# KIRKLEES METROPOLITAN COUNCIL
# INVESTMENT & REGENERATION SERVICE

## DEVELOPMENT MANAGEMENT

### Town and Country Planning Act 1990 (as amended) – SECTION 70

### DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

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|---|---|
| **Reference No:** | 2018/62/93715/W |
| **Site Address:** | 67, Westgate, Almondbury, Huddersfield, HD5 8XF |
| **Description:** | Installation of bifold doors and roof lights (within a Conservation Area) |
| **Recommending Officer:** | Callum Harrison |

**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: 26-Feb-2019**

Officer Report

Site Description
67 Westgate is a detached two storey dwelling faced in faced natural stone with a stone slate tile roof. The dwelling is set within a good sized curtilage with a driveway to the west and a large lawn wrapping around the west and south of the dwelling. The property benefits from a porch to the front also. The property is of an age and appears historical maps dating back as far as 1907, however appears to be in a contrasting form and larger scale than when originally constructed.
Westgate is a historical street stretching through Almondbury. The road to which the application site sits in a peripheral road off the main Westgate road. There are approx. 13 dwelling on this road off the main Westgate highway with no.67 being the only detached dwelling and is the largest. The closest neighbours, situated a matter of centimetres away to the north is no.65a and no.65b. No's 65a, 65b, 63 and 61 are all attached and form a designated Grade 2 listed building. The site is within the Almondbury Conservation Area.

**Description of Proposal**
The application is seeking permission for the installation of bi-fold doors and roof lights to the rear elevation.
7no. roof lights shall be inserted on the single storey lean-to roof feature, whilst 2no. sets of bi-fold doors shall be installed on the rear elevation replacing 2no. windows and 1no. set of double doors.
The windows shall be constructed using pvc and the door timber.

**Relevant Planning History**

90/01785 - Erection of 2 storey extension to form garage, kitchen, living room, bedroom, en suite shower room and bathroom; erection of single storey lounge extension and formation of porch – conditional full permission.

98/93400 - Demolition of disused house and erection of detached dwelling (within a conservation area) – refused.

98/93401 - Erection of garage/living room & kitchen/bedroom & bathroom extension and extension to existing lounge (within a conservation area) (alternative proposal) – conditional full permission.

98/93493 - Conservation area consent for demolition of dwelling – refused

**History of Negotiations**
The initial application sought permission for a front extension too attached to the existing porch, running down by the gable of no.65 Westgate within centimetres of the building. This featured a lean to roof. It was deemed this extension would harm the designated asset at no's 61-65 Westgate and would potentially have a detrimental effect of the conservation of the listed building which is directly contrary to paragraphs 193 and 194 of Chapter 16 within the NPPF (2019). For this reason the agent was contacted on 05/12/18 seeking the removal of this front extension. On 15/02/19 the amended plans, without the front extension were received.

**Representations**
The initial application, including the front extension was advertised via a site notice, neighbour letters and a press notice. Initial publicity expired on 28/12/18. 2 representations were received, both against the proposal. They made comments regarding the following:

- The proposed front extension would prevent emergency maintenance to the gable of 65B.
- The extension would block the right off access down past the gable end of no.65. This has already been blocked somewhat by a shed and porch.
- The extension would encroach on to the listed building and appear attached.
- Porch was unlawfully constructed larger than the approved size.

When the amended plans were received, the application was re-advertised for 7 days to provide the previous objectors with an update on the application. No further comments were received.

**Consultation Responses**
**KC Conservation and Design** were consulted formally to begin with. Upon agreeing with officer's interpretation of chapter 16 of the NPPF, they supported the motion to remove the front extension. When amended plans were received C+D were satisfied and had no objections which was provided through an informal response.

**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 (2019). 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 (2019), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan, its published modifications and Inspector's final report dated 30 January 2019 are

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 application site is situated within Almondbury Conservation Area on the PDLP Policies Map and the UDP Proposals Map.

Kirklees Local Plan
PLP1 – Presumption in favour of sustainable development
PLP2 – Place shaping
PLP24 – Design
PLP35 – Historic Environment

Kirklees Unitary Development Plan
D2 – Unallocated land
BE1 – Design principles
BE2 – Quality of design
BE5 – Conservation Area
BE13 – Extensions to dwellings (design principles)
BE14 – Extensions to dwellings (scale)

National Planning 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 16: Conserving and enhancing the natural environment

**Assessment**
The following matters are considered in the assessment below –
1) Principle of development
2) Impact on visual amenity
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters
6) Representations
7) Conclusion

**1) Principle of Development**

As the application site is located within Almondbury Conservation Area on the PDLP Policies Map and the UDP Proposals Map. Subsequently, The PDLP policy PLP35 is directly applicable alongside BE5 of the UDP and Chapter 16 of the NPPF. In addition Sections 66 and 72 of the Listed Buildings and Conservation Act 1990 states that there is a duty for local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area and the setting of listed

buildings. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive, and preserves or enhances the character or appearance of the Conservation Area.

Paragraphs 193 and 194 of the NPPF indicate that when considering the impact of a proposed development on the significance of a designated heritage asset, in this case that of the conservation area and the setting of listed buildings, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. It is important the proposed development preserves the character of 67 Westgate and the setting of the listed terrace to the north. These opinions were reinforces by consultation with KC Conservation and Design.

As the application now is only for the installation of roof lights and bi-fold doors to an existing extension which cannot be seen from a public vantage point as they are at the rear of no.67, they will not harm the character of the Conservation Area or listed buildings. For these reasons it is deemed the principle of the development is acceptable and in turns satisfies PLP35 of the PDLP, BE5 of the UDP and Chapter 16 of the NPPF. It shall now be assessed below against other relevant matters.

**2) <u>Impact on Visual Amenity</u>**

The NPPF provides guidance in respect of design in chapter 12 (Achieving well designed places) with 124 providing an overarching consideration of design stating:

*'124. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'*

Kirklees Local Plan policies PLP1, PLP2 and importantly, PLP24 are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.
Kirklees UDP Policies D2, BE1, BE2, BE13 and BE14 are also relevant.
PLP24 (a) states that proposals should promote good design by ensuring:

"*the form, scale, layout and details of all development respects and enhances the character of the townscape"*

PLP24 (c) of the PDLP states

"*Extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details…"*

The proposal being assessed satisfies both these polices for the reason explained below.
The use of timber doors offers a high quality of design to the dwelling and ensures it is in keeping with the host property. PVC windows also ensure the style of the property is maintained through these alteration. The alterations to the extension on the rear of the dwelling does not detract from any streetscene as well as ensuring the setting of the neighbouring listed building is not affected. This detailing and positioning means the proposed works is acceptable in term so of visual amenity.

3) **Impact on Residential Amenity**

PLP24 (c) of the PDLP states extension should

"….*minimise impact on residential amenity of future and neighbouring occupiers"*

The position of the proposed openings and roof lights face out in to the rear garden of no.67 and in to the open green belt. This ensures the proposal will not have any detrimental effect on any neighbouring properties.

4) **Impact on Highway Safety**

None.

5) **Other Matters**

None.

6) **Representations**

The initial application, including the front extension was advertised via a site notice, neighbour letters and a press notice. Initial publicity expired on 28/12/18. 2 representations were received, both against the proposal. They made comments regarding the following:

- The proposed front extension would prevent emergency maintenance to the gable of 65B.

**Response:** Noted, and front extension no longer a part of the application.

- The extension would block the right off access down past the gable end of no.65. This has already been blocked somewhat by a shed and porch.
- **Response:** Noted, and front extension no longer a part of the application. Existing blocking of right of access if a separate legal matter.
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- The extension would encroach on to the listed building and appear attached.

**Response:** Noted, and front extension no longer a part of the application.

- Porch was unlawfully constructed larger than the approved size.

**Response:** Noted. The porch was constructed in excess of 10 years ago and therefore is now lawful structure.

When the amended plans were received, the application was re-advertised for 7 days to provide the previous objectors with an update on the application. No further comments were 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**: 2018/93715
**Officer Recommendation**: Approve
**Conditions and Reasons**

1. **Conditions and Reasons**
   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 PLP1 PLP2, PLP22, PLP24 and PLP35 of the Publication Draft Local Plan; Policies BE1, BE2, BE5, BE13, BE14 and T19 and Chapters 12 and 16 of the National Planning Policy Framework.

Plans and specifications schedule:-

| **Plan Type** | **Reference** | **Version** | **Date Received** |
|---|---|---|---|
| Location Plan | 4009-01a | 1 | 21/11/18 |
| Grouped Plans and Elevations | 4009-02 Rev C | 2 | 15/02/19 |
| Supp Info | Supporting Statement | 1 | 12/11/18 |

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 initial application sought permission for a front extension. It was deemed this would harm the designated heritage assets at no's 61-65 Westgate and would potentially have a detrimental effect of the conservation of the listed building which is directly contrary to of Chapter 16 within the NPPF (2019). For this reason the agent was contacted on 05/12/18 seeking the removal of this front extension. On 15/02/19 the amended plans, without the front extension were received.

**Report Dated:** 25/02/19