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:	2018/62/90569/W
Site Address:	The Lodge, 34, Daisy Lea Lane, Lindley, Huddersfield, HD3 3LP
Description:	Erection of extension (within a Conservation Area)
Recommending Officer:	Sam Jackman

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 18-May-2018

SITE DESCRIPTION

The Lodge, 34 Daisy Lea Lane, Lindley is part of a large Victorian building ‘Daisy Lea’, which is divided into three properties.

No.34 fronts onto Daisy Lea lane with a fairly plain frontage, along the road frontage and attached to the property is high wall with access to the property over 20m away. The elevation overlooking the garden being grander in its appearance and architectural detailing with the introduction of a large bay window. However this would appear to have been part of the main property rather than the original lodge.

The property has further been altered with a flat roofed sun room and entrance lobby.

DESCRIPTION OF PROPOSAL

The proposal is to replace the existing sun room and create a new entrance lobby, with various internal alterations.

The new extension would project 9m in line with the existing building however it would be increased in width to 5.7m with a new pitched roof at a height of 4.35m, replacing the existing flat roof.

The extension would create a new kitchen breakfast room.

The porch would be extended slightly across the corner with a flat parapet roof.

The existing boundary wall will be repaired where required to a height of 2.88m adjacent to the existing door which would then tapper in height to 1.87m close to the new entrance, replacing the coping stones and worn stone work.

The extension would be built from materials to match the host property using coursed stone and blue slate.

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

The original plans also showed a large double garage close to the entrance, however this has been deleted due to the impact on the sycamore tree and is now part of the application within the grounds for a new dwelling.

Further requests have been requested for the submission of an Arboricultural method statement and amended design & access statement following the removal of the garage

An extension of time was agreed by the agent to allow the submission of an Arboricultural method statement.

RELEVANT HISTORY

None on the property.

2018/90731 - New dwelling and garage block (amended house type) - current

2017/92536 - New dwelling and garage block - approved

PUBLIC/MEMBERS RESPONSE

Final publicity date Expires: 30.3.18

No letters of representation have been received in respect of this application.

CONSULTATION RESPONSES

K.C. Biodiversity – the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been received from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance.

This is due to the fact the existing extension to be demolished is single storey with the main property in a good state of repair.

K.C. Conservation & Design –The property is within Edgerton Conservation Area, with no discussions however given that the proposal replaces an existing flat roofed extension with a pitched roof which is an acceptable design, furthermore the existing boundary wall will be retained retaining the character of the area. It is consider that this application satisfies the relevant UDP and NPPF policies,

K.C. Arboricultural officer – No objection raised to the revised Arboricultural method statement and following the removal of the proposed garage.

POLICY

The statutory development plan comprises:

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 within the Edgerton Conservation Area on the Unitary Development Plan Proposals Map. This is described as:

"Large residential suburb of Huddersfield characterised by mature planting in association with stone built nineteenth century villas generally in extensive grounds with gate piers and boundary walls being significant features."

In addition there is a Conservation Area Appraisal for Edgerton.

The site is designated as unallocated on the UDP Proposals Map and on the Kirklees Publication Draft Local Plan. .

Kirklees Unitary Development Plan:
D2 - Unallocated
BE1 – Design principles
BE2 – Quality of design
BE5 – Conservation Area
BE13 – Extensions to dwellings (design principles)
BE14 – Extensions to dwellings (scale)
NE9 – Trees
T10 – Highways

Kirklees Publication Draft Local Plan: Submitted for examination April 2017:
PLP 1 – Achieving sustainable development
PLP 2 – Place shaping
PLP 24 – Design

PLP 30 - Biodiversity and geodiversity
PLP 33 - Trees
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 11 - conserving & 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 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 Edgerton 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. Emerging Policy PLP35 draws reference to the NPPF.

The NPPF refocuses the emphasis on good design as being indivisible from good planning and when applied in conjunction with policies BE1 and BE2 of the UDP, which cover general design principles and quality of design, require Local Planning Authorities to consider proposals favourably when sympathetic

design and materials suitably reflect the character of the host property and surrounding properties are submitted.

In addition two specific policies relating to extensions to dwellings apply. Policies BE13 and BE14 of the UDP establish that proposals for the extension of existing dwellings should respect the design features of the existing house and adjacent buildings and should not have a detrimental effect upon the visual amenity of the area or adjoining dwellings.

Advice in Chapter 7 of the NPPF regarding design is also a material consideration. At paragraph 56 this states that 'good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people'.

Emerging Policy PLP24 of the PDLP sets out a number of design considerations to take into account in the assessment of applications.

Policy NE9 refers to developments should normally retain any protected trees within the site and ensure their viability

2 – Impact on visual amenity:

The proposed replacement sunroom will be located on the west facing elevation. In terms of design it would replace an existing flat roof extension with a new pitched roof. However this would result in the height of the building being raised from 4m to 5.25m and linking into the host property. This would create a larger extension when viewed from Daisy Lea Lane.

The existing extension already projects above the boundary wall by from 1.1m which will be raised to 2.4m. The eaves will actually be slightly lower, therefore less stone work will be seen than the existing extension with the additional height being created by the new pitched blue slate roof.

The existing boundary wall will be retained however will be altered in height and levelled rather than the current stepped sloping wall. It appears that the boundary wall has been raised at some point in the past and is bowing due to the large sycamore tree, so the general repair to the boundary wall is considered acceptable provided that the repaired wall is repaired using the existing stone where possible. The wall will also be partially removed to provide the new access for the proposed new dwelling within the existing grounds.

Although the boundary wall will be altered and lowered in part it will retain the character of the area and will still provide partly screen for the new extension.

The extension will be constructed of materials to match those of the existing building, thereby remaining in keeping with the appearance of the host building and will remain subordinate to the host building.

As such, the proposal would comply with UDP policy BE1 in terms of being visually attractive on the host building, BE2 in terms of being in keeping with the design of the host building and BE5 in terms of respecting the architectural qualities of the building and preserving or enhancing the character and appearance of the Edgerton Conservation Area.

Also emerging policies PLP24 & PLP 35 of the PDLP, as well as section 72 of the planning (Listed Buildings and Conservation Area) act 1990 and advice in chapters 7 and 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:
The proposed extension and alterations are assessed upon whether they would have a detrimental effect on adjoining dwellings or any occupier of adjacent land by way of overshadowing or overlooking and also in terms of its design, size and visual amenities.

There will be no impact on neighbouring properties in terms of overshadowing or overlooking as the proposal is to be located behind an existing high boundary wall with the nearest property being over 20m away. The new approved dwelling to the south would be a significant distance away.

The application therefore accords with policy D2 in this regard, emerging policies PLP1, PLP2 & PLP24 of the PDLP and advice in the National Planning Policy Framework.

4 – Impact on highway safety:

In terms of highway safety the existing access will be altered to provide better sight lines to accommodate a new dwelling within the grounds of the property, which will also provide off-street parking for at least 2 cars and a new double garage.

The application therefore accords with policy T10 of the Unitary Development Plan and advice in the National Planning Policy Framework.

5 – Other matters:

Biodiversity – the application site is within a ‘Bat Alert’ layer on the Council’s GIS system. Whilst formal comments have not been received from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance.

This is due to the fact the existing extension to be demolished is single storey with the main property in a good state of repair.

Trees – No objection raised to the revised Arboricultural method statement and following the removal of the proposed garage.

6 – Representations:

It should be noted that no representations have been received as a result of site 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.

Decision Authorisation - Delegated Powers

Application Number: 2018/90569

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 51 of the Planning and Compulsory Purchase Act 2004.

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, in the interests of the character and appearance of the Edgerton Conservation Area and to accord with Policies D2, BE5, BE13 and BE14 of the Kirklees Unitary Development Plan, emerging policies PLP24 and PLP35 of the Publication Draft Local Plan and advice in 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, in the interests of the character and appearance of the Edgerton Conservation Area and to accord with Policies D2, BE5, BE13 of the Kirklees Unitary Development Plan, emerging policies PLP24 and PLP 35 of the Publication Draft Local Plan and advice in the National Planning Policy Framework.

4. The existing boundary wall shall be repaired using reclaimed stone from the existing wall where possible.

Reason: In the interests of visual amenity for users of the adjacent public footpath, in the interests of the character and appearance of the Edgerton Conservation Area and to accord with Policies BE5, BE1, and BE2 of the Kirklees Unitary Development Plan, emerging policies PL24 & PLP35 of the Publication Draft Local Plan.

5. The development shall be completed in accordance with the advice and directions (recommendations) contained in the Arboricultural Method Statement, reference (34 Daisy Lea Lane-Arbtech AMS01 and supporting Tree Protection Plan received 10.5.2018). These shall be implemented and maintained throughout the construction phase and retained thereafter.
Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy NE9 of the Unitary Development Plan and Policy PLP33 of the Publication Draft Local Plan.

6. Before first occupation, the developer shall provide written and/or photographic evidence to the Local Planning Authority to demonstrate that the Arboricultural supervision specified in the Arboricultural Method Statement, reference (34 Daisy Lea Lane-Arbtech AMS01), was undertaken. The development shall not be brought into use until this evidence has been approved in writing by the Local Planning Authority.
Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy NE9 of the Unitary Development Plan and Policy PLP33 of the Publication Draft Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan 1:1250	3203 (0-) 15	A	16.5.18
Existing floor layout	3203 (0-) 13		19.2.18
Existing elevations	3203 (0-) 14		19.2.18
Proposed floor layout	3203 (0-) 16	A	17.5.2018
Proposed elevation	3203 (0-) 17	A	16.05.2018
Arboricultural Method Statement dated 9.5.2018			10.5.18
Tree protection plan	Arbtech TPP 01 dated May 2018		10.5.18
Arboricultural impact assessment	Arbtech AIA 01 dated May 2018		10.5.18
Design & Access statement including Conservation/ Heritage assessment	3203	A	16.5.18

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.

The Case Officer requested amended plans during the process of the application for the submission of an Arboricultural method statement in order to protect the mature trees within the site, this resulted in the proposed double garage being removed from the proposal. This decision is based on the amended/additional documents submitted.

Recommendation and Authorisation Box

Report Dated:	17/5/2018

Coal – low risk