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:	2017/62/93976/E
Site Address:	Staincliffe Hall, Staincliffe Hall Road, Staincliffe, Batley, WF17 7QU
Description:	Erection of extensions and alterations to detached garage to create dwelling forming annex accommodation associated with Staincliffe Hall, Staincliffe Hall Road, Staincliffe, Batley, WF17 7QU and erection of detached garage (within the curtilage of a Listed Building)
Recommending Officer:	Katie Wilson

DECISION - REFUSE

I hereby authorise the refusal 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: 21-Feb-2018

Officer Report

Site Description

The application site is the north eastern corner of the grounds at Staincliffe Hall, Staincliffe Hall Road, Staincliffe, Batley. This portion of the grounds currently contains a detached triple garage with chippings to the front and side, and a strip of rough ground at the back. It is potentially accessed from Staincliffe Hall Road by a track/driveway between Staincliffe Hall Cottage and 106, Woodfield Avenue, but is disused and overgrown.

Staincliffe Hall is a Grade II Listed Building situated to the west of the application site with cottage attached to the back (also listed). The grounds of the hall are relatively flat and extensive with separate driveway from Staincliffe Hall Road and two detached buildings to the south. To the east the application site borders the playing fields of Manorfield Infants and nursery school. To the north the site borders the back gardens of 100 to 106, Woodlands Avenue.

Description of Proposal

Planning permission is sought for the erection of extensions and alterations to detached garage to create dwelling forming annex accommodation associated with Staincliffe Hall, Staincliffe Hall Road, Batley, and erection of detached garage (within the curtilage of a Listed Building).

Existing building:

- The existing building is a triple garage with rectangular footprint 9.5m wide x 6.0m deep, with dual pitched roof 2.5m to eaves and 4.8m to ridge level.
- The front wall (and part of the side wall) is faced in natural stone, whilst the other walls are in red / brown brickwork and the roof is surfaced in grey / brown tiles.
- It is located in the rear garden approximately 34m from the side of Staincliffe Hall and a similar distance from the back of Staincliffe Hall Cottage (both grade II listed buildings).
- It is accessed via existing driveway inbetween the side of Staincliffe Hall Cottage and the back of 106, Woodfield Avenue.

Extensions and alterations to form annex accommodation:

- Same footprint as existing garage
- Dual pitched roof (in opposite direction to the existing garage, ie north/south ridge line axis, to replace existing which has an east/west axis). Proposed dwelling has asymmetric eaves level approximately 2.5m at the front and 5.0m at the back, long steeply pitched roof slope to the front and short steeply pitched roof at the back. The ridge height would be approximately 6.5m.
- Two dormer windows with dual pitched roofs in the front elevation either side of central porch.

- New porch on front elevation – rectangular footprint projecting 0.9m x 3.1m wide. Designed with a dual pitched roof 2.5m to eaves level and 4.0m to ridge level. Bi-folding doors to the front.
- External materials would be stone to the front and part of the side elevation and facing brick-work elsewhere. The roof would be surfaced in concrete tiles.
- Main windows in the front elevation at ground floor and 2 dormers within the roof slope. No windows in the south facing side elevation. One kitchen window and doorway in north facing side elevation at ground floor level and bathroom window at first floor level. One landing window at first floor level in the rear elevation.

- It would provide accommodation at ground floor and in the roof-space.

- At ground floor: open plan kitchen, dining and lounge with separate wc, hall and stairwell.

- At first floor (within roof cavity): 2no bedrooms each with storage rooms, bathroom and landing

Detached single garage:

- Rectangular footprint 3.1m wide x 6.0m deep.
- Dual pitched roof 2.2m to eaves level and 3.5m to apex.
- Faced in stone to the front and brickwork to the other walls.

History of negotiations/amendments received

Amended plans were received during the course of the application however, for the reasons set out in the main assessment below, they were not considered sufficient to address the concern of officers.

Relevant Planning History

97/93524 – Erection of 1 detached dwelling with integral garage and creation of vehicular access within the site. Conditional full permission.

http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=97%2F93524

Representations

Final publicity date expired: 9th February 2018. 2 representations received from the same source.

A summary of the comments received is set out below:

- There is concern that the proposed disposal of sewage into the existing foul water drains from Staincliffe Hall would cause problems as there is sufficient sewage already going through them.

- The existing drain shown on the block plan is incorrect

Parish/Town Council comments – Not applicable

Consultation Responses

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

K.C. Highways Development Management: Whilst acceptable in principle, the application provides insufficient information to allow a proper highway assessment. Requested visibility spays of minimum 2.4m x 43m demonstrated on a plan.

K.C. Environmental Health: Initially requested condition relating to unexpected contamination; septic tank details or connection to mains; and footnote relating to construction noise.
Amended plans show connection to mains.

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 unallocated on the UDP Proposals Map and within curtilage of a listed building. On the Kirklees Publication Draft Local Plan the land is also unallocated and curtilage to listed building.

Kirklees Unitary Development Plan:

- D2 – land without notation on the UDP

- BE1 – Design principles
- BE2 – Quality of design
- T10 – highway safety

Kirklees Publication Draft Local Plan (PDLP):

- PLP1 – Presumption in favour of sustainable development
- PLP2 – Place shaping
- PLP21 – Highway safety and access
- PLP22 – Parking
- PLP24 – Design
- PLP28 – Drainage
- 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.

- Core planning principles
- Chapter 7 – Requiring good design
- Chapter 12 – Conservation and enhancement of the historic environment

Assessment

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.

Impact upon the setting of listed building and visual amenity:

The proposed development is within the grounds of Staincliffe Hall and Staincliffe Hall cottage which are grade II listed buildings, and as such has potential to affect their setting.

The NPPF para 132 states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be, and that significance *can be harmed or lost through alteration or destruction of the heritage asset or development within*

its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'.

It goes on in para 134 to state that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed *against the public benefits of the proposal, including securing its optimum viable use*'.

The application has been assessed by the Council's Conservation and Design officers who have commented that there are concerns that the design, scale, and height of the proposal would have a detrimental impact upon the setting of the host grade II listed Staincliffe Hall and Cottage. That the harm caused would be less than substantial, however no evidence has been submitted which demonstrates that the proposed development would provide any public benefit to out-weigh the harm caused, and so the proposal is contrary to the aims of the NPPF.

The applicant has submitted supporting information to justify the proposal which is listed below:

- In terms of scale they say that the proposal would use the existing footprint with small extension to the front.
- In terms of height, they state that the overall height has been limited by utilising the roof space for first floor accommodation. It would be well below the height of Staincliffe Halll and some 33.5m away from the host building, completely unseen from public areas.
- Regarding design there would be minimal alterations at ground floor level, and existing window openings would be used. Whilst at first floor level would be two dormers serving bedrooms and that this would have no detrimental impact upon the listed buildings as the proposal would be screened by new planted evergreen conifers or similar, and that the proposal will be detached from the Grade II listed building , having its own access from Staincliffe Hall. They have retained the existing structure to minimise on new materials with roofing tiles and stonework salvaged and re-used to match It is a similar project to The Paddock which at one point was part of the estate.
- The proposal is further away from the host building than the 1960's residential estate on the northern boundary of the site which fronts onto Woodfield Avenue, which are unsympathetic to Staincliffe Hall
- The Vicarage and The Paddock were also formerly within the curtilage of Staincliffe hall and next to listed buildings, however they are also of modern construction and unsympathetic to the setting of listed buildings.
- They feel that they have justified their proposal and that it would provide public benefit without any harm being caused.

In response, each application is assessed on its own merits and the existing properties at The Paddock and The Vicarage are further away from Staincliffe Hall and Cottage than the proposed development. In this instance whilst the proposed building largely utilises the same footprint as the existing garage it is

the design of the roof with markedly asymmetric eaves height and length of roof slope together with the increased ridge level and introduction of dormers to the front which are particularly incongruous within the setting of Staincliffe Hall and Cottage.

The supporting information put forward to justify the proposal fails to demonstrate that the development would provide any public benefit to outweigh the harm caused to the setting of the host listed building at Staincliffe Hall and Cottage.This would be contrary to the aims of chapter 12 of the NPPF and policy PLP35 of the PDLP.

In terms of visual amenity, policies BE1 and BE2 of the UDP seek to ensure that development is in keeping with surrounding development.

In this instance, whilst the proposal is not particularly visible from public places at close quarters, longer distance views may be possible from Woodfield Avenue, where the increased height and roof design would be more prominent. Notwithstanding this, the proposed design in its own right is contrived and does not relate comfortably to the historic appearance and materials of the listed building, nor to the more recently built houses that face onto Woodfield Avenue, although they share some similar features in terms of wall materials and utilising space in the roof cavity. This would be prejudicial to visual amenity and contrary to polices D2, BE1 and BE2 of the UDP, policy PLP24 of the Publication draft local plan and the aims of chapter 7 of the NPPF.

Impact upon residential amenity:

Policy BE12 of the UDP provides guidance on separation distance between houses, including a minimum distance of 21m between habitable room windows and a distance of 10m to undeveloped land

In this instance the proposal would meet this requirement in relation to all the surrounding development and as such it is considered that there would be no harmful impact upon the residential amenities of these neighbouring properties. In relation to the open land (school playing fields) at the back, the distance to the mutual boundary would be approximately 4m however there would be no habitable room windows in the facing elevation of the proposed development, just a landing window.

In the above circumstances the proposals would not be prejudicial to residential amenity and compliant with policies D2, BE1, BE2 and BE12 of the UDP.

Impact upon highway safety:

The proposal would be accessed from Staincliffe Hall Road via the driveway serving the existing detached garage.

The Council's Highways Development Management officers have been consulted and agree with the principle of the development but request visibility slays of a minimum 2.4m x 43m demonstrated on the a plan in order to allow a proper assessment of the proposal.

The applicant has been informed of this but not supplied the requested information. He states that the existing entrance to the site is off Staincliffe Hall Road. The drive and turning area within the site are all existing, the only works required will be to re-surface.

Taking the above, it has not been demonstrated that adequate visibility at the site access could be achieved and therefore, the proposal is considered harmful to highway safety and efficiency, contrary to policies D2, BE1, BE2 and T10 of the UDP.

Other matters:

Drainage:

The initial submission was designed with a septic tank and environmental health officers commented that it is always recommended that a development connects to the mains sewer. If not they recommended further specific details of the proposed septic tank.

The applicant amended the plans and replaced the septic tank with connection to mains sewer, stating in an email that they have had the mains connection checked. This would be acceptable from a drainage point of view.

Contamination:

Policies G6 and BE1 of the UDP seek to ensure that proposals are assessed with all available information relating to unstable land. This is reflected in chapter 11 of the NPPF.

In this instance, the Environmental Health officers have recommended a condition relating to the reporting of unexpected contamination. Should the application be approved it is recommended that this condition should be applied. This would be compliant with policies BE1 and G6 of the UDP and chapter 11 of the NPPF.

There are no other materials considerations relevant *to the determination of this application.*

Representations:

Two representations received from the same source, the issues raised are addressed as follows:-

There is concern that the proposed disposal of sewage into the existing foul water drains from Staincliffe Hall would cause problems as there is sufficient sewage already going through them.
Response: the information has been assessed by environmental health officers who do not think that the proposed kitchen and wc from the application site would overload the drainage system that the applicant has proposed and it would be up to building control to check to see if the drains are sufficient for connecting the system after installation. If the applicant wants to connect to the drains beside (40, the Paddock) and this is on the neighbouring land it would be a private matter or the applicant would need to contact Yorkshire Water.

The existing drain shown on the block plan is incorrect
Response: If it can't be proven that they can effectively connect to this system then a drainage survey may need to be undertaken or an alternative solution may need to be submitted. At the present moment it is still recommended to connect to a mains sewer

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 proposals do not accord with the development 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 consideration.

Recommendation - refusal

Decision Authorisation - Delegated Powers

Application Number: 2017/93976

Officer Recommendation: Refusal

Reasons for Refusal

1. The proposed dwelling forming annex accommodation associated with Staincliffe Hall, would have a detrimental impact upon the setting of the host associated grade II listed building, by virtue of its design, scale and height. The application has failed to demonstrate that the development would provide any public benefit to outweigh the harm caused to the setting of the host grade II listed Staincliffe hall and Cottage. This is contrary to Policies BE1 and BE2 of the Kirklees Unitary Development Plan, Policies PLP24 and PLP35 of the Kirklees Publication Draft Local Plan, and the aims of chapter 12 of the National Planning Policy Framework.

2. The design of the proposed annex accommodation to Staincliffe Hall with markedly asymmetric eaves height and length of roof slope together with the increased ridge level and introduction of dormers to the front would be incongruous and at odds with the character of the area. This is prejudicial to visual amenity and contrary to Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan, and the aims of chapter 7 of the National Planning Policy framework.

3. It has not been demonstrated that adequate visibility splays of 2.4m x 43m can be achieved at the access to the site. To approve the application without adequate visibility would be harmful to highway safety and efficiency, contrary to the aims of Policies D2, BE1, BE2 and T10 of the Kirklees Unitary Development Plan as well as Policy PLP21 of the Kirklees Publication Draft Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan			27.12.2017
Block plan			27.12.2017
Plan and elevations as existing			27.12.2017
Plans and elevations as proposed			27.12.2017
Garage – plans and elevations as proposed.			27.12.2017
Supplementary information: justification for the proposal			2.2.2018

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 applicant was approached regarding amendments, but failed to supply amendments or additional information. For the reason set out in the reason for refusal the development would not improve the environmental conditions of the area, nor the setting of Staincliffe Hall and Cottage.

Report Dated: 21.2.2018