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:	2018/62/92873/W
Site Address:	55, Blacker Road, Birkby, Huddersfield, HD1 5HU
Description:	Erection of ground floor extension to shop and first floor extension to dwelling (within a Conservation Area)
Recommending Officer:	William Simcock

DECISION – Full Conditional 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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 01-Nov-2018

Officer Report

Site Description

No. 55 Blacker Road is a two-storey mid-terrace building built in stone and stone slates. It contains a grocery store at ground floor level and a flat above. To the rear is a large flat roofed single-storey extension, part stone and part blockwork, approximately 2/3 the width of the curtilage and extending (8m) almost to the rear access lane, leaving a narrow yard for bin storage. To the front, or north-west, it has a large metal canopy which is used for additional product display space. The property forms part of a row which is mainly in retail or other A1 use at ground floor with residential above.

Description of Proposal

The proposal is for the erection of a rear ground floor extension to the shop, projecting to the same extent as the existing extension but full-width, and a first floor extension, projecting 3m, above this to form additional living accommodation. The ground floor extension would have a flat roof, the upper floor part would have a gable roof.

It is proposed that all the first floor elevation to be constructed out of stone, the ground floor side elevations to be rendered blockwork, colour to match stone, and the ground floor rear elevation to be stone.

History of negotiations/amendments received

None.

Relevant Planning History

None for this unit.

For number 53 – 2017/94094: Erection of extensions and alterations to shop, alterations to roof of store / garage, new shop front and erection of extension to first floor flat (within a Conservation Area). Approved.

Representations

Final publicity date expires: 29-Oct-2018

No representations were made.

Consultation Responses

No consultations were considered necessary on this occasion.

Conservation & Design were not consulted given the recent history of the site and its surroundings (in particular the recent permission for a similar extension at no. 53).

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 within Birkby Conservation Area and Local Centre on the UDP Proposals Map and Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- **BE1** – Design principles
- **BE2** – Quality of design
- **BE5** – Development within Conservation Areas
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)
- **S1** – Town and local centres
- **T10** – Highway safety
- **T19** – Parking

Kirklees Publication Draft Local Plan (PDLP):

- **PLP13** – Town centre uses.
- **PLP21** – Highway safety
- **PLP22** – Parking
- **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 7 – Ensuring the vitality of town centres
- Chapter 12 – Achieving well-designed places
- Chapter 16 – 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 in the Birkby 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.

Policy BE5 applies, which states that development within Conservation Areas should ensure that the character and appearance of the Conservation Area is conserved or enhanced. Also NPPF part 16 applies, which states that development should ensure that the significance of heritage assets is conserved and that harm should not be allowed without a proportionate justification.

Other UDP Policies of relevance include BE1 and BE2 (development should be visually attractive and contribute to a sense of local identity), BE13 and BE14 (extensions should respect the character of the dwelling and its surroundings, and not cause adverse impacts on neighbouring land), and T10 and T19 (development should not create or materially add to highway safety problems, and should provide a suitable level of parking). All these considerations are addressed later in this assessment.

PDLP Policies PLP21, 22, 24 and 35, covering highway safety, parking, design, and the historic environment, are also applicable here.

1A – Impact on local economy:

It would result in the enhancement of an existing town centre use within a defined local centre. It would therefore support the aims of Policies S1 and PLP13 and would amount to sustainable development subject to an assessment of amenity, transport and environmental issues, to be examined in detail below.

2 –Impact on visual amenity: The rear extensions would represent a substantial increase in the bulk and intensity of development on this plot as against the original building. It would however be seen in the context of a row of properties which have undergone many extensions and alterations over time, especially at the rear, resulting in a loss of uniformity. The immediate neighbouring property no. 53 (to the right as viewed from the rear) has an extant permission for a part two-storey rear extension, which although smaller at first floor
It similarly would extend the majority of the plot and would be quite substantial for the plot size and would also have a gable roof.

It is considered that in this context the proposed extension would be acceptable in terms of scale and design and would not detract from the character of the Conservation Area. Whilst it would weaken the dominance of the original dwelling in terms of bulk, it is considered that it would still be visually subservient and therefore compatible with Policy PLP24(c).

The application form states that stone is to be used as a walling material throughout the development. The agent has explained that this option has been chosen because of the development being located in a Conservation Area but has subsequently clarified this in an email stating that the side elevations at ground floor would be rendered. Under Policy BE11, stone should be used for new developments in Conservation Areas but this does not explicitly apply to extensions to existing buildings, where it is generally preferred that existing materials are matched where practicable. In this instance there are two main walling materials in use; stone for the original building and the older part of the extension, and rendered blockwork for the later extension. Ideally it would be preferable for the whole structure to be given an external skin of coursed natural stone, but given the variety of extensions and outbuildings behind 43-65 Blacker Road, this would seem disproportionate in the circumstances. It will be sufficient, therefore, to condition that stone is used at first floor level, the ground floor rear is either stone (and the existing re-faced to match) or rendered, and materials elsewhere shall match the existing building. The bargeboards should be omitted as these are not appropriate to a building of this age and style and would detract from the character of the Conservation Area (the agent has confirmed this modification is acceptable, and so it can be conditioned).

Subject to this it would conserve the character of the Birkby Conservation Area and residential amenity and would comply with the aims of Policies BE1-2, BE5, PLP24 and the NPPF Chapter 16.

3 – Impact on residential amenity: The proposed ground floor extension would be on or close to the boundary with no. 53, whereas the present arrangement leaves a gap. Given that this neighbouring property is not in residential use at ground floor and has permission for a very substantial rear extension, it is considered that this would not be problematic. The upper floor part would project 3.0m, which is the recommended limit for closely spaced dwellings under Policy BE14. It is noted there is an upper floor, potentially habitable room, window in no. 57 to the south-west, but the orientation of the row means that any impact on direct sunlight would be limited, and no. 55 is in any case slightly set down from this property. No. 53 has a window close to the boundary but also has permission for a first-floor extension. The extension would not give rise to any overlooking problems to the rear, where it faces industrial land, and the flat would have no side-facing windows.

It is considered that the proposed development would not give rise to any adverse impacts on neighbouring dwellings or land, and would accord with the aims of Policy BE14 and PLP24(b).

4 – Impact on highway safety: There is no parking provision within the site. The shop area would be somewhat increased but it is likely that most customers are local residents who arrive on foot, and that delivery arrangements would be unchanged. There would still be room to store waste containers at the rear of the site.

Given the sustainable location which is very close to a bus route with a frequent service to Huddersfield Town Centre, and since the residential element would be an extension to an existing flat rather than a wholly new one, it is considered that private parking is not essential.

In conclusion it is considered very unlikely that the development would give rise to highway safety problems and it is therefore judged acceptable under Policies T10, T19, PLP21 and PLP22.

5 – Other matters:

Biodiversity:
The site is in the bat alert layer but on the basis of an external viewing is very unlikely to have bat roost potential either in the main building or the extension. The standard precautionary note will be added to the decision notice.

6 – Representations: No representations have been made.

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 – CONDITIONAL FULL PERMISSION

Decision Authorisation - Delegated Powers

Application Number: 2018/92873

Officer Recommendation: CONDITIONAL FULL PERMISSION

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, to ensure that the development conserves and enhances the character of the Birkby Conservation Area, and to accord with Policies D2, BE5, BE13 and BE14 of the Kirklees Unitary Development Plan, and Policies PLP24(a) and (c) and PLP35 of the Publication Draft Local Plan.

3. Any new walling materials used above ground floor level on the extension hereby approved shall be coursed natural stone which shall in all respects match that used on the existing building. The rear elevation at ground floor level shall either be faced in coursed stone, with the existing rear elevation being re-faced in stone to match before the extension is brought into use, or shall be rendered blockwork. All other walling materials shall be rendered blockwork, and the roofing materials used shall in all respects match those used in the construction of the existing building.
Reason: In the interests of visual amenity, to ensure that the development conserves and enhances the character of the Birkby Conservation Area, and to accord with the aims of Policies BE1-2, BE5 and BE13 of the Kirklees Unitary Development Plan, Policy PLP24(a) and (c) and PLP35 of the Publication Draft Local Plan, and the National Planning Policy Framework – Conserving and enhancing the historic environment.

4. Notwithstanding the details on the approved elevations, the first-floor extension shall not be fitted with bargeboards. The gable end shall be terminated with a mortar joint.
Reason: To ensure that the development conserves and enhances the character of the Birkby Conservation Area, and to accord with the aims of Policy BE5 of the Kirklees Unitary Development Plan, Policy PLP35 of the Publication Draft Local Plan, and the National Planning Policy Framework – Conserving and enhancing the historic environment.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			04-Sep-2018
Location and block plan	001		04-Sep-2018
Proposed floorplans	002		04-Sep-2018
Proposed elevations	003		04-Sep-2018
Existing floorplans	004		04-Sep-2018
Existing elevations	005		04-Sep-2018
Heritage statement			04-Sep-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 clarification from the applicant on the external walling materials and the use of bargeboards but no amended plans were considered necessary.

Report Dated: 29/10/18