

**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: 2018/62/94053/W

Site Address: 25, Upper George Street, Springwood, Huddersfield,
HD1 4AW

Description: Erection of two storey rear extension (Listed Building
within a Conservation Area)

Recommending Officer: William Simcock

DECISION - REFUSED

**I hereby authorise the refusal 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: 30-Jan-2019

Officer Report

Site Description

25 Upper George Street is a two-storey terraced property which has its main elevation facing north to Upper George Street and the rear elevation looking out over an extensive rear curtilage which incorporates vehicular access to Back Spring Street. It is built in stone with a blue slate roof and has a large historic outshot extension to the rear which extends across roughly three-quarters of the rear elevation.

It forms part of a row of old terraced properties within an area consisting of parallel rows.

Description of Proposal

The proposal is for the erection of a two-storey rear extension which would replace the old outshot extension. At 5.1m width it would be just over three-quarters of the width of the elevation, aligned towards the left as viewed from the rear. The extension would project 9.3m from the main rear wall. It would have a gable roof, eaves and ridge height to be the same as the main building.

It is proposed that wall would be part stone, part rendered, with a concrete tile roof.

History of negotiations/amendments received

23-Jan-2019 – Amended plans reducing width of extension at ground floor

Relevant Planning History

2018/94054 – Listed Building Consent for erection of two-storey rear extension. Awaiting determination.

Representations

Final publicity date Expires: 23-Jan-2019

Two representations received (both from same address).

Summary of concerns raised.

- The plans show a side-facing window which does not exist at present;

- Smells from WC will affect neighbouring property

Consultation Responses

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

Conservation & Design (comments on original plans) – Refuse.

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 the Springwood Conservation Area on the UDP Proposals Map and Kirklees Publication Draft Local Plan. It is a Grade II Listed Building

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE5** – Development within Conservation Areas
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **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 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 Springwood Conservation Area and is a Grade II Listed Building. 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.

When making decisions on planning applications for development that would affect a Listed Building or its setting, there is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the building and its setting, and any features of interest it possesses. In this context preservation means not harming the interests of the building as opposed to keeping it unchanged.

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 or

properties), 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.

2 –Impact on visual amenity: 23-31 George Street are all listed and are significant because of their high quality design and house plan which reflects mid-19th Century concerns about public health. They were built on land controlled by the Ramsden Estate which exercised control over the design of properties on its land.

One of the concerns expressed by the Conservation Officer was that the original design would have resulted in the loss of the through passage and privy. This aspect of the proposal has been changed; the extension would not obstruct the line of the historic passageway (which has already been altered to form a WC and store).

The privy is shown on the block plan “as existing” but is not on any of the proposed drawings, nor is it acknowledged in the heritage statement, and so it is assumed it would not be retained.

The proposed development would increase the footprint of the dwelling by about 50%. It would result in the loss of the walls and roof of the outshot extension, which is considered to have some historical interest. The extension would also disrupt the original roof, resulting in the loss of much of its fabric, rather than being a continuation of it like the existing outshot.

It is noted that the rear of this terraced row does not show the same degree of uniformity as the front. For instance there are two-storey outshot extensions to two other properties, although at least one of these, judging by historic maps, dates from the early 20th Century. No 23 has a much more substantial gable-roofed two storey extension, but again this is not a recent addition; it appears on a historic map of 1890. In fact there is no record of any recent planning permission for a two-storey extension anywhere on this group of 6 Listed dwellings, nor on the remaining 5 non-Listed properties in this row. The most recent permission for no. 23 was for a single-storey rear extension.

The modification of the proposal results in a small improvement on the original design. It is considered however that the combination of the scale of the extension in relation to the original building, and the degree to which it would result in the loss of historic fabric and make the building more difficult to interpret, would result in a loss of significance. In addition, whilst there might be an argument for allowing partial rendering given the precedent set by no. 27, the use of concrete tiles as a roofing material would cause additional harm to the building's appearance and character.

This is considered to result in substantial harm, for which no public benefit has been demonstrated. In particular it would not secure the optimum viable use of the property since it already has a viable use as a dwelling house.

In conclusion the development would fail to respect the character of the dwelling and its surroundings and would harm both the character of the Conservation Area and the significance of the Listed Building. In the latter case, the harm would be substantial. It would therefore be contrary to the aims of Paragraphs 194-195 of NPPF Chapter 16, BE1-2, BE5, BE13 and PLP24 and 35, as well as the Council's duties under the Planning (Listed Buildings and Conservation Areas) Act 1990.

3 – Impact on residential amenity: The proposed extension would substantially exceed the 3.0m recommended as a maximum for rear extensions to closely spaced properties in Policy BE14. It would only project a short distance past no. 27's historic outshot extension and so it is considered that no negative impact would occur. In relation to no. 23, it would be facing a somewhat larger 2-storey historic extension, but this contains windows facing no. 25 and so any impact on these must be given consideration. The plans for 2011/92979, for a single-storey extension at no. 23, indicate that there is a bedroom with its sole window facing west to no. 25. This bedroom would experience reduced light and outlook as a result. The resulting arrangement would leave a gap of over 3m between the existing window and facing wall, but the impact of a full two-storey extension with a dual pitched roof would be considerable. This would include loss of direct sunlight as well as natural light generally.

The "master bedroom" would be less affected because it is not wholly reliant on the side-facing window as a source of light. The dining room, since the extension was built, only has a side-facing window – this would also be affected but the impact would be less pronounced because it already has its outlook and light obstructed by the existing outhouse, and it is somewhat doubtful whether a refusal could be justified on this alone.

It is noted that no objections have been received based on obstruction to light or outlook specifically but nonetheless it is considered that the negative impact on the living conditions of no. 23, specifically occupants of the bedroom, would conflict with the aims of Policies BE14 and PLP24(b&c).

4 – Impact on highway safety: The existing parking and access arrangements would not be affected, and it is considered on balance that they would be sufficient to serve the property as extended. It is therefore considered not to raise significant highway safety concerns.

5 – Other matters: The site is not within the bat alert layer and the proposal has no ecological implications. The site is in a Coal Referral Area but

householder development falls within the “exemptions list” for Coal Mining Risk Assessments so one is not required.

The proposal is not considered to raise any further issues of planning significance.

6 – Representations: The concerns raised are summarised below with officer responses.

- The plans show a side-facing window which does not exist at present;

Response: The plans indicate there would be no windows in the side elevation facing no. 23.

- Smells from WC will affect neighbouring property

Response: Under the layout now shown this problem should not arise, although it is doubtful that much weight could be placed on it as a planning concern in any case.

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 adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF (in particular those of Chapter 16, Conserving and enhancing the historic environment) and other material considerations.

Recommendation

REFUSE

Decision Authorisation - Delegated Powers

Application Number: 2018/94053

Officer Recommendation: REFUSE

Reasons for refusal

1. The proposed extension, by reason of its scale, design, by causing the loss of the historic fabric of the old outshot extension and of the original rear roof slope, and by the use of concrete tiles as a roofing material, would fail to respect the character of the Listed Building and would cause harm to its significance. The harm is considered to be substantial and no substantial public benefit has been demonstrated that would justify the harm caused in this case. The development would also harm the character of the Springwood Conservation Area by reason of its scale and design. The development would therefore be contrary to the aims of Paragraphs 194-195 of National Planning Policy Framework, Policies BE1 (i and ii BE2 (i), BE5, and BE13 of the Unitary Development Plan, and PLP24(a) and PLP35 of the Publication Draft Local Plan, as well as the Council's duties under the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. The proposed extension, by reason of its scale, design, and siting, would cause harm to the living conditions of adjoining properties, in particular by obstructing natural light to, and outlook from, rooms that are reliant on side-facing windows, contrary to the aims of Policies BE14 of the Unitary Development Plan and PLP24(b&c) of the Publication Draft Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			10-Dec-2018
Design and access / heritage statement			10-Dec-2018
Plans and elevations as existing	HD-A-275-001	Rev 01	23-Jan-2019
Plans and elevations as proposed	HD-A-275-002	Rev 01	23-Jan-2019
Location plan	HD-A-275-003		10-Dec-2018
Existing site plan	HD-A-275-004		10-Dec-2018
Proposed site plan	HD-A-275-005	Rev 01	23-Jan-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. The applicant was approached regarding amendments to the application and submitted amended plans, but these were not sufficient to overcome the concerns raised by officers. For the reason set out in the reason for refusal the development would not improve the environmental conditions of the area.

Report Dated:

29-Jan-2019
