

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended) – SECTION 73**

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO  
CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING  
CONDITIONS PREVIOUSLY ATTACHED**

**Reference No:** 2018/70/94042/E

**Site Address:** 20, Manor Road, Farnley Tyas, Huddersfield, HD4  
6UL

**Description:** Variation of condition 2. (plans and specifications  
schedule) on previous permission no. 2018/91092 for  
erection of extensions and alterations to one dwelling  
to form two dwellings (within a Conservation Area)

**Recommending Officer:** Rebecca Drake

**DECISION – APPROVE VARIATION OF CONDITION**

**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.**

Julia Steadman

***AUTHORISED OFFICER***

Date: 04-Mar-2019

## Officer Report

### **Site Description**

The application relates to no. 20, Manor Road, Farnley Tyas; a two storey detached property of a substantial scale. The property has a series of dual pitched roofs, a projecting element from the front elevation and a sun-room addition to the rear elevation. The property is set in large grounds with private amenity space being located to the rear of the dwelling. The property is currently served by two vehicular access points from Manor Road; one is located to the east of the frontage and one to the west. To the west of the property is a detached garage and a detached outbuilding.

The site lies within the Farnley Tyas Conservation Area.

### **Description of Proposal**

Planning permission was recently granted for the erection of extensions and alterations to this dwelling to form two dwellings. Work on the approved scheme has not yet commenced. This application seeks to vary condition 2 of the approval with relates to the approved scheme being undertaken in accordance with the plans and specifications.

The proposed variations are shown on the submitted plans and include:

- Alterations to the way that the dwelling would be subdivided; this result in the western plot having a larger floorspace than previously approved. The entrance door would be moved further to the east meaning that the rear extension to the eastern plot would be separated from the western dwelling.
- Alterations to the garage and utility space such that the smaller utility space would be positioned closer to the front of the dwelling with the garage to the rear. The garage would also have a greater height in order to provide a narrow amount of first floor accommodation (dressing room and en-suite) to the master bedroom
- Alterations to the internal layout

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

None necessary

### **Relevant Planning History**

2018/91092 – Erection of extensions and alterations to one dwelling to form two dwellings (within a Conservation Area) – approved

### **Representations**

The application has been publicised by neighbour letter, site notice and press notice.

Final publicity date Expires: 31st January 2019

As a result of the publicity period, no representations have been received.

Kirkburton Parish Council – Confirmed ‘no comment’

### **Consultation Responses**

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- KC Conservation and Design: no objection

### **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 27th February 2019).

The site is unallocated within the Kirklees Local Plan. It is however within the Farnley Tyas Conservation Area.

### **Kirklees Publication Draft Local Plan (PDLP):**

- PLP 1 – Sustainable Development
- PLP 2 – Place shaping
- PLP 21 – Highways
- PLP 24 – Design
- PLP 33 – Trees
- PLP 35 – 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 19th February 2019, 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 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

## **Assessment**

### ***Principle of Development***

The principle of development has already been established by the recent planning permission 2018/91092 on the site. This permission remains live. This is an important material consideration in the determination of this application. This application seeks to make amendments to the approved scheme in the manner described above.

Since the approval of this application, the Kirklees Local Plan has now been adopted meaning that the UDP has now been revoked. Whilst the UDP was the adopted development plan at the time of the determination of the previous application, the report still made reference to the policies of the publication draft local plan. Whilst there has been a change in development plan, the principle of this development remains unchanged and is not under assessment as part of this variation of condition application.

The impacts arising from the proposed amendments are set out below.

### ***Impact arising from the Variation of Condition 2:***

In terms of visual amenity, the proposed alterations are considered acceptable. The alterations to the fenestration and main opening in the front elevation of the building are considered acceptable. These alterations are considered sensitive to the character of the host property and conservation area. The alterations to the arrangement of the garage and utility room are considered acceptable too and remain set back from the front elevation of the dwelling. Whilst the height of the garage would increase, this is not considered to have a harmful impact; it would appear subservient to the host property and the important visual break between the host property and the property to the east would be retained. Alterations to the rear elevation extensions would be acceptable and not visible within the streetscene.

In relation to residential amenity, the impact is considered to be minimal. An additional opening would be inserted into the east facing side elevation of the new upper floor area of the garage which would serve the en-suite. Given that this would be non-habitable there are no concerns in relation to loss of amenity. There are no other alterations proposed that would result in harm to residential amenity. The internal alterations to the footprints of each dwelling wouldn't result in poor standards of amenity for the future occupants.

The highways arrangements would not change under this application and have previously been considered acceptable.

In relation to trees, it is considered that there would be no material harm to trees on the site frontage arising from this scheme over and above the proposed.

In summary, the proposed variations can be supported for the reasons set out above. The application is considered to comply with Policies PLP 1, 2, 21, 24, 33 and 35 of the Kirklees Local Plan and the aims of the NPPF.

### **Conditions**

All previous conditions are relevant for this application. They will be updated to remove reference to the UDP. No additional new conditions are required.

### **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:** 2018/94042

**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 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 PLP 21, PLP 24 and PLP 35 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

3. The materials used in the construction of the external walls and roof of the extensions 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 conserve the significance of the Conservation Area, to accord with Policies PLP 24 and PLP 35 of the Kirklees Local Plan, as well as the aims of the National Planning Policy Framework.

4. Prior to occupation of the dwellings, one electric vehicle recharging point per dwelling shall be installed. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps.

**Reason:** To promote the use of ultra-low emission forms of transport in the interests of achieving sustainable development and to accord with guidance in the National Planning Policy Framework.

5. All areas to be used for parking and turning shall be laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance before the dwelling is first occupied. Thereafter these areas shall be retained free of any obstruction.

**Reason:** To ensure adequate space within the site for vehicle movements and parking, to reduce flood risk and to accord with Policy PLP 21 of the Kirklees Local Plan and guidance in Chapter 14 of the National Planning Policy Framework.

6. The dwellings hereby approved shall not be occupied until the boundary treatment shown on the submitted plans has been installed. The boundary treatment shall be retained thereafter.

**Reason:** In the interests of visual amenity in order to ensure that character of the area is safeguarded and residential amenity protected in accordance with Policy PLP 24 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

Plans and specifications schedule:-

| <b>Plan Type</b>                      | <b>Reference</b> | <b>Version</b> | <b>Date Received</b>                          |
|---------------------------------------|------------------|----------------|---|
| Ground Floor Plan as Proposed         | 3094 (0-) 23     | F              | 10th December 2018                            |
| First Floor Plan as Proposed          | 3094 (0-) 24     | F              | 10th December 2018                            |
| Elevations as Proposed                | 3094 (0-) 25     | B              | 10th December 2018                            |
| Location Plan                         | 3094 (LP) 02     | -              | 3rd April 2018<br>(approved under 2018/91092) |
| Existing Ground Floor Plan            | 3094 (0-) 20     | -              | 3rd April 2018<br>(approved under 2018/91092) |
| Existing First Floor Plan             | 3094 (0-) 21     | -              | 3rd April 2018<br>(approved under 2018/91092) |
| Existing Elevations                   | 3094 (0-) 22     | -              | 3rd April 2018<br>(approved under 2018/91092) |
| Proposed Ground Floor Plans           | 3094 (0-) 23     | B              | 13th June 2018<br>(approved under 2018/91092) |
| Proposed First Floor Plan             | 3094 (0-) 24     | B              | 3rd April 2018<br>(approved under 2018/91092) |
| Proposed Elevations                   | 3094 (0-) 25     | A              | 3rd April 2018<br>(approved under 2018/91092) |
| Heritage, Design and Access Statement | 3094             | -              | 3rd April 2018<br>(approved under 2018/91092) |
| Parking Plan                          | 3094 (0-) 28     | -              | 18th May 2018<br>(approved under 2018/91092)  |

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 application was considered acceptable in its submitted form and no amendments were sought.

**Report Dated:**

1<sup>st</sup> March 2019