

**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: 2018/62/90415/E

Site Address: Wheatsheaf Cottage, Thunder Bridge Lane,
Kirkburton, Huddersfield, HD8 0PX

Description: Erection of rear extension on piers (within a
Conservation Area)

Recommending Officer: Olivia Roberts

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: 16-Apr-2018

Officer Report

Site Description

The application relates to a two storey semi-detached property in Thunder Bridge, Wheatsheaf Cottage. It is constructed in natural stone and is designed with a gable roof form which is finished in slate roof tiles. The dwelling benefits from a conservatory which is located to the rear of the site at first floor level due to the topography of the surrounding area. There is no planning history for this development. The front of the dwelling is located along Thunder Bridge Lane, with amenity space and a garden located to the rear. The dwelling benefits from a detached garage which is located to the rear of the site and is accessed via a shared driveway that leads off Thunder Bridge Lane. Boundary treatment comprises fencing which runs along the southern boundary. A stone wall forms the boundary to the rear of the site.

The site is located in a residential area with the vicinity comprising properties of a similar character. The properties along Thunder Bridge Lane are of a range of styles and designs. Despite this, the predominant material of construction is stone with slate roof tiles. The application site is located in the Green Belt on the Kirklees Unitary Development Plan and is also within the designated Thunder Bridge Conservation Area.

Description of Proposal

The application seeks planning permission for the erection of a single storey rear extension on piers which will create additional living accommodation at the site and will replace the existing conservatory. Due to the topography of the curtilage of the site and given that the dwelling can be accessed at both ground and first floor level, the proposed extension will project from the rear elevation of the dwelling at first floor level and will be supported on piers which will be located in the amenity space of the property which sits at a lower level than the first floor entrance to the property.

The proposed extension will project approximately 2.55 metres from the rear elevation of the host dwelling and will have a length of approximately 5.80 metres. Due to the topography of the site, the northern most 2.90 metres of the proposed extension will be supported on piers which will measure 0.30 metres x 0.30 metres and will be constructed in natural stone to match the existing. The extension will be constructed in natural stone and will be designed with a monopitch roof form of a shallow gradient which will be finished in a colourcoat urban standing seam roof (Anthracite 04 ral 7016). The ridge height of the proposed extension will sit just below the eaves of the existing dwelling. Patio doors and a large window are proposed for the rear

elevation of the extension. A second large window is proposed for the northern side elevation of the extension. No openings are proposed for the southern side elevation of the extension. All openings will be finished in UPVC to match existing.

History of negotiations/amendments received

The application follows on from pre-application advice (ref: 2017/20331). The previous pre-application proposed a single storey rear extension which projected 2.55 metres from the rear elevation of the host dwelling at first floor level and had a length of 5.80 metres with the portion of the extension which projected above the land which sits at a higher level than the rear amenity space at the property being supported by a stone pier. The advice concluded that although the extension is of a relatively large scale and is not of a traditional style and design, as it will be located to the rear and will not be visible from the access road, that it could be considered an acceptable addition to the dwelling. It was also noted that the development would represent an enhancement of the existing conservatory. Some concern was raised regarding the size of the window that was proposed for the side elevation of the extension as it was considered that it could offer a significant amount of overlooking into the rear amenity space of the adjoining property.

Although the width of the window proposed for the side elevation of the extension was reduced from the previously submitted plans, it was still considered that due to the size of the opening, that it would offer a significant amount of overlooking into the rear amenity space of the adjoining property. Amendments were sought from the agent to further reduce the size of the window in order to prevent overlooking into the rear amenity space of the adjoining property. Revised plans have been received which replace the original window with a high level window which will have a cill height of 1.68 metres. The window has been increased in width to allow additional light into the extension.

Relevant Planning History

There is no relevant planning history at the site.

At The Grange, Thunder Bridge Lane –

2013/90328: Works to TPO(s) 01/77 with a Conservation Area. Part granted/part refused.

2006/93289: Erection of utility room with external steps (Within a Conservation area). Conditional full permission.

2000/90337: Erection of conservatory to dwelling and first floor extension to existing detached garage (within a conservation area).

Representations

Final publicity date Expires: 13 April 2018.

A site notice was posted and neighbours were notified. Due to the application site being located within the Thunder Bridge Conservation Area, the application was also advertised in the press in this instance.

As a result of the above publicity, there have been no representations received.

Kirkburton Parish Council comments: no comments received.

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. Conservation & Design – Informal discussion, given the design of the proposed extension and its location to the rear of the property, no concerns were raised.

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 located within the Green Belt on the UDP Proposals Map and on the Kirklees Publication Draft Local Plan. The site is also within the designated Thunderbridge Conservation Area.

Kirklees Unitary Development Plan:

- **D11** – Extensions in the Green Belt
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE5** – Preservation and enhancement of Conservations Areas
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)
- **NE9** – Mature trees

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP 24** – Design
- **PLP33** - Trees
- **PLP 35** – Historic Environment
- **PLP 57** – The extension, alteration or replacement of existing buildings

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 10** – Meeting the challenge of climate change, flooding and coastal change

- **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 Green Belt and heritage considerations
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development:

The site is located within the Green Belt on the Unitary Development Plan proposals map whereby new development is severely restricted. Paragraphs 89 and 90 set out those forms of development which may be acceptable within the Green Belt, including the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Policy D11 of the Unitary Development echoes this, and states that:

“Proposals for the extension of buildings within the Green Belt will be considered having regard to:

- i. The impact on the openness and character of the Green Belt;*
- ii. The size of the extension in relation to the existing building which should remain the dominant element;*

And in the case of traditional buildings,

- iii. The effect on the character of the existing building*

In the case of proposals to extend buildings which have already been extended the proposals should have regard to the scale and character of the original part of the building.

The key issues in the assessment of the principle of this application are therefore considered to be the impact of the development on the openness of the Green Belt and on the historic character of the existing building.

2 –Impact on visual amenity, including Green Belt and heritage considerations:

The proposed development will have some impact on visual amenity. Although the proposed rear extension is of a relatively large scale, it is noted that it will replace the existing conservatory which has a projection from the rear elevation of the host dwelling similar to what is proposed. Furthermore, the extension will be constructed in materials to match existing which will further reduce the impact that the development will have on the visual amenity of the dwelling. Current boundary treatment along the southern elevation of the dwelling will prevent the development from being visible from Dam Hill and Thunder Bridge Lane. It is therefore not considered that the development will create a visually intrusive feature within the street scene nor will it have an impact on the visual amenity of the surrounding area.

The proposal is therefore considered acceptable from a visual amenity perspective and in line with Policies BE1, BE2, BE13, and BE14 of the UDP, Policy PLP24 of the PDL, and Chapter 7 of the NPPF.

Impact on the Openness of Green Belt –

The site is located within the Green Belt and therefore the impact of the development upon the openness of the Green Belt is required to be considered. There is no definition of “disproportionate” within para. 89 of the NPPF, however Policy D11 of the UDP does state that the existing building should remain the dominant element.

Due to the fact that the proposed single storey rear extension will replace the existing conservatory, the development would not involve a significant increase in the footprint of the dwelling which has not previously been extended. Taking this into consideration, the development would not amount to a significant increase in the size of the dwelling.

I am satisfied that the existing dwelling would remain the dominant element following development as the proposed extension is subordinate to the host dwelling in terms of its style and design. The proposed extension would not have a significantly detrimental impact on the appearance of the rear elevation of the host dwelling. All elements of the proposal will be finished in materials that will match the appearance of the host dwelling.

Taking into account the location and scale of the proposal, the impact on the openness of the Green Belt is considered to be marginal in this instance. I am satisfied that the proposals would accord with the aims of policy D11 of the UDP, policy PLP57 of the PDL and Chapter 9 of the NPPF.

Impact on the Conservation Area –

The proposed development will have some impact on the 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.

In this context preservation means not harming the interests of the building as opposed to keeping it unchanged.

Policy BE5 of the Kirklees Unitary Development Plan states that new development and extensions within Conservation Areas should aim to preserve or enhance the character of the area and respect the architectural quality of the surrounding buildings. This is consistent with chapter 12 of the NPPF which highlights the desirability of sustaining and enhancing the significance of heritage assets (para.131 of the NPPF).

Although the development would have an impact on the appearance of the rear elevation of the dwelling, it is noted that development will represent an enhancement of the existing extension and that it will be finished in materials to match the existing with the exception of the roof form which, due to its shallow pitch, will be finished in a colourcoat urban standing seam roof (Anthracite 04 ral 7016) to visually replicate a traditional lead roof. The extension by virtue of its design, will not have a significantly detrimental impact on the character of the host dwelling and would not look out of place on the rear elevation. It is therefore deemed that this proposal would cause less than substantial harm to the Conservation Area – through the change in appearance of the host dwelling – but that this is outweighed by the public benefits of additional living accommodation and the enhancement of the existing extension. It is therefore considered that the development would have a neutral impact on the character and appearance of this part of the Conservation Area.

It is considered that the proposed development would preserve the character of the existing dwelling and wider character and appearance of this section of the Conservation Area. This would comply with the duties set out in Section 72 of the Listed Buildings Act and the aims of Chapter 12 of the NPPF. Furthermore, the proposed development adheres to the aims set out in Policy BE5 of the UDP and Policy PLP35 of the PDLP.

3 – Impact on residential amenity:

The development will have some impact on residential amenity with the most likely property to be effected being Corn Mill Cottage. Due to the location of

the application site to the south, the development has the potential to have an overbearing and overshadowing impact on the property. However, due to the fact that the extension will replace the existing conservatory and given that the extension will not extend up to the boundary shared with the property, it is not considered that the impact will be significantly detrimental. The window proposed for the side elevation of the extension will be high level with a sill height of 1.68 metres which will reduce the likelihood for overlooking into the rear amenity space of the property. In the interest in residential amenity and to accord with Policy BE14 of the UDP it is considered acceptable to condition that no additional openings shall be introduced to the northern side elevation of the extension in the future.

To summarise, the proposals, with the inclusion of conditions, is considered acceptable from a residential amenity perspective and would accord with the aims of policies D2 and BE14 of the UDP, as well as policy PLP24 of the PDLP.

4 – Impact on highway safety:

The proposed extension does not give rise to the requirement for additional parking and would not affect the existing parking and access arrangements on site. Accordingly, it would not raise any highway safety issues and thus complies with Policies D2 and T10 of the UDP and Policy PLP21 of the PDLP.

5 – Other matters:

5.1 Ecology -

The site is located within the Council's GIS bat alert layer however, it is not identified on the map as having bat roosts. In addition, the dwelling is well sealed and unlikely to have any significant bat roost potential. Furthermore, the proposed extension will not involve work on the original roof form. However, a note recommending the advice of a licensed bat worker to be sought if any bats are found during the development will be relayed on the applicant in the interest of ecology and for the proposal to comply with the aims of chapter 11 of the NPPF.

5.2 Trees –

Hartley Bank Wood is located to the east of the application site however, there is some separation distance between the application site and these trees. Due to the position of the site in relation to surrounding trees, the proposed extension is not considered to result in any impact upon the viability

of these trees. The proposal is considered to comply with the aims of policy NE9 of the UDP as well as policy PLP33 of the PDLP.

5.3 Flood risk –

The application site is within close proximity to Shepley Dike which is identified as being within the Environment Agency's Flood Zones 2 and 3. The site itself does not fall within either Flood Zone however, it is identified as an area susceptible to moderate surface water flooding. In this instance, the proposal is not considered to result in any additional flood risk issues because part of the extension would replace an existing conservatory and the other part would be supported by piers thereby not resulting in any significant increase to the amount of hardstanding at the site. The proposal is considered to comply with the aims of chapter 10 of the NPPF.

There are no other material planning considerations relevant to the determination of this application.

6 – Representations:

No representations received as a result of the statutory publicity.

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: 2018/90415

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 D11, BE5, BE13 and BE14 of the Kirklees Unitary Development Plan, Policies PLP24, PLP35, and PLP57 of the Kirklees Publication Draft Local Plan, as well as the aims of the National Planning Policy Framework.

3. The external walls 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 sustain the significance of the Thunderbridge Conservation Area and to protect the Green Belt in accordance with Policies BE5, BE13, and D11 of the Kirklees Unitary Development Plan, Policies PLP24, PLP35 and PLP57 of the Kirklees Publication Draft Local Plan, as well as the aims of chapters 7, 9 and 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 walls of the north side elevation of the extension at any time without the prior written approval of the local planning authority.

Reason: So as not to detract from the amenities of the occupants of the adjoining property by reason of loss of privacy and to accord with Policy BE14 of the Kirklees Unitary Development Plan and Policy PLP24 of the Kirklees Publication Draft Local Plan.

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

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays
08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Site Location and Block Plan	01	B	15/02/2018
Existing Ground and First Floor Plans	02	B	15/02/2018
Existing Elevations, Sections and 3D Image	03	B	15/02/2018
Proposed Ground and First Floor Plans	04	D	11/04/2018
Proposed Elevations and 3D Images	05	D	11/04/2018
Sections	06	A	15/02/2018

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 case officer sought amendments to reduce the scale of the window proposed for the side elevation of the extension as it was considered that it could cause a significant amount of overlooking into the rear amenity space of the adjoining property. Amendments were received which replaced the originally proposed window with a high level window which will have a cill height of 1.68 metres.

Report Dated: 13/04/2018