

**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: 2018/62/94088/W
Site Address: 2, New Street, Golcar, Huddersfield, HD7 4DZ
Description: Erection of single storey side extension (within a Conservation Area)
Recommending Officer: Callum Harrison

DECISION – Full Conditional 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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 26-Apr-2019

Officer Report

Site Description

2 New Street is a two storey detached dwelling faced in coursed sandstone with a slate tiled roof. It is set within a tight curtilage with a notable feature being the first floor supported on piers which allows for parking under the first floor. The dwelling is situated on the junction of New Street with Scarhouse Lane. The property is bound by a fence round the sides and rear of the dwelling with large, mature trees to the side and rear.

The dwelling is set relatively far away from the other properties on New Street and has a unique design for the street. Dwellings on New Street vary in age and style, however stone is the dominant material. The site is also located within the Golcar Conservation Area.

Description of Proposal

The application is seeking permission for the erection of a single storey side extension. The proposed development is to extend on the ground floor level underneath the existing first floor on the eastern elevation.

Side Aspect of Extension

The proposed side element of the extension has a projection of 2.6m from the ground-level, eastern side elevation to fall flush with the eastern side elevation of the first floor; a height of 3m to fit flush under the existing first floor and a width of 5.5m to fall flush the dining room which extends further towards the rear than the majority of the rear elevation.

The extension follows the same build line as the dining room feature and implements a lean-to roof feature with a maximum height of 3.7m with the eaves at 2.5m. It would provide a kitchen.

Materials

The proposal is to be constructed using matching materials in its entirety with coursed sandstone for the walls, slate tiles for the roof and painted timber for the windows and doors.

History of Negotiations

The application initially proposed the formation of a dropped kerb and driveway to the east side of the existing pillars. However this would have extended in to land which is within a TPO open area outside of the domestic curtilage. The agent was informed that a change of use application would be

required for this and that it was unlikely that a change of use application would be submitted due to the TPO designation and therefore the agent decided to remove the driveway from the proposal.

The agent was also to show accessible bin storage which would not impact on parking provisions. This was shown on amended plans which saw bins to the rear of the extension and accessed via an existing 0.75m gap between the pillars and the boundary fence. This amendment was deemed acceptable.

The agent was also informed that the provision of 1 parking space with a minimum length of 5m was required. This was amended and shown on plans received 25/04/19.

None of these amendments were re-advertised due to the scheme becoming a lesser proposal and no objections were received during the initial advertisement period.

Relevant Planning History

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| 2009/90866 - | Outline application for erection of one dwelling (within a Conservation Area) - - CONDITIONAL OUTLINE PERMISSION |
| 2012/91216 | Extension of time limit to previous permission 2009/90866 for outline application for erection of one dwelling - CONDITIONAL OUTLINE PERMISSION |
| 2014/92317 | Demolition of two disused garages and erection of detached dwelling (within a Conservation Area) - CONDITIONAL FULL PERMISSION |
| 2015/91835 | Discharge conditions 3 (roofing materials), 8 (sightline), 9 (boundary), 11 (floor levels), 16 (landscaping), 19 (surface water) on previous permission 2014/92317 for demolition of two disused garages and erection of detached dwelling (within a Conservation Area) - DISCHARGE OF CONDITION(S) APPROVED |

Representations

Final publicity date Expires: 4th February 2019.

A site notice was posted, neighbours were notified via letter and the application went in the press.

No representations were received.

Parish/Town Council comments: not applicable

Consultation Responses

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

K.C. Conservation & Design – Informal discussion, due to the design of the proposal and the nature of the surrounding area, no concerns were raised.

K.C. Trees – Consulted formally, due to the location of the proposed extension and the nature of the trees which are located along the boundary of the site, no concerns were raised to the proposal. KC Trees were consulted again highlighting that the proposed red line strayed in to the TPO open area. Therefore their second response stated strong objections to the driveway proposed.

K.C Highways – Consulted informally and had no objections providing 1no off street parking space was retained. They were satisfied 1no parking space was adequate given the unrestricted on street parking available.

Policy

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 is the Local Plan adopted February 2019.

The site is located within the Golcar Conservation Area on the Local Plan Policies Map.

Kirklees Local Plan (as modified):

- PLP1 – Achieving sustainable development
- PLP2 – Place shaping
- PLP21 – Parking
- PLP22 – Highway safety
- PLP24 – Design
- PLP33 -Trees
- 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 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.

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- **Chapter 12:** Achieving well-designed places
- **Chapter 15:** Conserving and enhancing the natural environment

- **Chapter 16:** Conserving and enhancing the historic environment

1) Principle of development

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that LPAs have a general duty in that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.

Similarly 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, 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.

Policy PLP35 of the Kirklees Local Plan (as modified) follows the theme of national legislation and guidance.

Whilst the application site is located on the periphery of the conservation area, its inclusion within the designated area and the age of surrounding dwellings means that alterations to this property has the potential to impact on the character and appearance of the conservation area. Taking this into account it is acknowledged that the majority of the extension would be created within the footprint of the existing building and would leave the streetscene of New Street virtually unchanged. Similarly the rear extension only projects as far as the existing ground floor rear elevation and would be unseen from Scarhouse Lane and mostly sheltered from Long Croft Yard by mature landscape. Taking this into account the proposed extension will preserve the character of the local area and conservation area and satisfy PLP35 of the Local Plan and Chapter 16 of the NPPF. The use of entirely matching materials also helps mitigate the potential of any harm from this proposed development.

2) Impact on visual amenity

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 (as modified) 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.

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”

(c) of the PLP24 states:

“Extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”

In this case it can be determined the application satisfies PLP24 in regards to visual amenity for the reasons as explained below.

It can be assessed the development fulfils the intension of PLP24 as the dimensions of all parts of the proposed developments are modest, and note features of the host properties design. The use of entirely matching materials to the host dwelling ensures the development is visually cohesive to the host dwelling whilst the single storey nature under the existing supporting first floor makes effective use of space within challenging curtilage.

The proposal falling flush with existing elevations also ensures that the proposal does not cause any significant harm to the host dwelling and highlights the subservient nature of the proposals.

For the reasons stated above, it can be considered the development is in keeping and acceptable regarding conserving the visual amenity of the location and therefore comply with the aims of Policies PLP24 and PLP35 of the Kirklees Local Plan (as modified) and Chapter 12 of the NPPF.

3) Impact on residential amenity

The National Planning Policy Framework seeks high quality design and a good standard of amenity for all existing and future occupiers of land and buildings though chapter 12.

PLP24 (c) of the LP states extension should:

“...minimise impact on residential amenity of future and neighbouring occupiers”

It is of officer’s judgement that the side extension element of the proposal does satisfy PLP24 (c).

The proposed extensions will be 9.5m away from the closest dwelling which would be no.11 Long Croft Street situated to the rear. The modest projection which contains a kitchen window, the boundary treatment and mature trees between the dwellings means the proposed development would only be seen in glimpses and the ability for it to be overbearing or cause overshadowing is negligible. There would be no material increase in the potential for overlooking, given the relationship with the existing dwelling, and the single window proposed in the rear elevation. The closest dwelling to the east side is over 100m away meaning the new drive or extension will not have an effect on dwellings to the side.

For the reasons state above, it can be considered the development is in keeping and acceptable regarding conserving the residential amenity of the

location and therefore comply with the aims of Policies Policy PLP24 of the Kirklees Local Plan

4) Impact on highway amenity

The development does not seek to add any rooms which would intensify any trips to or from the dwelling. Whilst the proposal does see a reduction in one of the parking spaces it is noted these spaces are access between the side of the ground floor of the dwelling and adjacent pillar through a gap of 2.2 metres. It is acknowledged that access through this gap is tight, given that standard parking spaces are usually 2.4 metres wide with garages 3 metres wide. The tight nature of this access point means that it appears from the site visit both spaces are not generally used. However it is noted that there is an abundance of unrestricted on street parking availability on New Street and the loss of one of the spaces is deemed, on balance, acceptable. KC Highways agreed with this through informal conversation. The space may not conform to the modern parking size guides, but it is the same sized space per vehicle as existing meaning parking provisions will still be the same per vehicle. For these reasons it can be stated that the application conforms PLP21 and PLP22 of the Kirklees Local Plan (as modified) and policies set out within the NPPF.

5) Other Matters

Trees – as noted in the background section of this report, and comments from the Tree Officer, the initially proposed enlargement of the drive into an area of land covered by protected trees has been withdrawn from the scheme. The proposed extension would stay within the developed area of the property and it is therefore considered that the proposal would not have an adverse impact on the protected trees.

6) Representations

None

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: 2018/94088

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 and PLP35 of the Kirklees Local Plan (as modified) and Chapter 12 of the National Planning Policy Framework.

3. The external walls and roofing materials of the 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 preserve the character and appearance of the Golcar Conservation Area to accord with Policies PLP24 and PLP35 of the Kirklees Local Plan (as modified) and Chapters 12 and 16 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing and Proposed Plans and Elevations	18.040(2-)001.B	3	25/04/18

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 application initially proposed the formation of a dropped kerb and driveway to the east side of the existing pillars, concerns were raised to this part of the development which was then removed. Amended plans were also secured to ensure that acceptable bin storage a parking was provided.

25/04/19

Report Dated: