

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2017/62/92523/W

Site Address: 22, Park Drive, Huddersfield, HD1 4EB

Description: Erection of single storey rear extension (within a Conservation Area)

Recommending Officer: William Simcock

**DECISION – Full Conditional Permission Subject to Section 106
Obligation (Unilateral Undertaking)**

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Neil Bearcroft

AUTHORISED OFFICER

Date: 31-Oct-2017

Officer Report

Site Description

22 Park Drive is a large dormer bungalow built in stone and with a flat tile roof. It has a small garden at the front with a yard and parking area to the rear. There is a large single-storey extension built to the rear in the north-east corner. The land is higher at the rear (north) than at the front (south), where there is hardcore track giving access to properties higher up.

Description of Proposal

The proposal is for the erection of a single-storey extension, forming a bedroom, to the rear of the existing single-storey kitchen / living room extension. It is to project 4.2m from the existing rear wall of the extension and is to be a total of 7.5m wide, so that as before it would come to within 400mm of the eastern side boundary, but would also extend further sideways into the garden than the existing extension. It would have a hipped roof and be built in stone and blue slate.

History of negotiations/amendments received

Amended plans received to correct inaccuracies in plans as existing.

Relevant Planning History

2017/91256 – Erection of rear extension. Refused, no appeal.

2007/91021 - erection of single storey extension and detached double garage (within a conservation area) – Approved only extension constructed

Representations

Final publicity date Expires: 01-Sep-2017

No representations have been made.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- Planning (Conservation & Design) – No objections

Policy

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. 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 216 of the National Planning Policy Framework. 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 (2012), 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.

The site is within the Greenhead Park / New North Road Conservation Area on the UDP Proposals Map and on Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- **BE1** – Design principles
- **BE2** – Quality of design
- **BE5** – Development within Conservation Areas
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 24:** Design
- **PLP 35:** Historic environment

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF)

published 27th March 2012, 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 7 – Requiring good design
- Chapter 12 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity (including any heritage considerations)
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology (e.g. bats)
- 5) Representations
- 6) Conclusion

1 – Principle of development: The site is in the Greenhead Park / New North Road Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities shall pay special attention to the desirability of preserving or enhancing the appearance of buildings or land within a Conservation Area.

Policy BE5 applies, which states that development within Conservation Areas should ensure that the character and appearance of the Conservation Area is conserved or enhanced. Also NPPF part 12 applies, which states that development should ensure that the significance of heritage assets is conserved and that harm should not be allowed without a proportionate justification.

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 T10 (development should not create or materially add to highway safety problems). All these considerations are addressed later in this assessment.

2 –Impact on visual amenity and character of the Conservation Area: Park Drive is dominated by large late-Victorian houses on medium-sized plots. These tend to be sited fairly centrally within their respective plots so as to leave space between themselves and the adopted highway to the south. Most do not show signs of having been recently extended although some have garages or other outbuildings within the curtilage adjacent to the rear access track, including those granted permission under 2010/91804 for nos. 20 and 21.

On the north side of the lane there are raised gardens and yards belonging to properties fronting Trinity Street. Some of these properties have been extended but still have a substantial amount of garden space and do not have extensions reaching all the way to the rear access road.

The existing extension does not contribute positively to the character of the Conservation Area. The previous application (2017/91256) was refused because extending the existing building to the rear so as to leave no gap between it and the retaining wall, and giving it a gable roof, would harm the character and appearance of the Conservation Area, although this would have been less than substantial.

The extension itself, as modified, is considered to be acceptable in itself as it is set away from the boundary of the site and utilises a hipped roof which would be more in keeping with the host property and the character and apiece of the conservation area. However permission (2007/91021) still exists for the erection of a detached garage – this formed part of the permission for the earlier extension which is still live and could therefore be completed at some future date. This would leave very little of the original curtilage undeveloped, and it is considered that this would result in a development with a cramped appearance that would be out of keeping with the character of the Conservation Area.

However after discussions with the applicants agent this concern has been addressed by the signing of a unilateral undertaking which prevents the applicant or a future occupier from building the garage, notwithstanding the existing permission.

It is therefore considered that with the unilateral undertaking in place that the development would preserve the character of the Conservation Area and accord with the aims of Policies BE5 and BE13, and the NPPF chapter 12. A note will be attached to the decision highlighting the presence of the unilateral undertaking and that the planning permission should be read in conjunction with that document.

3 – Impact on residential amenity: The proposed extension when viewed together with the earlier kitchen extension would cumulatively project 10m beyond the original rear wall of the building, which is clearly in excess of the recommended 3.0m projection specified in BE14.

The extension would however be adjacent to a driveway and parking space belonging to no. 21. This dwelling does not have a particularly open aspect because of the sharply rising land and retaining wall behind. Furthermore this property is two-storey and is slightly angled away from no. 22, so that the extension would very little impact on light to, or outlook from, any existing rear-facing windows.

The extension would be positioned a considerable distance from no. 23 which lies to the west and it is considered that no harm to this property would result.

In summary it is considered that notwithstanding the scale of the extension it would not result in any detrimental impact on residential amenity. This is subject to the condition that no windows are formed in the east elevation, which can be conditioned in order to protect privacy.

4 – Impact on highway safety: The proposed development would not take up any space that is currently used for parking or turning. It is considered extremely unlikely that the increased living space would give rise to an additional demand for parking that could not be met within the curtilage. It is considered to accord with T10.

5 – Other matters:

Biodiversity:

The site is in the bat alert layer but on the basis of an external viewing the dwelling would appear to have no bat roost potential. The standard precautionary note will be added to the decision notice.

Permitted development rights:

There is very little opportunity to build extensions under permitted development rights as side extensions in Conservation Areas are not permitted under Part 1 A2 of the General Permitted Development Order. It is noted that a however garage could still be built under permitted development rights in the same location as the one approved under the old permission if under 2.5m in height. It is therefore recommended that permitted development rights under Part One, Class E, are withdrawn so as to prevent cumulative overdevelopment detrimental to the character of the Conservation Area.

6 – Representations: No representations have been made by any third party.

Conclusion

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.

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.

Recommendation – CONDITIONAL FULL PERMISSION

Decision Authorisation - Delegated Powers

Application Number: 2017/92523

Officer Recommendation: CONDITIONAL FULL PERMISSION Subject to Unilateral Undertaking

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, in the interests of the protection of the character and appearance of the Greenhead Park/New North Road Conservation Area, and to accord with Policies BE1, BE2, BE5, BE13 and BE14 of the Kirklees Unitary Development Plan, Policies PLP 24 and 35 of the Kirklees Publication Draft Local Plan and Policies in Chapter 12 of the National planning Policy Framework.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity, to ensure that the development conserves and enhances the character and appearance of the Greenhead Park / New North Road Conservation Area and to accord with the aims of Policies BE5 and BE13 of the Kirklees Unitary Development Plan, Policies PLP 24 and 35 of the Kirklees Publication Draft Local Plan and Policies in Chapter 12 of the National planning Policy Framework.

4. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed in the external east side wall of the extension at any time.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy BE14 of the Kirklees Unitary Development Plan and Policy PLP 24 of the Kirklees Publication Draft Local Plan

5. 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) no development included within Classes E of Part 1 of

Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To retain adequate planning control over the site in order to prevent the erection of inappropriate outbuildings which could cumulatively result in overdevelopment of the plot and thereby cause harm to the character of the Greenhead Park / New North Road Conservation Area, and to accord with the aims of Policy BE5 of the Unitary Development Plan and the chapter 12 of the National Planning Policy Framework.

NOTE: This Decision Notice should be read in conjunction with the Unilateral Undertaking under Section 106 of the Town & Country Planning Act 1990 dated 20th October 2017.

NOTE: There is the potential for a bat roost to be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			25-Jul-2017
Location plan	100020449		25-Jul-2017
Existing plan and elevations	01	A	27-Sep-2017
Proposed plan and elevations	02	C	27-Sep-2017
Signed unilateral undertaking	YK33222		20-Oct-2017
Design and access statement			25-Jul-2017

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer requested amended plans from the applicant showing the line of the rear boundary accurately and requested the applicant enter into a unilateral undertaking that the previously approved garage would not be built so as to prevent the erection of further structures that could cumulatively amount to overdevelopment.

Report Dated: 30-Oct-2017