

**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: 2018/62/92073/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 – 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: 14-Jan-2019

Officer Report

Site Description

The application site is in the north eastern corner of grounds at Staincliffe Hall, Staincliffe Hall Road, Batley. In this corner is a detached triple garage with chippings to the front and side, and a strip of rough ground to the rear. It is 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, are the playing fields of Manorfield Infants and Nursery School, and to the north, are 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, Staincliffe, Batley, WF17 7QU 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 in east / west direction).
- 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:

- Extension to the northern side of the existing garage projecting 4.0m x 7.0m deep (including 1.2m projection to the rear, which wraps around the back approximately 1.6m).
- Dual pitched roof (ridge in north / south direction), eaves approximately 2.7m high and ridge level around 4.8m.
- Windows and doors to the front elevation, together with windows in the northern side and rear elevations.
- Stonework to the front elevation and brickwork elsewhere.

Porch:

- Rectangular footprint 1.5m projection x 3.5m wide.

- Dual pitched roof approximately 3.0m to eaves level and 4.5m to ridge height.
- Located centrally on the proposed front elevation.

It would provide space for 2 bedrooms, a kitchen, wc shower room and dining / lounge area.

Detached garage:

- Rectangular footprint 3.0m wide x 6.0m deep.
- Dual pitched roof approximately 2.1m to eaves level and 3.2m to ridge level.
- Garage door in the front elevation and window and doorway in the south facing side elevation.
- It would be located around 2.0m to the north of the proposed annex building with front elevation in line with that of the annex building.
- The front would be stonework with brickwork elsewhere.

History of negotiations/amendments received

During the course of the application amendments were sought to improve the design and provision of sight lines.

Relevant Planning History

2017/93976 - 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). Refused because design would have an adverse impact upon setting of listed building; design incongruous in the area; inadequate visibility splays.

Representations

Final publicity date expired: 3rd August 2018. Two representations has been received.

A summary of the comments received is set out below:

- The plans appear to show removal of a row of conifers adjacent to the boundary between the application site and the properties on Woodfield Avenue. It provides some protection and if removed may cause damage to the wall, which in turn may damage the driveway at Staincliffe Hall.
- 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):
Require accurate sight lines indicating on a plan. The amended plan received was considered acceptable.
- K C Conservation and design:
Initially requested that the design be altered to place the porch centrally and incorporate more features which would usually be seen on a coach house.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). 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 48 of the National Planning Policy Framework (2018). 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 (2018), 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 and within the setting of a listed building on both the UDP Proposals Map and the Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- D2 – land without notation
- BE1 – design principles
- BE2 – quality of design
- BE11 - materials
- BE12 – space around dwellings
- T10 – highway safety

Kirklees Publication Draft Local Plan (PDLP):

- PLP 1 – Presumption in favour of sustainable development
- PLP2 – Place shaping
- PLP21 – Highway safety and access

- PLP24 – design
- 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 24th July 2018, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 12 – Achieving well-designed places
- Chapter 16 – Conservation and enhancement of the historic environment

Assessment

Principle of development:

The site is located within an area unallocated on the UDP. General development policy D2 is applicable and the principle of development is acceptable providing, in this particular case, there is no undue impact on residential or visual amenity, highway safety and the setting of a listed building.

Impact upon visual amenity and setting of listed building:

The application site is located near to the north eastern corner of large grounds associated with Staincliffe Hall. There are relatively recently built detached houses adjacent to the northern boundary of the site, and in terms of distance, the proposed annex house is closer to these houses than Staincliffe Hall.

Since refusal of a previous application for similar development, the design has altered significantly so that now it is a bungalow with more symmetrical appearance on a footprint that is enlarged to the northern side, and the roof pitch has altered so that the ridge line is at 90 degrees to the existing. The external materials would also reflect those in the vicinity, with the use of stone and brickwork for the walls and a slate tiled roof.

The Council's Conservation and Design team leader was consulted and considered the impact upon the setting of the listed building to be satisfactory, however they had concerns about the impact upon visual amenity generally. They suggested that it should look more like a coach house, with centrally placed porch / lobby and bays to either side with windows, not French doors.

These alterations are reflected in amended plans received on 21st August 2018, and are considered to be acceptable.

As such it is considered that the proposal is not prejudicial to visual amenity or the setting of the listed building, and is compliant with policies D2, BE1 and BE2 of the UDP, Policies PLP24 and PLP35 of the PDLP as well as chapters 12 and 16 of the NPPF.

Impact upon residential amenity:

The main impact would be on the occupants of no.100, Woodfield Avenue. This is a detached house to the north of the application site. However, the nearest part of the proposed house is around 13m from the mutual boundary, and the nearest part of the proposed detached garage is 8.0m away from the same boundary. Given these distances and that both structures are single storey, it is thought that the proposal would have very limited overshadowing or overbearing impact. Whilst there is one habitable room window in the facing side elevation, it would be screened by the proposed garage, so there would be no invasion of privacy either.

Other nearby properties are further away and so there would be even less impact upon them.

Overall, the proposal would not be prejudicial to residential amenity and is compliant with policies D2, BE1, BE2 and BE12 of the UDP and policy PLP24 of the PDLP.

Impact upon highway safety:

The site is accessed from Staincliffe Hall Road via a long driveway which currently leads to the existing triple garage at the site.

The Council's Highways officers have been consulted and initially were concerned about sight lines. These are now shown on the block plan and the whole scheme is considered acceptable from a highway safety point of view.

In all, the proposal is considered acceptable from a highway safety and efficiency perspective and compliant with policies D2, BE1, BE2 and T10 of the UDP and Policies PLP21 and PLP22 of the PDLP.

Other material considerations:

No further material considerations.

Representations:

Two representations has been received.

A summary of the comments received is set out below, along with the officer response:

- The plans appear to show removal of a row of conifers adjacent to the boundary between the application site and the properties on Woodfield Avenue. It provides some protection and if removed may cause

damage to the wall, which in turn may damage the driveway at Staincliffe Hall.

Response: The hedge is not protected and could not be protected by the Council e.g. by Tree Preservation Order. As such, it could be removed by the owner at any time and maintenance of the boundary wall would be a civil matter between the land owners.

- 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 when the previous application was refused (ref: 2017/93976). They 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 a Building Control matter to ensure that the drains are sufficient for connecting the system after installation. If the applicant wants to connect to the drains, 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 would constitute sustainable development and is therefore recommended for approval.

Recommendation - Approval

Decision Authorisation - Delegated Powers

Application Number: 2018/92073

Officer Recommendation: Approval

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 D2, BE1, BE2, BE11, BE12, and T10 of the Kirklees Unitary Development Plan, Policies PLP21, PLP22, PLP24 and PLP35 of the Kirklees Publication Draft Local Plan and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the annex building and detached garage hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policies D2, BE1, BE2, and BE11 of the Kirklees Unitary Development Plan, Policies PLP24 and PLP35 of the Kirklees Publication Draft Local Plan and the aims of Chapters 12 and 16 of the National Planning Policy Framework.

4. The residential annexe accommodation approved as part of this permission shall be

used by the occupants or relative of the dwellinghouse known as Staincliffe Hall, Staincliffe Hall Road, Staincliffe, Batley, WF17 7QU for uses ancillary to the enjoyment of this dwelling house and shall at no time be sold or rented as a separate residential unit.

Reason: So as to ensure that highway safety would not be compromised, in accordance with the aims of Policies D2, BE1, BE2, and T10 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and the aims of the National Planning Policy Framework.

5. The visibility splays, as shown on the submitted Block Plan received 5 November 2018, shall be completed before the development hereby approved is first brought into use. Thereafter, the visibility splays shall be retained.

Reason: In the interests of highway safety and in accordance with Policy T10 of the Kirklees Unitary Development Plan and Policy PLP21 of the Kirklees Publication Draft Local Plan.

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 work may be carried out.

NOTE: The approved vehicle parking areas need be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan			5.11.2018
Block Plan			5.11.2018
Plans and elevations as existing			25.6.2018
Plans and elevations as proposed			21.8.2018
Detached garage – plans and elevations			21.8.2018
Heritage statement			25.6.2018

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. During the course of the application amendments were sought to improve the design and provision of sight lines.

Report Dated: 11.1.2018