

**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: 2018/62/90675/W

Site Address: 14, Upper Rotcher, Rotcher Lane, Slaithwaite,
Huddersfield, HD7 5UE

Description: Erection of two storey extension and alterations
(Listed Building)

Recommending Officer: Laura Yeadon

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: 12-Jul-2018

Officer Report

Site Description

14 Upper Rotcher is a small 2 storey Grade II Listed Building. The property is located to the rear of a small row of terraced dwellings numbered 11, 12, 10 and 17 Upper Rotcher. To the front and south-west of the property is a detached two storey dwelling, No. 15. Whilst Rotcher Lane is an adopted road, access to the property is off Rotcher Lane via a private road providing access to the site and No. 15. The private access then ends at the side of No. 15 and the access meets with Public Rights of Way COL/134/50 which continues under the railway lines to the south. There is a small yard to the front of the building with a small yard to the side and lean-to extension. The property is bound by retaining walls to the surrounding properties. The property is set within a tight cluster of the buildings some of which are listed with open fields to the north and the River Colne and woodland to the south.

Description of Proposal

Permission is sought for the erection of a two storey extension and alterations.

The proposed extension would be located on the side elevation of the building replacing the existing lean-to shed. The extension would project to the side by 2.6 metres being set back from the front elevation by 0.55 metres lying flush with the original rear elevation of the property. The eaves height would match the existing eaves height with the ridge of the lean-to roof set down from the existing by 0.5 metres. A rooflight is also proposed within the front elevation roof slope and 2 no. rooflights within the rear elevation roof slope.

The proposed construction materials would be blue slate for the front elevation roof slope with the rear pitch being glazed, coursed natural stone for the ground floor and rear north elevation with oak cladding to the first floor of the front and side elevations.

The resultant accommodation would be a hall, staircase and bathroom with the internal accommodation reconfigured to allow for increased (and building regulations compliant) headroom and staircase and habitable living accommodation.

The alteration works would comprise of repointing of the existing facades with a lime based mortar; re-instate the rainwater goods using timber gutters and cast iron or aluminium water pipes; repair to internal floors and finishes; repair or replacement for the existing stone mullions where required.

An application for Listed Building Consent for the scheme has been submitted and runs concurrently with this application. The reference number is 2018/90676.

History of negotiations/amendments received

No negotiations have taken place nor have any amended plans been sought or received. During the course of the application and following consultation with the Council's Ecology & Biodiversity Officer, a Bat Survey was requested. This was subsequently submitted on 26th June 2018 and an extension of time agreed to determine the application.

Relevant Planning History

2018/90676 Listed Building Consent for the erection of two storey extension and alterations

Not yet determined – runs concurrently with this application

Representations

Final publicity date expired 6th April 2018 – no representations received

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. Public Rights of Way – informal comments – no objection

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 a Grade II Listed Building in the Green Belt on the UDP Proposals Map and proposed to be retained as such on the Kirklees Publication Draft Local Plan.

The listing description is as follows:

Late C18, early C19. Detached house. Hammer dressed stone. Quoins. Pitched stone slate roof. Coped gables. Moulded footstones. 2 storeys. South elevation has: ground floor; entrance with deep lintel and quoins. One 3-light stone mullioned window with recessed mullions. First floor; one 2-light stone mullioned window with recessed mullions. One 3-light stone mullioned window with recessed mullions. Included for group value.

Kirklees Unitary Development Plan:

- **D11** – Extensions in the Green Belt
- **BE1** – Design principles
- **BE2** – Quality of design
- **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
- **PLP30** - Biodiversity and geodiversity
- **PLP35** – Historic environment
- **PLP57** – 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 9 – Protecting Green Belt land
- Chapter 11 – Conserving and enhancing the natural environment
- Chapter 12 – Conserving and enhancing the historic environment

Assessment

Principle of development:

The general principle of extending and making alterations to a property are assessed against Policies BE1, BE2, BE13 and BE14 of the UDP and advice within Chapter 7 of the NPPF regarding design. These require, in general balanced considerations of visual and residential amenity, highway safety and other material considerations.

The site is within the Green Belt and therefore the main issues are:

- Whether the proposal would be inappropriate development for the purposes of the NPPF and UDP Policy D11, PLP57
- The effect of the proposal on the openness of the Green Belt, and on the character and appearance of the area
- If found to be inappropriate development, whether the harm by reason of inappropriateness is clearly outweighed by other considerations, so as to amount to the very special circumstances, so as to amount to the very special circumstances necessary to justify development

Is the development inappropriate in the Green Belt?

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt, the most relevant in this case being to assist in safeguarding the countryside from encroachment. Paragraph 87 of the NPPF states that inappropriate development should not be approved except in very special circumstances. Certain forms of development are exceptions to 'inappropriate development'. These are set out within paragraphs 89 and 90 of the NPPF.

The construction of new buildings is regarded as inappropriate development in the Green Belt. Within paragraph 89, one of the exceptions to this is the extension or alterations of a building providing that this does not result in disproportionate additions over and above the size of the original buildings. Policy D11 continues that 'in the case of proposals to extend buildings which have already been extended the proposal should have regard for the scale and character of the original part of the building'.

Furthermore, the site is retained as Green Belt on the Publication Draft Local Plan. Policy PLP57 supports the advice within the NPPF and Policy D11 of the UDP by emphasising that previous extensions will be taken into account and also that proposals do not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access.

In terms of this particular application, the extension would be located on the side elevation of the property and, in part, replace an existing single storey

lean-to extension. The extension would accommodate a bathroom and compliant staircase to the existing property which is in a state of disrepair with limited headroom within the building. Whilst being two storeys in height, the extension would be set back from the front elevation and set down from the existing ridge thus being subservient to the host property. Whilst there is also a single storey rear extension on the property, this is pre-1948 and is therefore deemed part of the original dwelling. The curtilage of the building is limited and the yard to the side bound by retaining structures.

The extension would result in an increase in volume to the original property of around 22%. This together with the siting and design of the extension would not result in a disproportionate addition to the original dwelling, which would remain the dominant element on the site. As such it would comply with national guidance in the NPPF and local planning policy. It is not therefore necessary to consider the impact on openness or for very special circumstances to be justified.

Impact on visual amenity:

In terms of visual amenity, the extension would be subservient to the host property and would be constructed from natural coursed stone and oak cladding which would clearly distinguish the extension as an addition to the host building. The ground floor of the extension would be set back slightly from the first floor. The roof would be blue slate to the front which would match the existing with the rear elevation roof slope being glazed. It is considered that the proposed materials are acceptable and in terms of visual amenity, the extension would accord with UDP, Publication Draft Local Plan and NPPF policy.

Impact on residential amenity:

In terms of residential amenity, the proposed extension would have openings within the front elevation with no openings within the side and rear other than the glazed roof which would provide light to the staircase. As there are no properties to the front of the building there are no concerns regarding the bathroom window and although roof lights are proposed within the front and rear elevations, there are minimal concerns regarding overlooking.

With regards to overshadowing and/or being overbearing, given the siting of the residential properties surrounding the site and the extension would be adjacent to outbuildings, there are minimal concerns regarding residential amenity.

Impact on highway safety:

The proposed extension would not have any impact on the existing parking arrangements and therefore there are minimal concerns.

Other matters:

Public Rights of Way – the PROW team raised no objections to the development and the setting of the identified PROW would not be adversely affected by the extension.

Bats – the site is located within the Bat Alert layer on the Kirklees GIS System. Discussions took place with the Council's Ecology & Biodiversity Officer who confirmed that a Bat Survey was required. This was carried out and submitted to the Local Planning Authority on 26th June 2018. The findings of the survey were that there were no bats using the building and would be unlikely to do so prior to development commencing. In line with the recommendations within the report, a condition shall be attached to the decision notice stating that a bat box should be installed on either the south-west or south-east elevation of the building. The development complies with PLP30 of the PDLP.

Listed Building: the development would result in a Grade II Listed Building being restored and brought back into optimum use. This is assessed in more detail in the allied application for listed building consent.

Representations:

No representations have been 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 is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2018/90675

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 D11, BE1, BE2, BE13 and BE14 of the Kirklees Unitary Development Plan, Policies PLP24, PLP35 and PLP57 of the Publication Draft Local Plan and Chapters 7, 9, 11 and 12 of the National Planning Policy Framework.

3. Notwithstanding the submitted details, the development shall be constructed in accordance with the recommendations within Chapter 8 (Conclusions and Mitigation) of the Bat Survey completed by Entonax Consultants UK. This shall include the installation of a bat box, Schwegler 1FF Bat Box or similar, during the construction phase on either the south-east or south-west elevation of the extension. The bat box shall be retained thereafter.

Reason: To ensure that mitigation proposals are sufficient to ensure the favourable conservation status of the bat species and birds in accordance with Policy PLP 30 of the Publication Draft Local Plan and Chapter 11 of the National Planning Policy Framework.

NOTE This decision should be read in conjunction with the conditions on the decision notice of Listed Building Consent 2018/90676.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	2017-483-01B		5th May 2018
Existing ground floor plan and existing south elevation	2017-483-02A		5th May 2018
Existing first floor plan and existing section A-A	2017-483-03A		5th May 2018
Section C-C and site plan	2017-483-04B		5th May 2018
Proposed ground and first floor plans	2017-483-05A		5th May 2018
Proposed section C-C and proposed section B-B	2017-483-06A		5th May 2018
Proposed west and south elevations	2017-483-07A		5th May 2018
Proposed section A-A	2017-483-08A		5th May 2018

Plan Type	Reference	Version	Date Received
Conservation, Heritage and Design Statement			5th May 2018
Bat Survey	1802BAT		26th June 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. . No negotiations have taken place nor have any amended plans been sought or received. During the course of the application and following consultation with the Council's Ecology & Biodiversity Officer, a Bat Survey was requested. This was subsequently submitted on 26th June 2018 and an extension of time agreed to determine the application.

Report Dated:

10th July 2018