

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

25 JULY 2019

Planning Application 2019/90264

Item 10 – Page 15

Erection of 22 dwellings

land west of, Oxford Road, Gomersal, Cleckheaton, BD19 4LA

10.0 APPRAISAL

Update on West Yorkshire Combined Authority Metro improvements
(Paragraph 10.29 on page 28 and 10.39 on page 29 of the agenda)

The West Yorkshire Combined Authority have requested the developer provide a contribution to enhance a local bus stop, through the provision of a shelter and a Real Time Information Display, along with seeking Residential MetroCards. The purpose of these incentives is to promote sustainable travel measures, as sought by Policy LP20 of the Kirklees Local Plan and Chapter 9 of the NPPF.

Within the committee report it was stated that discussions were ongoing on this matter. It can now be confirmed that an agreement has been reached. This includes £13,000 for the bus shelter improvement works, £10,000 for Real Time Information Display upgrades and £11,011 towards Residential Metrocards. This amounts to a total of £34,011.

This contribution, alongside those referred to within the committee report, are to be secured within the S106 Agreement.

Amended plans

The applicant has submitted amended plans seeking to change the unit type of plot 1. This amendment was not requested by officers. Nonetheless there is no objection by officers to the change in house type.

The plot has been changed from a two storey, 4-bed Goring to a two and a half storey, 5-bed Kensington house type. Whilst a bigger dwelling, plot 1 has the largest area within the development. Plot 1 is well spaced from neighbouring dwellings to prevent either harm to residential amenity or visual amenity. There are no implications for other material planning considerations, including the nearby protected trees, the adjacent Green Belt or drainage as a result of the amended house type.

It is concluded that the proposed change to plot 1 does not materially impact upon the assessment provided within the original committee report. Because of the small scale of the change, that it does not directly impact upon nearby neighbours and the limited number of representations received, it is not considered necessary to advertise the amendment.

Erection of side extension and single storey rear extension

19, Staincliffe Road, Dewsbury, WF13 4ET

7.0 PUBLIC/LOCAL RESPONSE:

Further to the report, one representation has been received. The concerns raised in the representation are summarised and responded to below:-

19 Staincliffe Road is one of a pair of semi-detached bungalows. The application proposes to locate, on the boundary between the two properties, a rear extension nearly 3m high, topped by a glass lantern taking the structure to 3.5m in height. This means that outside the bedroom window of the adjoining property and adjacent to its patio will be a blank brick wall extending out 3m and rising to nearly 3m in height. This will have a major overshadowing effect and result in an unacceptable loss of amenity. If there were to be any rear development, then it should be moved well away from the party wall towards the other end of the property.

Officer response: *This is a material consideration as it relates to residential amenity. However, in this instance, the extension is proposed to be single storey with a limited projection of 3m which is generally considered to be acceptable. Whilst it is acknowledged that there would be some impact on the neighbouring property, this is not considered to be so significant so as to warrant refusal in the opinion of officers. It should also be noted that the applicant could construct this element of the proposal under permitted development.*

The scale of the proposed redevelopment is out of all proportion to the scale of the neighbour's property and the others in this longstanding and attractive development of old people's bungalows. From the plans, the objector has calculated that the footprint of the property is proposed to increase by at least 75%. This will have a major effect on the appearance of the building, with the balance in the scale of the existing pair of bungalows being completely lost.

Officer response: *This is a material consideration as it relates to visual amenity. The proposed side extension is similar in design and form to the main house and would utilise similar materials to the host property. It is not considered, in the opinion of officers, to be out of character with the host dwelling or wider street scene.*

The objector is very worried that the neighbour's house will be effectively uninhabitable for months if this major restructuring of this property takes place. What is proposed is going to be invasive and involves a party wall.

Officer response: *Construction works are limited in duration and cannot form a reason for refusing a planning application. A note however, can be attached to a decision, should planning permission be granted, reminding the applicant that there are protections in terms of Environmental Legislation in terms of reasonable construction hours.*

The developers would have to apply to the adjoining neighbour for permission to work on the party wall, which the neighbour has said they will refuse, but they are concerned that this could be overturned. The objector is concerned that they will be blighted by noise and disruption and an ugly brick wall overshadowing their property. Furthermore, the objector has said that there has been no consultation about this proposed development.

Officer response: *Works to the Party Wall (under the Party Wall Act) is not a material consideration - it relates to a civil matter. In regard to consultation, whilst pre-application discussions are encouraged, there is no statutory duty.*

These bungalows were built for and are occupied by elderly people and it does not seem to the objector to be appropriate to change the character of the area by this development or to reduce the amount of this much needed accommodation.

Officer response: *The housing has no specific protection for its use by elderly persons. The assessment set out in the main agenda considers how the proposed design would fit in with the wider area. Officers consider that the proposal is acceptable when assessed against relevant planning policy.*

This proposal represents overdevelopment on a restricted site and will generate additional parking demand which is not provided for in the plans. The objector has noted that the existing parking will disappear and that the applicant proposes relocating parking in the front garden which will be detrimental to the appearance and amenity of the neighbour's property.

Officer response: *This is a material consideration as it relates to highway safety and visual amenity. The proposed side extension will take up an area which can currently be used for parking. However, an additional plan has been submitted demonstrating the formation of two parking spaces to the front of the dwelling. There are other examples of the front gardens being paved in the area and this is not considered to be out of character with the wider area nor is this considered to be harmful in terms of visual amenity.*

10.0 APPRAISAL

Highway issues (Correction to paragraph 10.12 on page 40)

The proposed side extension would result in the loss of parking provision to the side of the dwelling and the integral garage proposed would not be of a sufficient internal dimension to constitute a parking space. There would however, be sufficient space to the front of the property, as extended, to allow for an additional car parking space to be provided subject to appropriate surfacing/drainage (suggested condition below). Furthermore, the agent has submitted an additional proposed site plan demonstrating the proposed parking layout. With the additional plan, the proposal is considered to demonstrate sufficient off-road parking provision. The scheme would not result in any additional harm to highway safety and efficiency, complying with Policy LP21 of the Kirklees Local Plan.

12.0 CONDITIONS

Suggested additional condition:-

The extension hereby approved shall not be brought into use until the area indicated to be used for the provision of two parking spaces shown on approved plan ref 2018/166/07 dated July 2019 has been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance; Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for the parking of vehicles.

Reason: to achieve a satisfactory layout in the interests of highway safety and to accord with Policies LP21 and LP22 of the Kirklees Local Plan.
