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:	2017/62/93119/E
Site Address:	2, Lea Head, Shepley, Huddersfield, HD8 8EN
Description:	Erection of single storey front extension, erection of dry stone boundary wall and automated gates (within a Conservation Area)
Recommending Officer:	Josh Kwok

DECISION – CONDITIONAL FULL PERMISSION

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.

Julia Steadman

AUTHORISED OFFICER

Date: 02-Nov-2017

Officer Report

Site Description

The application site is 2 Lea Head, Shepley. It consists of a two storey detached house, a double garage and parking area to the front and a large private garden to the side. The house at the application site is constructed with natural stones and the roof with slate tiles. It appears to be built as part of a wider residential scheme and therefore shares a number of similarities in terms of scale, design and material with a neighbouring property, namely 1 Lea Head. It also shares the driveway with this property.

The application site and its surrounding area are wholly residential characterised by a mix of two storey detached and terraced properties. All buildings in the surrounding area are built in stones except the terraced properties to the western side of the application site. A number of them have dry stone walls at their front boundary facing Lea Head. The land is relatively flat with all properties being set at the same land level.

The application site was granted a planning permission (*Ref: 2013/91505*) for erection of a boundary wall and gate for vehicle access and gate for pedestrian access in 2013. No development has commenced within three years since the date the planning permission was granted. This permission is therefore lapsed.

Description of Proposal

The proposal is for the erection of a single storey front extension, dry stone boundary walls and automated gates within a Conservation Area. The application under consideration comprises two distinctive elements, which shall be addressed below:

Single storey front extension

This element is to project from the front wall of the host property by 1.8 metre and is to have a width of 5.5 metres. It is to infill the void to the front of the kitchen and the utility room of the existing house. It is to have a lean to roof with a maximum height and an eaves height of 3.5 and 2.6 metres respectively. The proposed materials are local stones and slate tiles that match the host property. Two roof lights are to be installed on the roof plane of this extension. The main entrance is to be reoriented to the front elevation of the house.

Dry stone boundary walls & automated gates

The section of dry stone wall to the front of the existing double garage is to be increase to 1.3 metres. There is to be a new 1.3 metre high dry stone wall to the side of the existing garage. In addition to the changes to boundary walls, there are to be a new automated sliding timber gate and a new timber pedestrian gate installed at the north western corner of the application site.

History of negotiations/amendments received

The applicant requested that the opening of the boundary wall to be repositioned and as a result of that a revised drawing (*Ref: 2017-4-002 REV.A*) was received on 26/09/2017. This drawing alongside other application documents forms the basis on which this application is determined.

Relevant Planning History

2013/91505 – Erection of a boundary wall and gate for vehicle access and gate for pedestrian access (within a Conservation Area) (2, Lea Head) – Approved

2001/92874 – Reserved Matters: Erection of detached dwelling with integral garage (within a Conservation Area) (Plot 2, Lane Head Road) – Approved

99/90761 – Outline application for two detached dwellings and provision of parking for three existing dwellings (123-127, Lane Head Road) – Approved

Representations

This application was advertised by site notices, neighbour letters and local newspaper, which expired on 23/10/2017. As a result of the above publicity, no representations have been received.

Kirkburton Parish Council – No comment

Consultation Responses

K.C. Conservation & Design – No objections

Policy

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 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 allocated as Shepley Conservation Area on the UDP Proposals Map and on Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE5** – Conservation area
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)
- **T10** – Highway safety
- **T19** – Parking

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP21** – Highway and access
- **PLP22** – Parking
- **PLP 24** – Design
- **PLP35** – 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 11 – Conserving and enhancing the natural environment
- Chapter 12 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

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

1 – Principle of development:

The site is within the Shepley Conservation Area, Section 72 of the Listed Buildings & Conservation Area Act (1990) requires that special attention shall

be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area. This is mirrored in Policy BE5 of the Unitary Development plan together with the guidance in Chapter 12 of the National Planning Policy Framework.

The Shepley Conservation Area does not have a Conservation Area appraisal. However, Appendix 1 of the UDP (Character Assessment) does provide a brief summary in regard to the unique character of the area. The summary is replicated in the following:

Shepley

Large dispersed village with shopping and commercial facilities. Retains attractive groups of cottages, but interspersed with modern development. Trees and boundary walls important, particularly around St Paul's Church and Cliffe House. Victorian and later terraces and school to east of main Penistone Road (A629) which bisects the village.

This application is assessed against the relevant policies in Kirklees Unitary Development Plan alongside the guidance in the NPPF and other material planning considerations. The fact that a planning permission was granted for similar development on site is a relevant consideration in the determination of this application.

2 –Impact on visual amenity:

The proposal under consideration consists of two elements which shall be assessed in the following:

Single storey front extension

The overall dimension of this element would appear to be reasonable relative to the host property and its associated curtilage. The proposed materials are local stone and slate tiles and these would be consistent with the existing house and the houses in close vicinity. This extension would have a lean to roof which, although not strictly matching the existing roof form, would appear to harmonise with the host property and its surrounding area. Despite forming part of the principal elevation fronting Lea Head, the proposed extension would not constitute a prominent feature within the street scene because it would be a single storey building constructed with matching materials. Taking into account the above circumstances, this element is considered to be sympathetic in scale, design and material to the host property and the neighbouring properties. It would be in-keeping with the existing character of the area, in accordance with Policies D2, BE1, BE2, BE13, and BE14 of the UDP, Policy PLP24 of the Publication Draft local Plan, and Chapter 7 of the NPPF.

Dry stone boundary walls & automated gates

The increase in height of the existing dry stone wall is not considered unacceptable in this instance because it would not result in any fundamental changes to the existing character of the area. A number of properties in close proximity already have dry stone boundary walls at various heights. The slight increase in height is unlikely to result in any material harm to the visual amenity over and above what has previously been granted on site.

With regard to the erection of stone walls and access gates at the westerns side boundary of the application site, this again could be acceptable because a number of neighbouring properties already have dry stone boundary walls surrounding their curtilage. Furthermore, the development as proposed would appear to be very similar to the scheme which was granted permission in 2013, thus not representing any additional impact in visual amenity terms.

Impact on Conservation Area

In absence of a Conservation Area appraisal, the relevant policies in the UDP alongside the guidance of the NPPF shall be the starting point from which this application is assessed. Appendix 1 of the UDP highlights a number of important features which provide the Conservation Area with a distinctive character. The proposal is not considered to cause any harm to these locally distinctive features or the overall character and appearance of the Conservation Area. The materials and designs as proposed would match the existing house and the surrounding area, complying with the aims of Policy BE5 of the UDP as well as Chapter 12 of the NPPF. Kirklees Conservation and Design has no objections regarding this application.

In all, the proposal as submitted can be acceptable in terms of visual amenity and conservation. It would accord with the aims of the relevant policies in the UDP and the guidance of the NPPF.

<u>3 – Impact on residential amenity</u>:

In relation to 1, Lea Head

This neighbouring property is a two storey detached house at the front of the application site. There is a dry stone wall at the front boundary of the application site, separating no.2 Lea Head from this neighbouring property. This property has a double garage immediately behind the dry stone boundary wall.

The proposed single storey front extension would have a window facing this property but it would not result in any major detrimental impact on the residential amenity of these neighbouring occupants because the position and the size of the new window opening would be comparable to the existing one on the front elevation. There would not be any direct overlooking into the habitable rooms of this neighbouring property. The front extension is not

considered to result in any overshadowing impact over and above the existing situation.

The proposed changes to the dry stone boundary walls and the installation of new automated sliding gate and pedestrian gate would not harm the residential amenity of these neighbours.

In relation to 9, Lea Head

This neighbouring property is a two storey detached house at the opposite side of Lea Head. There is a short section of dry stone wall at the front boundary of this property.

The proposed front extension would have a window facing this neighbouring property. It could potentially overlook this property and its associated curtilage. However, given the fact that a separation distance of at least 25 metres would be retained between the extension and the front wall of this property, there would not be any unacceptable harm to the privacy of these neighbours.

The slight increase in height of the dry stone boundary wall is unlikely to cause any material harm to the residential amenity of these neighbouring occupants.

In relation to 123, 125 &127 Lane Head Road

These neighbouring properties are two storey terraced houses adjoining the western side boundary of the application site. There is a car parking area in between the application site and these neighbouring properties.

The proposed extension would not be visible from these properties because it would not extend beyond the front wall of the existing double garage on the application site. This element would not therefore impact on the residential amenity of these neighbouring occupiers.

The changes to the dry stone boundary wall and the installation of the automated sliding gate and pedestrian gate would not cause any overshadowing effect on these properties as it would be approximately 15 metres from the front wall of these properties. This element is unlikely to cause any material harm to the residential amenity of these neighbours.

No other properties are considered affected either positively or negatively by the proposed development. To summarise, the proposal as a whole would comply with Policies D2, BE1, and BE2 of the UDP and Policy PLP24 of the Publication Draft Local Plan.

4 – Impact on highway safety:

The proposal would neither result in any intensification of the residential use existing at the site nor would it affect the existing parking arrangement. There

would remain sufficient parking spaces and turning area available within the site to meet the need of the occupants.

The modest increase in height of the existing boundary wall and the proposed new boundary wall are not considered to cause any major obstruction to the sightline of the road users.

Whilst it is appreciated that where boundary treatments are adjacent to a highway a height of 1.0m is normally recommended (and which was conditioned as part of the previous 2013 application), in this instance, due to the nature of Lea Head along with the position of the new boundary wall, is unlikely to give rise to any highway safety concern.

Having considered the above circumstances, the proposal would accord with the aims of Policies D2, T10 and T19 of the UDP and Policies PLP21 and 22 of the Publication Draft Local Plan.

5 – Other matters:

Ecology

The site is located within a bat alert layer. Following a site visit, the building appeared to be well sealed and there was no evidence of bat roosts or bat roost potential was found.

A footnote has been added to the decision notice to provide the applicant with advice should bats or evidence of bats be found during construction. This would accord with the aims of chapter 11 of the NPPF.

No other material planning matters are considered relevant to the determination of this application.

6 – Representations:

No representations have been received for this application.

7 – 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 **Approve**

Decision Authorisation - Delegated Powers
Application Number: 2017/93119
Officer Recommendation: Approve
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, and to accord with Policies D2, BE1, BE2, BE5, BE13, and BE14 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan, and Chapter 7 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 and to protect the character and appearance of Shepley Conservation Area in accordance with Policy BE5 and BE13 of the Kirklees Unitary Development Plan, Policies PLP24 and PLP35 of the Kirklees Publication Draft Local Plan, and Chapter 7 and 12 of the National Planning Policy Framework.

4. The proposed dry stone boundary wall shall be constructed of a material that matches that used on the existing dry stone boundary wall on first construction. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification)) the boundary treatment shall thereafter be retained.
Reason: In the interests of visual amenity and to protect the character and appearance of Shepley Conservation Area in accordance with Policy BE5 and BE1 of the Kirklees Unitary Development Plan, Policies PLP24 and PLP35 of the Kirklees Publication Draft Local Plan, and Chapter 7 and 12 of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Design and access heritage statement			14/09/2017
Proposed elevations, floor plan, site plan and location plan	2017-4-002	A	26/09/2017
Existing elevations, floor plan, site plan and location plan	2017-4-001	A	14/09/2017

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. An amendment has been accepted upon the request of the applicant. No other amendments to the submitted drawings are considered necessary to make this application acceptable in planning terms.

Report Dated: 30/10/2017