
Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 07-Mar-2019

Subject: Planning Application 2018/94133 Erection of two storey side, single storey rear extensions and front porch 8, The Crest, Bradley, Huddersfield, HD2 1QN

APPLICANT

A Hussain

DATE VALID

19-Dec-2018

TARGET DATE

13-Feb-2019

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: Ashbrow

No

Ward members consulted

RECOMMENDATION: REFUSE

1. The two storey side extension proposed, by reason of its design, scale and siting on a prominent junction, would introduce an incongruous and discordant feature to both the host dwelling and the wider streetscene. This would materially harm the visual character and appearance of the area and be contrary to PLP24 (A) and (C) of the Kirklees Publication Draft Local Plan and Policies BE1 (i & ii), BE2 (i), BE13 (iv) and D2 (vi, vii) of the Kirklees Unitary Development Plan and Policies in Chapter 12 of the National Planning Policy Framework.

1.0 INTRODUCTION:

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

“The decision on whether the development is acceptable is subjective and would benefit from a Committee site visit and decision.”

1.2 The Chair of the Sub-Committee has confirmed that Cllr Homewood’s reason for making this request is valid having regard to the Councillor’s Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS

2.1 8 The Crest is a detached dwelling constructed from artificial stone walls and a concrete tile roof. The dwelling is set in a modest curtilage with a fair sized paved area to the front and a small garden to the rear. The dwelling is north facing. The property benefits from a driveway set in north east of the dwelling as well as an original garage. To the west is a further piece of land which falls within the curtilage of the property where the extension subject to this application is located.

2.2 The dwelling forms part of a larger housing estate granted permission in the late 1980s. The Crest is a cul-de-sac characterised by detached dwellings of plain design with open, lawned frontages. The road rises from south to north and no. 8 is prominently sited at the ‘T’ junction of The Crest. The rear elevation and the open land to the west of the house is clearly visible on entering The Crest.

2.3 The extensions subject of this application are largely completed. At the time of the officer’s last site visit the 2 storey extension on the west elevation, a porch on the front, north elevation and foundations for an extension on the south, rear elevation were present. Subsequently it can be stated this application seeks retrospective permission.

3.0 PROPOSAL:

- 3.1 The applicant is seeking permission for single storey extension to the front and rear and a two storey extension to the side. These extensions are for the purpose of a porch, store, study/bedroom and sun room respectively.
- 3.2 The proposed side extension has a projection of 3m from the west elevation, a length of 6.35m, and a maximum height of 5.4m with the eaves at 3.85m. As seen on drawing 1753 6B, the store shall have a garage door like opening set just off from the existing dwelling, with a width of 2.4m and a height of 2.2m.
- 3.3 The porch has a projection of 1.5m, a width of 3m, and a maximum height of 3.3m with the eaves at 2.2m.
- 3.4 The proposed rear extension has a projection of 3.6m, a width of 4.6m and a maximum height of 3.5m with the eaves at 2.4m.
- 3.5 The materials proposed in the development match the existing property in its entirety with artificial stone for the walls, concrete tiles for the roof and upvc for the windows and doors.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 The application includes development which is unauthorised and Planning Enforcement were first made aware of the works in May 2018. Enforcement gave the applicant the opportunity to apply for retrospective permission to which they did in July 2018 under application 2018/92485. This was granted planning permission for a lesser scheme than that on site. The main difference being the extension to the west of the dwelling was reduced to single storey in height.
- 4.2 2018/92485 – Erection for single storey side, front and rear extension was given conditional full permission.

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

- 5.1 No amendments have been sought on this application due to the extensive amendments on the previously approved application (2018/92485). The approved permission was granted 7 days before this new application was registered, and the 2018/92485 was originally submitted identical to this application before amendments as detailed below were negotiated, the applicant and agent were therefore aware of officer's viewpoints on the scheme as constructed.
- 5.2 Amendments negotiated on the 2018/92485 application related solely to the western, side extension and its subsequent development. The negotiations saw:
- The overall height of the side extension reduced to 4m to satisfy PLP24 in regards to scale and design details and the street scene.
 - The re-implementation of the footpath to satisfy PLP24 in regards to accessible space for all. This was conditioned.
 - The use to be a store, not a garage, with no parking on the driveway in front of the store; in the interests of highway safety, PLP21 and PLP24. Again this was also conditioned.

5.3 It would appear this application has included the re-implementation of the footpath and the use of the extension as a store feature that were negotiated on the previous scheme.

6.0 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.

6.3 Kirklees Publication Draft Local Plan

PLP1 – Presumption in favour of sustainable development

PLP2 – Place shaping

PLP21 – Highways and Access

PLP22 - Parking

PLP24 – Design

6.4 Kirklees Unitary Development Plan

D2 – Unallocated land

BE1 – Design principles

BE2 – Quality of design

BE13 – Extensions to dwellings (design principles)

BE14 – Extensions to dwellings (scale)

T10 – Highway Safety

T19 – Parking

6.5 National Planning Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published February 2019, together with Circulars, Parliamentary Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

Chapter 12: Achieving well-designed places

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised via site notices and neighbour letters. Final Publicity expired on 12/02/19. One comment was received in support of the application.

7.2 The lone comment, which was for support, stated the following comments:

- 'In line' with the rest of the house;
- Does not obstruct any other houses.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:** None

8.2 **Non-statutory:**

- **Highways Development Management:** comments made advising that ideally 3 off street parking spaces should be provided, but the provision of 2 is on balance acceptable and the proposal should include the reinstatement of the footway.

9.0 MAIN ISSUES

- Principle of development
- Background
- Design
- Highway Safety
- Residential amenity
- Representations

10.0 APPRAISAL

Principle of development

10.1 The site is without notation on the Kirklees 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. PLP1 goes on further stating:

"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 developing the site for extensions is acceptable and shall be assessed against other material planning considerations below. This also adheres to Policy D2 of the UDP.

Background

- 10.2 As explained in section 5 above, this application is retrospective and the applicant originally applied for planning permission after an enforcement complaint was received. Currently the applicant has completed the majority of the external works for the two storey side extension and front porch.
- 10.3 A similar scheme to that now being proposed was submitted under application no.2018/92485, which after extensive amendments to the side extension to reduce the scale to single storey, approved extensions to the front, rear and side of the property. The permission approved granted a side extension which has a maximum overall height of 4 metres, 3 metres to the eaves with the current proposal having an overall height of 5.4 metres and 3.85 metres to the eaves.
- 10.4 This application also includes the front porch and rear extension in addition to the side extension, however it is noted that these elements of the proposal have gained planning permission under application 2018/92485 and this report will not provide a detailed assessment of these elements. Rather it will concentrate on the western side extension.

Design

- 10.5 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'
- 10.6 Furthermore, paragraph 002 of the National Planning Practice Guidance (NPPG) Design states that the states:
"Good design should: Enhance the quality buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on well being."
- 10.7 Kirklees Publication Draft Local Plan policies PLP1, PLP2 and importantly, PLP24 are all 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. With specific reference to extension it advises that: *"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"*
- 10.8 Kirklees UDP Policies D2, BE1, BE2, BE13 and BE14 are also relevant which reflect guidance set out in PLP24.
- 10.9 The Crest is relatively unusual as it consists of a longer residential road leading in to a cul-de-sac as well as having a smaller cul-de-sac leading off it. The application site is considered to be in a prominent location and the site of the side extension is clearly visible from multiple views from the south, the west and from within the cul- de-sac which the application site is located off.

- 10.10 Whilst it is noted that the extension is set back from the front elevation of the dwelling this is the least prominent view. Rather the rear of the extension would be clearly viewed from within the local area, particularly from the south and west. Originally the host dwelling was designed with a clear setting back of property from the highway to create a spacious and open street scene, in line with the common design ethos of the wider estate. However the development of this area of the site, particularly due to its two storey scale, would erode this spacious and open street scene replacing it with a large and incongruous addition to the dwelling. This would be detrimental to the house property and the character of the local area and street scene.
- 10.11 Furthermore, whilst the development provides two floors and is classified as being two storeys in height, it appears as being 1 and half storeys in height with the roof space of the extension utilised to form the first floor room. The design approach of the extension has included large areas of blank stone wall above the store entrance on the front elevation and window on the rear elevation. Such a design lacks architectural detailing to help break up this mass of stone wall which is considered to detract from the visual amenity of the dwelling and character of the street scene.
- 10.12 In conclusion the proposed side extension is located within a prominent location and is considered to form an incongruous addition to the host property which would have a detrimental impact to visual amenity and the character and appearance of the local area. To permit such a development would be contrary to Policy PLP24 of the draft Local Plan and Policies D2, BE1, BE2 and BE13 of the UDP.
- 10.13 It is noted that the 2018/92485 application overcame the issue of design by securing amendments for the side extension to be reduced to a single storey 4m in height with the eaves at 3m. This reduction in size mitigated the poor design, such as the large amount of blank stone work, whilst reducing the overly prominent scale when factoring in the extension's siting. Planning Officers therefore consider that a single storey side extension as the most appropriate design approach for this part of the application site.

Highway Safety

- 10.14 Highways Development Management (HDM) were formally consulted in regards to the application along with an assessment of Policies PLP21 and 22 of the draft Local Plan, Policy T10 and T19 of the UDP have also been considered. HDM have advised that 3 parking spaces should be provided at the site given that the dwelling would have 5 bedrooms, along with the reinstatement of the footway to the front of the site which has been partly removed by unauthorised works by the applicant.
- 10.15 It is noted that the application site can only provide two off street parking spaces to the front/side of the dwelling as the existing garage of substandard internal dimensions to be counted as a space and it was observed on site that the garage is used for storage. However it is noted that the drive which serves the property to the front of the garage is relatively long and could, if necessary, accommodate two smaller vehicles. It can also be stated due to the nature of The Crest consisting of 2no. residential culs-de-sac and making up part of a wider housing estate, parking on street would not detrimentally affect the

highway safety of the area. Therefore, on balance, it is considered that the provision of only two parking spaces which meet the standard dimensions is acceptable.

- 10.16 The side extension has also stopped the use of a highway footpath and removed an element of the highway which allows pedestrians to cross the road using a dropped crossing. This is contrary to Policies PLP21 and 24 of the draft Local Plan and Policy T10 of the UDP as it prevents the needs of different uses being met and does not support the requirement to create accessible and inclusive places. This matter was brought to the attention of the Highways Registry Team on the previous application who have been investigating this matter.
- 10.17 In summary whilst plans submitted do show the footpath, currently this element of the highway has been removed during the building of this extension and needs to be reinstated at the earliest opportunity. A condition securing this works can ensure that this and was previously used on application 2018/92485. From a recent site visit it appears that these works are underway.
- 10.18 In conclusion, on balance Planning Officers considered that subject to appropriate conditions that the application would have an acceptable impact on highway safety.

Residential Amenity Issues

- 10.19 The National Planning Policy Framework seeks high quality design and a good standard of amenity for all existing and future occupiers of land and buildings. PLP24 (b) of the Local Plan states propels should:
“Provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings”
Policies D2 and BE14 of the UDP also seek to ensure that ‘residential amenity’ is taken into account in the assessment of application. In summary it is considered that the application would adhere to these policies for the following reasons..

10.20 No.10 The Crest

No.8 is set on a corner plot of the cul-de-sac meaning it is well-spaced from neighbours in most directions. No.10 The Crest is the neighbour most likely to be affected, however the extension to the rear of no. 8 is set approx. 4m away from the boundary with no.10. In addition the positioning of the garages between the rear gardens of no.s 8 and 10, combined with the fenced boundary treatment and single storey nature of the development adjacent no. 10 would mitigate the impact of this element of the scheme.

Other Neighbouring Dwellings

- 10.21 The side extension fronts a highway and the separation distance from adjacent dwellings means it will not materially impact the residential amenity in regards to overbearing, overshadowing and overlooking of the any dwellings opposite in any direction.

- 10.22 With regards to the front porch extension, it is considered that its small scale will not cause any material effect on the residential amenity of any dwelling within the vicinity of 8 The Crest.
- 10.23 In conclusion it is considered that the development would not cause material harm in regards to residential amenity would comply with the aims of PLP24 (b). No other neighbouring dwellings would be materially affected by the proposed development.

Representations

- 10.24 In total, 1 representation was received for this application, which was for support. It stated that the application:
- Is 'In line' with the rest of the house;
Response: Assessed within Design.
 - Does not obstruct any other houses;
Response: Assessed within Residential Amenity.

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. It is considered that the development proposals do not accord with the development plan or emerging local plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material considerations.

Background Papers:

Website Link: <http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f94133>

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