

**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:** 2018/62/93357/W

**Site Address:** 17, Clay Well, Golcar, Huddersfield, HD7 4JD

**Description:** Erection of side extension, alterations and replacement windows (Listed Building within a Conservation Area)

**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.**

Emma Thompson

***AUTHORISED OFFICER***

**Date: 29-Mar-2019**

## **Officer Report**

### **Site Description**

17 Clay Well is an end terraced property located within the Golcar Conservation Area within the Kirklees Local Plan. The property is also a Grade II Listed Building. The property forms part of a group of listed properties which, although is set down from the roadside is within a prominent location which is visible from the opposite hillside and is characteristic of the typical vernacular architecture of Golcar. The property is constructed from stone and hosts mullioned timber framed windows. Adjacent to the side elevation of the property is a high boundary wall which appears historically to have been a building. The property is accessed off a private track from Clay Well which runs down the rear elevation of the terraced row. The surrounding area is comprised of residential properties which are mainly terraces.

### **Description of Proposal**

Permission is sought for the erection of a side extension, alterations and replacement windows. An application for Listed Building Consent has also been submitted under application number 2018/93358 and runs concurrently with this application.

#### **Side extension**

The proposed extension would be located on the side of the property and would sit on the footprint of the existing boundary wall which appears to have been a former annex. The extension would be set back from the front elevation of the property by 0.4 metres and set in from the rear elevation by 1.25 metres. The extension would project to the side by 2.9 metres and to the rear elevation would be chamfered. The eaves height would be set just below the existing eaves with a roof ridge which is set down from the existing ridge by 0.6 metres. The extension would be constructed from natural stone at ground floor with the first floor having a rendered finish and a roof to match the existing.

#### **Alterations**

A number of internal and external alterations are proposed. The internal alterations will be assessed in more detail within the report for Listed Building Consent with the external alterations including a new first floor window within the rear elevation of the existing building, an existing window in the ground floor existing rear elevation being reinstated, the dry verge of the roof removed and stone table re-instated and the re-rendering of the existing side elevation.

#### **Replacement windows**

It is proposed that all the windows would be replaced throughout the property which would be hardwood framed and slim line double glazed.

### **History of negotiations/amendments received**

Following concerns being raised from the Conservation and Design Officer in initial comments, a meeting was held with the applicants and Agent to discuss the proposal. The main concerns were in relation to the use of horizontal cladding, powder coated aluminium windows along with a steel edged green roof and that these elements would cause less than substantial harm to the character of the Listed Building and terrace. Following the meeting numerous amended plans were submitted with the Agent addressing the feedback from Conservation and Design. The final amendments were received on 31<sup>st</sup> January 2019 and are the plans under consideration for this application. The plans were not re-advertised as it was considered that the scheme was more visually appealing than originally submitted and no representations were received

### **Relevant Planning History**

- 1995/91367 Listed Building Consent for replacement windows and re-instatement of mullions and new door  
*Consent Granted*
- 2006/94536 Change of use and alterations to disused warehouse to form 1 no. dwelling (within a Conservation Area)  
*Withdrawn*
- 2018/93358 Listed Building Consent for erection of side extension, alterations and replacement windows (within a Conservation Area)  
*Under consideration alongside this application*

### **Representations**

Final publicity date expired 23<sup>rd</sup> November 2018 including the newspaper advertisement – no representations received.

Parish/ Town Council – not applicable

### **Consultation Responses**

K.C. Conservation and Design – following amendments to the scheme being made – no objection subject to the conditioning of the stone and render samples and also the colour of the windows and doors.

### **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 statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

The site is a Grade II Listed Building within the Golcar Conservation Area on the Kirklees Local Plan.

The Listed Building description is as follows:

*“Early to mid C19. Terrace of 5 cottages. Hammer dressed stone. Pitched stone slate roof (part bitumen covered). Coped gables. Part of terrace has stone brackets to gutter. 2 storeys. South east elevation: ground floor; three 3-light stone mullioned windows (two have 1 mullion removed). Two 4-light stone mullioned windows (both have 2 mullions removed). First floor; seven 3-light stone mullioned windows (one has 1 light blocked) (two have 1 mullion removed). No 25 has one 5-light stone mullioned window. North west elevation: blocked loading door. Two 2-light stone mullioned windows. Modern window to No 23. West elevation (No 25): one 3-light stone mullioned window (one light blocked). Included for group value.”*

The Golcar Conservation Area is described as:

*“Large closely knit hillside village of picturesque quality. Steep slopes, steps and narrow lanes with homogenous vernacular stone architecture and stone retaining and boundary walls.”*

### **Kirklees Local Plan**

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP 24** (as modified) – Design
- **PLP 30** (as modified) – Biodiversity and geodiversity
- **PLP 35** (as modified)– 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 February 2019, 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 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

### **Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity and the Conservation Area
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

#### 1 – Principle of development:

The site is without notation on the Publication Draft Local Plan. Policy PLP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Policy PLP24 relates specifically to design and seeks to ensure that, amongst other things, proposals should promote good design by ensuring that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.

The site a Grade II Listed Building and is within the Golcar Conservation Area. Section 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 the Conservation Area. This is mirrored in guidance within Chapter 16 of the National Planning Policy Framework and also PLP35 of the Publication Draft Local Plan.

#### 2 –Impact on visual amenity and the Conservation Area:

As stated above, the building is a Grade II Listed Building. Section 66 of Planning (Listed Building & Conservation Areas) Act 1990 introduces a general duty in respect of listed buildings. In considering whether to grant planning permission for development which affects a listed building or it's setting the Local Planning Authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

In terms of visual amenity and the impact of the development on the host Listed Building, whilst no pre-application advice was sought regarding this particular proposal, discussions have taken place throughout the course of the application time frame including a meeting with the applicants and agent with regards to concerns raised by the Conservation and Design Officer.

The scheme was originally submitted as a flat roof clad extension which raised concerns from the Conservation and Design Officer who considered that the use of cladding, powder coated aluminium windows, along with a steel edged green roof would sit uncomfortably alongside the vernacular

buildings and would cause less than substantial harm. Amended plans were submitted which amended the design of the proposal to include a pitched roof and alongside some minor amendments to the proposal.

It is now considered that in terms of visual amenity, the extension and alterations would be clearly read as such and would not compete with the integrity of the host Listed Building. The existing cement render detracts from the character of the Listed Building and the contrast of the tall windows within the front elevation at first floor level provide a contrast between the existing and the proposed buildings.

As part of the alterations to the building it is proposed that the windows within the entire property would be replaced, an existing window would be re-instated, a new window inserted and also the dry verge to the roof removed and a stone table reinstated. It is considered that these works are acceptable subject to the colour of the render, stone and windows and doors being agreed in writing prior to the occupation of the extension.

It is therefore considered that in terms of visual amenity, the proposed extension, alterations and replacement windows are considered to be acceptable in terms of the impact on the host Listed Building and visual amenity in general and would accord with Policy PLP24 (as modified) and PLP35 (as modified) of the Kirklees Local Plan and advice within the National Planning Policy Framework.

### 3 – Impact on residential amenity:

In terms of overlooking, the proposed works would not decrease any established separation distances between the building and facing properties as the openings within the extension would be set back from the existing and the new opening within the rear elevation of the existing property would sit alongside existing openings. As such, there are minimal concerns regarding overlooking.

With regards to overshadowing and/or being overbearing the extension would sit on the same footprint as the previous annex on the end of a terraced row. The extension would be set down from the existing dwelling and would be set back from the adjacent terraced row therefore it is not anticipated that there would be undue harm from overshadowing or by being overbearing to neighbouring dwellings.

In summary it is considered that the proposed works are acceptable in terms of residential amenity and would accord with both local and national policy.

### 4 – Impact on highway safety:

There is no current formalised parking arrangements for the property and none are proposed. Given the overall size and scale of the proposed extension, it is not anticipated that the works would result in a significant

increase in traffic generation which would be detrimental to highway safety. As such, there are minimal concerns.

#### 5 – Other matters:

*Biodiversity* – the application site is within a ‘Bat Alert’ layer on the Council’s GIS system. Whilst formal comments have not been received from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance due to the roof more recent construction. However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

There are no other matters for consideration.

#### 6 – Representations:

No representations have been 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:** 2018/93357

**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 PLP1, PLP2, PLP24 (as modified), PLP 30 (as modified) and PLP35 (as modified) of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3. The roofing material of the extension hereby approved shall in all respects match those used in the construction of the existing roof.

**Reason:** In the interests of visual amenity and to accord with Policy PLP24 (as modified) and PLP30 (as modified) of the Kirklees Local Plan and advice within the National Planning Policy Framework.

**NOTE:** The Council's GIS system indicates that a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

| Plan Type                                                  | Reference        | Version | Date Received                  |
|------------------------------------------------------------|------------------|---------|--------------------------------|
| Location plan, existing elevations and floor plans         | (0-) 01 – Rev: A |         | 12 <sup>th</sup> December 2018 |
| Proposed elevations and floor plans                        | (0-) 02 – Rev: C |         | 31 <sup>st</sup> January 2019  |
| Existing and proposed elevations                           | (0-) 03 – Rev: B |         | 31 <sup>st</sup> January 2019  |
| Window, door, mullion, verge, extension and canopy details | (2-) 01 – Rev: B |         | 31 <sup>st</sup> January 2019  |
| Heritage, Design and Access Statement                      | Revision: A      |         | 17 <sup>th</sup> January 2019  |

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. Amendments were sought due to concerns raised regarding the proposal by the Conservation and Design Officer. Following a meeting, amendments were submitted in accordance with discussions and which form the assessment of this application.

**Report Dated:**

28<sup>th</sup> March 2019