans have been amended
- 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 safety of exiting and entering the drive from Birkby Road
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.

Following re-advertisement of amended details comments have been received from Councillors Burke and Eastwood who support the proposals.

Two representations have been received which are responded to below:

- Concerns regarding access
Response: The access arrangements remain as previously approved. It is not considered that the works would result in any detriment to highway safety.
- The size and scale is out of keeping with the area
Response: The plans have been amended to address officer concerns. It is considered that the scale has been reduced sufficiently to address concerns and will not detract from the area.
- The development does not adequately respect the character of the existing dwelling or its surroundings
Response: The design has been amended to address concerns. The roof pitch runs through as advised by Officers and dormers located to the front which are not uncharacteristic of the area. The dwelling as extended will not detrimentally impact on the street scene or wider area.
- The development will still cause undue harm to existing occupiers.
Response: The size and scale of the development has been reduced so as to address concerns regarding the impact on neighbouring occupants. The amendments are considered to adequately address matters relating to bulk and mass. The scheme is not considered to result in any detriment to any neighbouring occupant.
- Insufficient evidence provided as part of the revised plans to suggest the tree can be adequately protected.
Response: Subject to condition (as outlined in section 12) there are no concerns regarding the impact of the scheme on protected trees. The KC Arboricultural Officer raises no objections.

Other Matters

10.22 *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.

- 10.23 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.

10.24 *Permitted development rights*

Should planning permission be granted the property would retain permitted development rights to erect outbuildings/enclosures, provided these complied with the regulations set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This could amount to an overdevelopment of the site which would be harmful to the visual amenity of the area and which could also have an adverse impact on the amenities of surrounding residents. As such it is recommended that permitted development rights for outbuildings be withdrawn by condition.

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

- 11.2 This application has been assessed against relevant policies in the development plan, emerging local plan and other material considerations and it is considered that the development, on balance, 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. Matching materials
4. Withdraw permitted development rights for outbuildings
5. Permeable surfacing materials for extended forecourt area
6. No additional windows in the upper floors of the rear elevation of the extension.
7. Windows in the upper floors of the rear elevation to be obscure glazed.
8. Tree survey and Arboricultural Method Statement, to include a tree protection plan.

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