

**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: 2018/62/92312/W

Site Address: 1, Sike Close, Totties, Holmfirth, HD9 1JD

Description: Erection of single storey rear 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: 10-Sep-2018

SITE DESCRIPTION

The site consists of a modern two-storey dwelling with an attached garage which part of a modern housing development. The next properties to the south-west are four modern townhouses, while to the north-west and north-east the area is dominated by buildings of traditional appearance. The rear elevation faces north-west towards Sike Lane which is at a lower level. The property has previously had a small single-storey extension built to the rear.

DESCRIPTION OF PROPOSAL

The proposal is for re-submission of an identical approval which as now expired for the erection of a single-storey extension to the rear to the side of and abutting the existing extension. This is to measure 4.65m square, with a hipped roof and a small flat-roofed leaded element surrounding it. It is to be built with a stone dwarf wall, glazing above, and a natural slate roof.

Elevation & layout.

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2018/92312&file_reference=700803

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

RELEVANT HISTORY

2012/90367 - Erection of single storey extension and internal alterations (within a Conservation Area) – granted and not implemented

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2012/90367&file_reference=392407

2004/90869 – Erection of single-storey extension (within a Conservation Area). Approved and implemented.

PUBLIC/MEMBERS RESPONSE

Final publicity date Expires: 23.8.18

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

Parish/Town Council comments – Support the application provided
[Conservation Area officers consider it acceptable.](#)

[CONSULTATION RESPONSES](#)

[None](#)

[POLICY](#)

[The statutory development plan comprises:](#)

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

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 designated Green Belt on the UDP Proposals Map and on the Kirklees Publication Draft Local Plan and within Totties Conservation Area. It would affect the setting of a number of Listed Buildings, including 1-14 Sike Lane and 54-56 Totties.

Kirklees Unitary Development Plan:

D11 – extensions in the Green Belt

BE5 – Development within Conservation Areas

BE13 – Extensions to dwellings (design principles)

BE14 – Extensions to dwellings (scale)

T10 – Highway safety

Kirklees Publication Draft Local **Plan: Submitted for examination April 2017:**

PLP 1 – Achieving sustainable development

PLP 2 – Place shaping

PLP 24 – Design

PLP 35 – historic environment

PLP57 – extensions in the Green Belt

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 of July, 2018, 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 12 – Achieving well-designed places

Chapter 13 – Green Belt

Chapter 16 – Conserving and enhancing the historic environment

ASSESSMENT

General principle

The application will be assessed having regard to Policy BE13 (design and materials should respect the existing building and its surroundings), BE14 (rear extensions will normally be acceptable provided that they do not exceed 3.0m in overall projection, and should avoid having a harmful impact upon neighbouring properties or land). Furthermore it will be assessed on emerging Policy PLP24 design and Green Belt Policies D11 and PLP57.

Policy BE5 states that development in Conservation Areas should seek to preserve or enhance the character of the area and of the host building. This continues in Policy PLP35 of the PDLP. The NPPF advises that Local Planning Authorities should seek to conserve heritage assets in a manner appropriate to their significance. In this case, any potential impact on the Totties Conservation Area, and on the setting of Listed Buildings in the vicinity of the site, will be taken into account.

Green Belt

The property has been previously extended by the addition of a modest single storey rear extension of around 48.5 cubic metres. This represents an increase of approx. 7% of the original volume of the property. The proposed extension would result in a further 51 cubic metres. The cumulative increase in the volume of the original building would be around 14.5%. Given this, and the simple design of the extension, it is considered that the original property

would remain the dominant element on site and that the extension would not be a disproportionate addition, even when considered cumulatively with the original extension. For these reasons the extension would accord with national and local Green Belt policy.

Design and appearance

The site is within the Totties Conservation Area and is proximate to Grade II listed buildings. Sections 66 and 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 a Conservation Area and to take into account the setting of listed buildings in the assessment of planning applications. This is mirrored in Policy BE5 of the Unitary Development Plan, emerging Policy PLP35 of the Publication Draft Local Plan together with guidance in Chapter 16 of the National Planning Policy Framework.

It is considered application that the extension would form a visually appropriate addition in terms of scale and design, it would not dominate the host building, and would not detract from visual amenity, the character of the Totties Conservation Area or settings of the Listed Buildings in the vicinity of the site.

The development **would have** a neutral impact on surrounding heritage assets and would not affect the significance of either the conservation area or listed buildings given its unassuming design tucked neatly to the rear of a modern property. Subject to materials matching in colour, texture and scale, which can be conditioned, it would comply with the aims of Policies BE5, BE13 of the UDP PLP24 and PLP35 of the PDLP and Chapters 12 and 16 of the NPPF.

Impact on neighbouring properties

The extension would exceed the standard 3.0m projection set out in Policy BE14, but this is not substantially greater than that of the existing extension and due to the arrangement of the dwelling with respect to neighbouring properties it would not lead to any problems of overlooking or overbearing impact. In addition by being set in from the shared boundary with its neighbour it would ensure it would not have an overbearing impact or result in an undue loss of privacy or light.

It is considered that the development would comply with the aims of Policy BE14 and PLP24 of the PDLP.

Public/members response

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

Parish/Town Council comments – Support the application provided Conservation Area officers consider it acceptable.

Conservation area officers have not been consulted given the previous approval with very little change since the application has expired.

Other issues

The application is not considered to raise any further issues of planning significance.

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

APPROVED

Decision Authorisation – Delegated Powers

Application Number: 2018/92312

Officer Recommendation: Approved

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted

Reason: Pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Order 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, to retain the significance of designated heritage assets, the openness of the Green Belt and to accord with Policies D11, BE5, BE13 and BE14 of the Kirklees Unitary Development Plan, emerging policies PLP35, PLP24 and PLP57 of the Publication Draft Local Plan and advice in the National Planning Policy Framework.

3. The roofing materials and the stone for the walling shall match those used on the existing building in terms of type, colour, texture and scale.

Reason: In the interests of visual amenity, to ensure that the development preserves the character of the Totties Conservation Area and to accord with Policies BE5 and BE13 of the Unitary Development Plan, Policies PLP24 and 35 of the Publication Draft Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Grouped plans and elevations	18.016(2-)-001	B	17.7.18
Conservation & Heritage statement			17.7.18

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 did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Recommendation and Authorisation Box

Report Dated:

7.9.18

Coal – low risk