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:	2018/62/90362/W
Site Address:	13, Oakfield Road, Birkby, Huddersfield, HD2 2XF
Description:	Alterations to convert former stables building to create dwelling forming annex accommodation associated with 13, Oakfield Road, Birkby, Huddersfield, HD2 2XF and erection of canoe store (within a Conservation Area)
Recommending Officer:	Julie Greatbatch

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: 28-Mar-2018

Officer Report

Application: 2018/90362

Site: 13, Oakfield Road, Birkby, Huddersfield, HD2 2XF

Proposal: Alterations to convert former stables building to create dwelling forming annex accommodation associated with 13, Oakfield Road, Birkby, Huddersfield, HD2 2XF and erection of a canoe store (within a Conservation Area)

Site Description

The application relates to a two storey detached dwelling and associated former stable outbuilding, located in a residential area of Birkby. To all sides of the application site are other detached and semi-detached dwellings.

The property sits within a 0.12ha plot, including a generous driveway to the side (south), and landscaped gardens to the front (east) and rear (west). There are several mature trees within the gardens, which are protected by virtue of their location within a conservation area.

The main house is constructed from stone, with light-coloured rendered walls to the sides and rear, and a grey slate roof. An existing single-storey extension runs along the rear elevation of the house. The windows of the house have white-painted timber frames.

The former stable building sits in the south-western corner of the rear garden and is visible from the highway to the front. Part one-and-a-half storeys and part single storey, this outbuilding is constructed from natural coursed stone, with a natural grey slate roof and white-painted timber windows. Incorporated within the outbuilding is an existing garage.

The application site falls within the Birkby Conservation Area, described in the Kirklees Unitary Development Plan (Appendix 1) as a 'mainly nineteenth century residential suburb of Huddersfield', characterised by stone terraced properties with 'a leafy aspect to the streets with low stone boundary walls and gateways contributing to the street scene'.

Description of Proposal

The proposal includes two distinct elements:

(i) <u>Conversion of the former stable outbuilding to annex accommodation associated with the main house.</u>

The proposal is to remodel the interior of the existing outbuilding to provide new living space at ground floor level and office space at first floor. The existing integral garage space would be retained.

Externally, the existing garage door would be replaced with new timber garage doors. The existing recessed door and windows at ground floor level would be brought in line with the front elevation and replaced with a new timber door and windows. Two of the smaller ground floor windows would in this elevation would be replaced with new windows; the third window opening would be enlarged and the window replaced by a new door. A new, arched window would be added to the end (north) gable, and 4no. black-framed conservation rooflights would be added to the roof.

(ii) Erection of canoe store.

The proposal is to construct an external canoe store, adjoined to the north gable of the main house. The store would be constructed from timber, with a grey slate, lean-to roof. The store would be approximately 5.0m in length, would project 1.4m from the gable and would adjoin the existing wall at 2.7m above ground level.

Relevant Planning History

2003/92998: 13 Oakfield Road – Conditional full permission for erection of rear extension and installation of 8 velux windows to attic (within a conservation area).

2017/90922 – 13 Oakfield Road – Approval of tree work notification.

Representations

The proposal was publicised by site notice and press advertisement, and neighbours were notified.

Final publicity date expired: 16th March 2018.

No public representations were received.

Consultation Responses

A bat survey was submitted by the applicant and reviewed by the council's Biodiversity Officer, following which no objections were raised to the proposed developments on the site.

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 unallocated in the Kirklees Publication Draft Local Plan. It is designated as being within the Birkby Conservation Area on both plans.

Kirklees Unitary Development Plan (UDP)

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE5** – Conservation areas
- **T10** – Highways safety

Kirklees Publication Draft Local Plan (PDLP)

- **PLP1** – Achieving sustainable development
- **PLP2** – Place shaping
- **PLP24** – Design
- **PLP33** – Trees
- **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.

- **Paragraph 17** – Core planning principles
- **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
2) Impact on visual amenity
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters
6) Representations
7) Conclusion

1 – Principle of development

The NPPF provides a presumption in favour of sustainable development.

Policy D2 of the UDP requires that new development on unallocated sites does not prejudice the implementation of proposals in the plan; the avoidance of over-development; the conservation of energy; highway safety; residential amenity; visual amenity; the character of the surroundings; wildlife interests; and the efficient operation of existing and planned infrastructure. The proposal is also unallocated on the draft Local Plan and Policies PLP1 and 2 will therefore be considered.

As the proposal comprises additions to an existing dwelling that is situated within an established residential area, it is regarded as sustainable development and is acceptable in principle, subject to appropriately addressing other planning matters.

2 – Impact on visual amenity, including the character of the Birkby Conservation Area

The site is located within the Birkby Conservation Area. Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 introduces a general duty in respect of conservation areas. Special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Additionally, UDP Policy BE5, PDLP Policy PLP35 and NPPF Chapter 12 outline the principle of development and restrictions for development in Conservation Areas.

The only alteration to the footprint of the existing outbuilding is the bringing forward of a previously recessed doorway to be in line with the front façade. As such, there are no perceptible alterations to the overall form or scale of the existing building. The alterations and additions to the windows and doors are subtle and are considered to be fully in keeping with the design of the original building. The building would continue to be visible from the street but, given the quality and subtlety of the proposed alterations, no negative impacts on the streetscape are anticipated.

The proposed canoe store would be positioned on the end (north) gable of the main house. As such, particularly given the drop in site level from east to west and the existing front boundary treatment, it is unlikely that it would be visible from the street. The store would be constructed in natural materials, to harmonise with those already existing.

The overall visual impacts of the proposed conversion and canoe store are acceptable in relation to the application property, neighbouring properties and the wider Birkby Conservation Area. The proposal therefore complies with the requirements of Policies D2, BE1, BE2 and BE5 of the Kirklees Unitary Development Plan and Policies PLP1, PLP2, PLP24 and PLP35 of the Kirklees Publication Draft Local Plan.

3 – Impact on residential amenity

No notable changes to the overall form and scale of the former stable building are proposed and, therefore, no overbearing or overshadowing impacts upon neighbours would occur as a result of the conversion. A new window is proposed in the end (north) gable at ground floor level, facing towards the garden of no.15 Oakfield Road. However, given the distance of the window from the site boundary (approximately 17m), no overlooking impacts are anticipated.

The proposal will not have an adverse impact on the residential amenity of neighbouring dwellings. The proposal is deemed to comply with Policy D2 of the UDP, Policy PLP24 of the PDLP and Paragraph 17 of the NPPF.

4 – Impact on highway safety

The access arrangements to the application property would remain unchanged, as would the existing waste collection arrangements. The amount of off-road parking space would also remain unchanged, including the ongoing provision of a garage and a generous driveway. It is not, therefore, considered that there would be any negative impacts on highway safety as a result of this proposal.

5 – Other matters

Bats

The application site is within a bat alert area and, given the age and style of the existing outbuilding, it was considered that may be bats present on site. Accordingly, a bat survey was requested and completed. The survey concluded that there was no indication of a bat roost on site and little likelihood that the building would provide a suitable habitat. Based upon this, it was not considered necessary to condition further bat surveys in relation to this application. However, a note recommending that the advice of licensed bat work to be sought if any bats are found during the development will be relayed on to the applicant if this application is approved for the proposal, to comply with Chapter 11 of the NPPF.

Birds

The bat survey identified that, although unsuitable for bats, the ivy on the north and south gables of the former stable building could provide a suitable habitat for nesting birds during the nesting bird season which extends from March to September. Accordingly, an advisory note will be added to the decision notice, should this application be approved.

Trees

There are several mature trees within the site boundary that are protected by virtue of their location within a conservation area. However, it is not believed that these trees would be negatively impacted by the proposal.

Conditions

The standard 3 years and in accordance with the approved plans conditions shall be attached to the decision notice along with a condition stating that the annex shall only be used subserviently to the main dwellinghouse. This is to ensure that the development accords with that proposed and to protect highway safety and local amenity.

6 – Representations

No representations were received.

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 it is therefore recommended for approval.

Recommendation: Approve

Application Number: 2018/90362
Decision Authorisation: Delegated Powers
Officer Recommendation: Grant Conditional Permission

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, to preserve the appearance of the Birkby Conservation Area and to accord with Policies D2, BE1, BE2 and BE5 of the Kirklees Unitary Development Plan and Policies PLP1, PLP2, PLP24 and PLP35 of the Kirklees Publication Draft Local Plan and Policies in Chapters 7 and 12 of the National Planning Policy Framework.

3. The hereby approved annex accommodation shall only be used subservently to the main dwellinghouse of 13 Oakfield Road, Birkby, Huddersfield, HD2 2XF.
Reason: For the avoidance of doubt as to what is being permitted, in the interests of highway safety and the amenity of surrounding residential properties and to accord with Policies D2, BE1, BE2 and T10 of the Kirklees Unitary Development Plan and Policies PLP21 and 24 of the Kirklees Publication Draft Local Plan.

NOTE: Due to the location and nature of the application site, 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.

NOTE: The vegetation to the gable ends of the former stable building may provide a suitable habitat for nesting birds. All vegetation clearance should be carried out in accordance with recommendation 5.3 of the Bat Survey, dated 23rd March 2018, submitted with this application.

Plans and specifications schedule:

Plan Title	Reference	Version	Date Received

Existing Plans, Elevations & Sections	EX0005	-	06/02/2018
Proposed Plans, Elevations & Sections	AL0005	Rev.B	06/02/2018
Heritage Assessment	-	-	06/02/2018
Bat Survey	180238	-	23/03/2018

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 Planning 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.

No discussions were held between the case officer and the application's agent as the plans as initially submitted were deemed acceptable.

Report Dated: 27/03/2018