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:	2019/62/90090/E
Site Address:	7, Cliffe Park, Shepley, Huddersfield, HD8 8EG
Description:	Erection of single storey extensions to side and rear and first floor extension over existing garage (within a Conservation Area)
Recommending Officer:	Josh Kwok

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 15-Apr-2019

Officer Report

Site Description

The site to which this application relates is no.7 Cliffe Park, Shepley. It consists of two storey detached property faced with natural stone to the front and brick to the side and rear, a flat roof single garage, a conservatory and a garden. The boundary treatment comprises high hedges and garden fences. The site and its surrounding area are purely residential characterised by two storey detached properties of a similar appearance. The site is situated within the Shepley Conservation Area as well.

Description of Proposal

The development proposal is for the erection of single storey extensions to the side and the rear and a first floor extension above the existing garage (within a Conservation Area). The details of the proposal are as follow:

- 3.0m wide x 6.8m high x 4.0m deep (first floor extension)
- 5.5m deep x 5.2m high x 3.0m wide (single storey side extension)
- 4.0m wide x 3.9m deep x 4.6m high (single storey rear extension)
- Facing material to be bricks to match existing
- Roofing material to be concrete tiles

History of negotiations/amendments received

No amendments sought in this case.

Relevant Planning History

2010/90909 – Erection of ground and first floor extensions (within a Conservation Area) (7, Cliffe Park) – Approved

2013/91276 – Extension of time limit to previous permission no.2010/90909 for erection of ground and first floor extensions (within a Conservation Area) – Approved

Representations

This application was advertised by site notices, neighbour letters and press adverts, which expired on 12-Apr-2019. As a result of the above publicity, no representations were received from the occupants of the neighbouring properties.

Kirkburton Parish Council – responded with ‘no comment’

Consultation Responses

KC Conservation & Design – no objections to the proposal as the application property is a later addition to the Conservation Area with very limited contribution to its significance and character.

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 on the Policies Map of the Kirklees Local Plan.

Kirklees Local Plan (KLP) (as modified):

- **PLP 1 (as modified)** – Achieving sustainable development
- **PLP 2 (as modified)** – Place shaping
- **PLP 21 (as modified)** – Highway safety
- **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 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
The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity (including impact on Conservation Area)
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters
6) Representations
7) Conclusion

<u>1 – Principle of development</u>:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is enshrined in policy PLP1 (as modified) of the Kirklees Local Plan. This policy stipulates that proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise. Policy PLP24 (as modified) of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development of the surrounding area as well as to preserve the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. As the site is located within the Shepley Conservation Area, Policy PLP 35 of the KLP and Chapter 16 of the NPPF are also of relevance in determining this application.

These considerations are addressed in turn in the following sections in this report.

2 –Impact on visual amenity (including impact on Conservation Area):

The proposed development would be of an acceptable scale as it would be subservient to the existing property at the application site. Further to the above, it is recognised that the application site was previously granted planning permission for a similar proposal. Whilst that permission has now lapsed, there are no material changes in circumstances, which would result in a different conclusion in relation to the scale of development as proposed. The proposed development would not increase the amount of development at the application site to such an extent that it would cause the overdevelopment of the site. Since the first floor side extension is to be set down considerably from the existing property, there are not expected to be any unacceptable terracing effect.

The proposed facing and roofing materials are brick and concrete tiles to match those of the application property and the neighbouring properties. Because these materials are already evident at the site and its immediate surrounding, they are unlikely to result in any adverse impact on the character of the street scene when viewed from either Cliffe Park or from Lane Head Road which bounds the site to the rear. The proposed development would not detract from the appearance of the application property nor would it prejudice the existing character of the surrounding area. The fact that a similarly designed extension was approved in the past is a relevant material consideration and it is afforded considerable weight in this particular case. In terms of the impact on the Shepley Conservation Area, this is considered negligible as the application property is a later addition, which is of very limited contribution to the significance and character of the Conservation Area. KC Conservation and Design has no objections to the proposal for the above reason.

To summarise, the development proposal would be of a satisfactory quality in terms of scale, design and materials. It would be in keeping with the existing property at the application site and those in close proximity. There is considered to be no effect on the character of the surrounding area and the

amenity of the street scene. There would be no harm to the significance of the Shepley Conservation Area. On the basis of the above, I consider the proposal to be compliant with the aims of Policies PLP24 (as modified) and PLP35 (as modified) of the KLP and chapters 12 and 16 of the NPPF.

3 – Impact on residential amenity:

The proposed development would have windows in the side elevations facing nos.6 and 8 Cliffe Park, which would have an impact on the occupants of these properties. The impact on these occupants are addressed in the following assessment.

No.6 Cliffe Park is a two storey detached property to the north-west of the application site, set at a slightly lower and at an angle to the application property. There would be three windows in the north (side) elevation of the proposed extensions facing towards the garden of this property. However, the view from these windows would be obstructed by the existing hedge at the shared boundary. The physical separation between nos.6 and 7 would not be unduly changed as a result of the proposal. For the same reasons already outlined above, there is considered to be no undue overbearing and overshadowing impact on these occupants. No conditions are considered necessary to protect the privacy of these occupants because there is already a substantial hedge at the shared boundary. Any openings to be created at the first floor of the proposed development would have to be obscure glazed in order to benefit from permitted development by Class A of Part 1 of Schedule of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Concerning the impact on the occupants of no.8 Cliffe Park, this is deemed to be acceptable because the existing property already has a conservatory with windows facing towards their garden. The overlooking impact of the proposal would be less significant than that of the existing conservatory due to the design of the proposed extension. The existing boundary treatment would offer adequate protection to the privacy of the occupants of this neighbouring property as well.

No other properties in immediate vicinity would be adversely affected by the development proposal.

In all, the proposed extensions would have no effect on the residential amenity of the occupants of the neighbouring properties for the reasons already outlined in detail above. Hence, the proposal is deemed to be consistent with Policy PLP24 (as modified) of the KLP in respect of residential amenity.

4 – Impact on highway safety:

There would be no highway safety or parking concerns as the proposed development would not materially intensify the residential use of the application property nor would it affect the existing parking arrangements of

the site. The proposal would not conflict with polices PLP21 and PLP22 (as modified) of the KLP.

5 – Other matters:

Groundwater Protection Zone

The application site is situated within the groundwater protection zone. In this case, given the proposal is for the erection of extensions to an existing residential property, there is not expected to be any negative effect on the quality of groundwater.

Ecology

The site is located within a bat alert layer. Following a site visit, the building appeared to be well sealed and there was no evidence of bat roosts or bat roost potential was found. A footnote has been added to the decision notice to provide the applicant with advice should bats or evidence of bats be found during construction. This would accord with the aims of policy PLP30 (as modified) of the KLP and chapter 15 of the NPPF.

There are no other matters considered relevant to the determination of this application.

6 – Representations:

No representations received as a result of the publicity.

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: 2019/90090
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, to avoid harm to the significance and character of the Shepley Conservation Area in accordance with Policy PLP21 (as modified), Policy PLP24 (as modified) and Policy PLP35 (as modified) of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

3. The external walls and roofing materials of the first floor side extension and the single storey side and rear extensions hereby approved shall in all respects match those used in the construction of the existing building in accordance with the details on the approved plans.
Reason: In the interests of visual amenity and to avoid harm to the significance and character of the Shepley Conservation Area in accordance with Policy PLP24 (as modified) and PLP35 (as modified) of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

NOTE: Due to its location, 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 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed elevations	006		21-Jan-2019
Location plan	001		21-Jan-2019
Existing and proposed site plans	002		21-Jan-2019
Existing ground and first floor plans	003		21-Jan-2019
Proposed ground and first floor plans	004		21-Jan-2019

Plan Type	Reference	Version	Date Received
Existing elevations	005		21-Jan-2019
Heritage statement			21-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. No amendments were sought in this case as the proposed development is considered acceptable in its submitted form.

Report Dated: 15-Apr-2019