

**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: 2017/62/93711/W

Site Address: Barn Ards, 2, Flat House, Linthwaite, Huddersfield,
HD7 5PR

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

Recommending Officer: Laura Yeadon

DECISION – Full Conditional 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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 20-Dec-2017

Officer Report

Site Description

Barn Ards, 2 Flat House, Linthwaite is a semi-detached property located within an area defined as the Linthwaite Conservation Area. The property has a natural stone frontage and rendered side and rear elevation with a slate roof and uPVC windows. To the front of the property is a porch and a hardstanding area which is used for parking and to the side is a driveway which leads to a detached pre-fab garage and to the rear is a conservatory. There is a large garden to the rear which is split level with the rear section of the garden on a higher level than the finished floor level of the property.

Description of Proposal

Permission is sought for the erection of a single storey rear extension.

The proposed extension would replace the existing conservatory and would require for the garage to be removed from the site.

The proposed extension would lie flush with the side elevation facing the adjacent detached property, No. 6 Flat House, projecting 4 metres from the rear elevation. The extension would have a width of 7.3 metres being set in from the boundary with the attached property (No. 4 Flat House) by 2.2 metres. It is proposed that the extension would have a flat roof which would be a height of 2.9 metres with a centrally sited roof lantern. In addition, it is proposed that a roof overhang would be located above the door on the rear elevation which would be a height of 2.6 metres and width of 1.7 metres.

The structure would have a rendered side elevation facing No. 6, a rendered rear elevation and the side elevation facing No. 4 would be natural cedar cladding. It is also proposed that the roof overhang would also be cedar clad with the fascia's being aluminium, finished in black. The roof lantern would be double glazed with the frames also in black aluminium.

Relevant Planning History

No history

Representations

Final publicity date expired on 8th December 2017 including the newspaper advertisement – no representations received.

Parish/Town Council comments – not applicable

Consultation Responses

None required.

Policy

The statutory development plan comprises:

The Unitary Development Plan (UDP). This report will refer only to those policies of the UDP 'saved' under the direction of the Secretary of State beyond September 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 Linthwaite Conservation Area on the UDP Proposals Map and also the Linthwaite Conservation Area on Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

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

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **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 – Preserving 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 the Conservation Area
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. All these considerations are addressed later in this assessment.

The site is within the Linthwaite Conservation Area. Section 72 of the Listed Buildings & Conservation Areas 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 guidance in Chapter 12 of the National Planning Policy Framework and Policy PLP35 of the

2 –Impact on visual amenity including the Conservation Area:

The site is within a relatively remote location at the northern tip of the residential properties within the immediate area. Surrounding the site to the north, east and west are open fields which are designated as Green Belt land and are proposed to retained as such as part of the Publication Draft Local Plan.

The proposed single storey rear extension would be subservient to the main dwelling by virtue of its height and siting to the rear. The proposed works

would not be visible from the front of the property and therefore will not harm the appearance of the street scene. This is further supported by the dwelling being set back from the highway by 8 metres. The proposed extension would be larger than the conservatory it would replace however, with a projection of 4 metres. By being set in from the shared boundary with the attached dwelling in addition to a mainly rendered appearance which would match the host property, it is considered that the proposed extension is acceptable in terms of visual amenity and would accord with the aims of Policies BE1, BE2 and BE13 of the UDP as well as Policy PLP24 of the Publication Draft Local Plan and also Chapter 7 of the NPPF.

Although located within the Linthwaite Conservation Area, the attached property also gained permission for a single storey flat roof extension (along with an attached garage) under application number 2015/92855. It was considered at that time that given the mixture of properties within the area which vary in size, scale and design that the (then) proposed extension would not have a detrimental impact on the Linthwaite Conservation Area. Given the similarities between this current submission and that previously approved, it is considered that this opinion is still valid. The proposed extension is of simplistic design, which would not affect the existing openings and it is considered that the extension would sit comfortably with the character and design of the existing rear elevation. Therefore, it is considered that the extension would not have a harmful effect on the significance of the Conservation Area in line with the aims of Chapter 12 of the NPPF.

To summarise, the scale and design of the proposed rear extension to this property is considered to be appropriate. It is therefore considered that the proposed extension would not cause any significant harm to the visual amenity of the host dwelling, adjoining dwelling and adjacent dwelling, or the wider street scene and therefore would accord with Policies BE1, BE2, BE5 and BE13 of the UDP, Policies PLP24 and PLP35 of the Publication Draft Local Plan and Chapter 12 of the NPPF.

3 – Impact on residential amenity:

The two properties most closely affected by this proposal is No. 4 which is the attached property to the south and No.6 which is the detached neighbour to the north. In terms of the impact on the attached property, it is important to note that there is a difference in levels between the application site and No. 4 with No. 4 on a lower ground level. However, the extension would be to the north of the neighbour and therefore, there would be no loss of direct sunlight resulting from the proposal. In addition, the extension itself would be set in from the shared boundary by 2.2 metres which would minimise the impact of the extension being overbearing. No openings are proposed within the side elevation which would result in direct overlooking onto the neighbouring property and therefore, it is considered that the harm to this property is minimal.

With regard to the detached property to the north, there are windows within both ground and first floor which face the application site. In the location of the

proposed extension, a conservatory is sited and also a detached garage which would have to be removed to accommodate the extension. As the proposed extension would not host any openings within the side elevation, as the existing conservatory does, there would be a decrease in harm from overlooking from the proposed extension. With regards to overshadowing and being overbearing, the proposed extension, would be separated from the openings within the neighbouring property by a driveway and given that the garage which is currently in situ would be removed from the site, it is not considered that there would be significant harm from the proposed extension that would be detrimental to the occupiers at No. 6.

It is therefore considered that taking into account all the above, the proposal would not result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants. To ensure that the relationship to adjacent properties remains acceptable permitted development rights for the insertion of new windows in the side elevations of the extension will be withdrawn by condition. As such, it is considered that the proposal would comply with Policy BE14 of the UDP, Policy PLP24 of the Publication Draft Local Plan and Chapter 7 of the NPPF.

4 – Impact on highway safety:

The proposal would result in the loss of the pre-fab garage which is located within the rear garden area of the site. There is ample parking provision to the front of the property to accommodate 2 no. vehicles and therefore, it is considered that there would be no impact on parking provision which would be detrimental to highway safety.

5 – Other matters:

There are no other matters for consideration.

6 – Representations:

No representations have been received.

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: 2017/93711

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 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 BE1, BE2, BE5, BE13 and BE14 of the Kirklees Unitary Development Plan, Policies PLP24 and PLP35 of the Publication Draft Local Plan and Chapters 7 and 12 of the NPPF.

3. 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 side walls of the hereby approved extension at any time.

Reason: In the interests of the protection of residential amenity and to accord with Policy D2 of the Kirklees Unitary Development Plan and Policy PLP24 of the Kirklees Publication Draft Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan, site plan, existing and proposed floor plans	A101		27th October 2017
Existing and proposed elevations	A102		27th October 2017
Proposed sections	A103		27th October 2017
Heritage Statement			27th October

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 application as submitted was considered to be acceptable to officers and no amendments were required.

Report Dated:

20th December 2017