

**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: 2018/62/93202/W

Site Address: 220, Manchester Road, Thornton Lodge,
Huddersfield, HD1 3JF

Description: Erection of two storey side extension

Recommending Officer: Hannah Thickett

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: 02-Jan-2019

Officer Report

Site Description

The application relates to 220, Manchester Road, a two storey property which is currently in use as 4 bed House of Multiple Occupation. This accommodation is spread over three floors; the basement is used as a kitchen dining space and there are two bedrooms on both the ground and first floor. Formerly, the building had a metal external staircase on the western side elevation and this has more recently been constructed as an extension which projects to both the front and the side. An application for this front and side extension was previously refused (2015/91995)

Under this application, the applicant proposes to amend the current side extension, removing the projecting front extension to finish flush with the front elevation. Its previously sloping roof will be altered to correspond with the roofline of the existing dwelling, with a flat roof. It has also been amended to provide 2 bedrooms rather than 4, creating a better standard of living space for the occupiers.

There is a narrow road to the west of the application site which provides access to other properties and industrial units to the north. A listed viaduct is located to the west of the application site and Manchester Road to the south.

Description of Proposal

The applicant seeks planning permission for the erection of two storey side extension to replace the current unauthorised side and front extension. The extension would project approximately 1.15m from the western side elevation

of the property. The extension is to be constructed from stone with a flat roof with one window to the front elevation.

History of negotiations/amendments received

Negotiations took place prior to the application being submitted to discuss possible acceptable amendments, given the Inspector's appeal decision on the enforcement notice and deemed planning application. During the application process amendments were made to the window in the stairwell, to set it in from the adjoining wall and alter the style of the window to a casement top opener to match the existing windows.

Relevant Planning History

2015/91995 - Erection of extension to external stair case – Refused on the grounds of its design and prominent position on the host dwelling, resulting in an incongruous form of development which would have a detrimental impact on the appearance of the host building as well as on the wider streetscene.

2014/91007 - Notification for change of use from offices to residential on this site – details approved in June 2014

COMP/14/0185 – Alleged unauthorised erection of extensions:

Following the refusal of application 2015/91995 and Enforcement Notice was served requiring the removal of the unauthorised extensions. The Notice was appealed APP/224718/C/17/3171811 and the Inspector dismissed the appeal and upheld the Enforcement Notice varying the Notice to allow extra time for compliance. The inspector dismissed the appeal and its harmful effect upon the character and appearance of the area, this application 2018/93202 aims to overcome the Council and Inspectors concerns on design.

Representations

Following the first consultation period, it was highlighted that it had not been advertised correctly, with the development being adjacent to the Listed Viaduct. The application was re-advertised by site notice and in the local newspaper, therefore the final publicity date was the 28th December 2018.

No representations received

The application was not re advertised due to the amendment to the window. It was considered that the reduction of the window size would not materially alter the appearance of the development or cause any greater impact to amenity.

Consultation Responses

- **KC Highways** – Highways confirm that in line with the Inspectors findings that an extension projecting beyond the side elevation up to 1.15m would not materially worsen the highway situation. Further assessment regarding highways will be outlined in the report below.
- **KC Conservation and Design** – No objection regarding its location adjacent to the listed viaduct. Design comments received over window to the stairwell to be narrowed and set slightly in from the adjoining wall. Comments sent to the agent for amendments to the plan.
- **Network Rail** - Network Rail has no objection in principle to the development, but list some requirements which must be met, especially with the close proximity to the adjacent railway viaduct

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 on both the UDP Proposals Map and on the Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)
- **T10** – Highway Safety

Kirklees Publication Draft Local Plan (PDLP):

- **PLP1** – Achieving 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 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Design and Impact on visual amenity (including any heritage considerations)
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

NPPF Paragraph 11 and PLP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of

sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

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.

Consideration must also be given to the emerging local plan. The site is without notation on the PDLP Policies Map. PLP2 states that;

All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below:

The site is within the Huddersfield sub-area. The listed qualities will be considered where relevant later in this assessment.

Consideration has been given to the previous application and appeal decision at the site that was refused on the grounds of visual amenity. Following a

modified proposal, these concerns have been overcome for the reasons discussed below.

2 – Design and Impact on visual amenity

220 Manchester Road is at the end of a small terrace and appears as a flat roofed side addition to an earlier pitched roof property. Its stone built front elevation is to the same plane, having similar aligned window openings with stone cills and its parapet feature aligning with the eaves of the adjoining property. In these respects it reinforces the strong, simple character of the buildings which line Manchester Road.

To its south side Manchester Road is fronted by flat faced, stone built residential terraces. Its north side is more commercial in character ranging from rows of shops to larger business premises. Whilst there is some variation in style and design, a prevailing characteristic of the surrounding architecture is its robust simplicity reflecting the local distinctiveness of this industrial Pennine town.

220 Manchester Road is located at the end of the terrace and at the edge of the character area, and is set back only a short distance from the public realm, it is clearly seen in a range of views from Manchester Road. The extension is stated to be constructed from stone, which would match the existing property, allowing the extension to harmonise well with the existing building from this respect. The extension would have a modest scale relative to the host building; with a projection of 1.15m to the side, the scale is acceptable in terms of visual amenity as the extension would appear subservient to the host property.

The extension would comprise of a flat roof that would be set down from the existing parapet roof line by approximately 1 meter. The roof of the host dwelling is flat, the roof style of the proposed extension would complement that of the original roof form. The extension would lie flush with the front elevation of the dwelling, chamfering back at an angle in line with the existing

side elevation. It is considered this design would be acceptable and in keeping with the distinct building line that exists and the simple styles and design within the local area.

Furthermore, it is considered that there would not be any unacceptable terracing effect as a result of the extension, complying with the aims of Policy BE14 of the UDP. The extension is set down from the eaves of the host dwelling and is relatively small in scale.

The proposed extension is to have one window to the front elevation. The design has been amended to install a window with head and cill in keeping with the original property. The design of the extension is considered to respect the architectural features visible on the front elevation and overcome the design concerns that both the council and Inspector previously held. The amended proposal is considered to comply with the aims of policy BE13 and BE1 of the Kirklees UDP and Policy PLP24 of the emerging plan.

For these reasons it is considered the development would complement the character and appearance of the host dwelling as well as the surrounding area.

In these respects, it is considered to meet the aims of policies D2, BE1, BE2, BE13 and BE14 of the UDP, Policy PLP24 of the Draft Local Plan and Chapter 12 of the National Planning Policy Framework.

The development is adjacent to and, thus, within the setting of the Paddock Railway Viaduct which is a grade II listed building. Under s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) there is a statutory duty upon me to have special regard to the desirability of preserving the setting of this listed building. The viaduct is of historic significance to the development of the railway being a fine example of C19th engineering with its tall pillars and arches constructed in rock faced stone. It spans the valley and is particularly appreciated in mid to longer distance views. The development, which sits alongside it, when seen against the enormity of the viaduct and in the context all the other surrounding development in the valley bottom, does not impact either negatively or positively upon setting of this listed building. Its effect is neutral and, thus, this consideration weighs neither for nor against the proposal in the overall planning balance. The development complies with Policy PLP35 of the draft plan and section 16 of the NPPF.

3 – Impact on residential amenity:

Due to the limited scale of the extension, the development would not result in any undue loss of residential amenity to occupants of surrounding development.

There are no residential properties to the West or North of the site that could be impacted from this perspective.

To the south of the site across Manchester Road there is a long terrace of back to back houses. The proposed extension shows a window on the front elevation of the extension which would face onto Manchester Road. However it is considered, due to the angle of the proposed extension and the distance to the existing properties to the South, there would be no impact to privacy or potential for overlooking onto these properties.

Overall, it is considered that the application would have an acceptable level of impact on residential amenity in accordance with D2 and BE1 of the UDP.

4 – Impact on highway safety:

For this section of the report, comments will be taken from the Inspectors appeal decision APP/2Z4718/C/17/3171811. KC Highways have agreed that in light of the inspectors comments, they would not raise any objection to the development given it is of the same projection.

The Inspector highlights: There is no clear demarcation between what might be considered to be the curtilage of the property and the access road. However, at its point of access to Manchester Road the width of the access road is constrained by the railway viaduct and street lamp to the west and a substantial stone pillar to the east. There is insufficient width for two vehicles to pass.

The access road serves a number of business premises to the North including a vehicle repair garage. It is possible, on occasions, vehicles turning into the access (which could include large commercial vehicles) will have to wait on Manchester Road for a departing vehicle(s) to egress. This gives rise to unsatisfactory highway conditions in Manchester Road which is a busy “A” classified road connecting Manchester and Huddersfield. However, that is the pre-existing situation.

Prior to the existing development, there was already an external stairway in the same position. A raised manhole to the rear of the extension also constrains the space available for vehicles using the access as do the protruding vehicles that are parked/stored under the railway arches. The extension takes up a little more space than the external stairway. However it is not considered that the extension has added materially to the difficulties that would have already existed for vehicles using the access road. There may be a little less manoeuvring space but, even so, there would only have been sufficient width for one vehicle to pass through at this pinch point along the access road. At its junction with Manchester Road the situation remains unchanged.

In conclusion it is considered, on balance, that the development does not materially change the situation for the worse. The development is considered to be in line with policies D2, BE1, BE2 and T10 and Policy PLP 21 of the draft Local Plan, insofar as they concern highway safety.

5 – Other matters:

None

6 – Representations:

No representations received

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.

Recommendation - Approve

Decision Authorisation - Delegated Powers

Application Number: 2018/93202

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.
1. 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, BE5, BE13, BE14 and T10 of the Kirklees Unitary Development Plan, Policies PLP24 and PLP35 of the Kirklees Publication Draft Local Plan and the aims of the National Planning Policy Framework.
2. The external walls of the two storey side extension 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 BE13 of the Kirklees Unitary Development Plan, Policy PLP24 and PLP35 of the Kirklees Publication Draft Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

Informative note from Network Rail:

Network Rail has no objection in principle to the development, but below are some requirements which must be met, especially with the close proximity to the adjacent railway viaduct:

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. In particular, access to the adjacent railway viaduct must remain clear and unobstructed at all times during works for inspection and maintenance purposes.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Location Plan	18D30 0101 P01	713077	03/10/18
Existing Elevations	18D30 2001 P01	713078	03/10/18
Proposed Elevations	18D30 2002 P04	720886	19/11/18
Proposed Site Layout	18D30 9002 P01	713080	03/10/18
Existing Site Layout	18D30 9001 P01	713081	03/10/18

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 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 undertook negotiations with the applicant to secure amended plans regarding the window details within the extension. The amendments made were to improve the design of the frontage to complement existing features of the host property.

Report Dated: 2nd January 2019

