

**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: 2019/62/90114/W

Site Address: 159, Halifax Old Road, Birkby, Huddersfield, HD2 2RW

Description: Erection of single storey rear extension (within a Conservation Area)

Recommending Officer: Jason Hammond

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-Mar-2019

Officer Report.

Reference: 2019/90114

Location: 159 Halifax Old Road, Birkby, Huddersfield, HD2 2RW

Proposal: Erection of single storey rear extension (within a Conservation Area).

Site Description.

159 Halifax Old Road is a terraced two storey property located in Birkby, Huddersfield. The property benefits from a pitched roof, being faced in natural stone. The front of the property benefits from a small garden bounded by hedging, with access to the rear provided under the first floor of the property to the side. The rear benefits from a larger yard, with the rear of the property benefitting from an existing outrigger extension with a lean-to roof and side door.

Properties in the area share a similar traditional design to the site property, being predominantly terraced properties constructed in natural stone. Some properties benefit from bay window and gabled roof features. In addition, extensions of varying sizes are not uncommon in the area particularly to the rear. The site is also set within the Birkby Conservation Area.

Description of Proposal.

The application refers to the erection of a single storey extension to the rear of the property, running alongside the existing outrigger extension. This is to allow for a larger kitchen for the property. The extension is to project 3.80 metres from the rear as existing and will extend 2.50 metres to the side, giving the extension a total length of 4.50 metres. The existing height is to be retained with a maximum height of 2.20 metres and eaves of 1.20 metres with a lean-to roof. A rear facing roof light is proposed, as well as a side door and window that is to replace the existing.

History of Negotiations.

No known changes for this scheme.

Relevant Planning History.

No relevant planning applications for this property, but similar applications have been made nearby to the site:

2012/90647– 161 Halifax Old Road - Erection of two storey extension and dormer windows (within a Conservation Area). *Granted in 2012, although unimplemented.*

2012/92261– 161 Halifax Old Road - Erection of three storey extension and two dormer windows (within a Conservation Area). *Granted in 2012, in construction.*

2013/90647– 161 Halifax Old Road - Erection of porch to front (within a Conservation Area). *Refused in 2014, due to its harm on the Conservation Area.*

Representations.

The application was advertised by a site notice, press notice and neighbour letters which expired on 18/03/2019. No representations were received from this publicity.

Consultation Responses.

No consultations were deemed necessary for this proposal.

Policy/Legislation.

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 Kirklees Local Plan, although set within the Birkby Conservation Area.

Kirklees Local Plan:

- **PLP 1** – Achieving Sustainable Development
- **PLP 2** – Place Shaping
- **PLP 24** – Design
- **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 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 historic environment

Assessment.

The following matters that will be considered as part of the assessment of the proposal are set below. These considerations will be looked at in detail individually:

- 1) Principle of development
- 2) Impact on visual amenity, including any designated heritage assets
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

Principle of development:

The site is without notation on the Kirklees Local Plan. Policy PLP1 states that when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Policy PLP1 (as modified) goes on further to stating that “the council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

However, the site is situated within the Birkby Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities shall pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area. This relates to Policy PLP 35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment. Policy PLP 35 (as modified) states “development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm”. This harm will be assessed and discussed later in the report.

In terms of extending and making alterations to a property Policy PLP 24 of the Kirklees Local Plan (as modified) will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design.

In this case, the principle of development on the application site is acceptable and shall be assessed against other material planning considerations below.

Impact on visual amenity, including any designated heritage assets:

The proposal refers to the erection of a single storey rear extension that is to run alongside an existing outrigger extension. The extension is to not project any further to the rear than the existing extension and will still be set in from the side of the property ensuring that the proposal will be small in scale and would not be visible from the front elevation, mitigating any potential visual impacts. In addition, a three storey rear extension has been recently approved next door at no. 161 which shows that a larger scale extension is appropriate in this area.

The character and appearance of the existing property is to be retained by extending the outrigger element along the length of the property, keeping the same height and detailing. A window in the main property is to be blocked up although this is to be of no harm considering this is to be located internally. The additional side door and window is to be similar to the existing that would again be of no harm to the appearance of the property. The roof light is to be adding a new feature to the property although this would be of no harm. Stone and roofing tiles are proposed for the extension that are considered to be in keeping with the existing materials, although a condition shall be added to ensure the materials used are matching to help preserve the appearance of the property and the Conservation Area.

The extension is set to the rear of the property ensuring a lack of visibility from the highway, minimising any impact upon the setting of the Birkby Conservation Area. The design and scale of the extension is to be in keeping with the appearance of the host property and would therefore be of no impact upon the Conservation Area.

Therefore, the proposal is in accordance of Policy PLP 24 of the Kirklees Local Plan (as modified) that states “extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details” and “the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape”. The proposal also accords to Policy PLP 35 ensuring minimal harm upon the Birkby Conservation Area. Therefore, the proposal is regarded

as acceptable for permission in this regard as it would not harm the visual amenity nor the historic environment of the area.

Impact on residential amenity:

The site shares its boundary to properties to the north and south, with these properties having shared access to the rear yard. Therefore, development at 159 Halifax Old Road has the potential to have some form of impact upon these neighbours. These impacts that are set out and discussed below:

- *161 Halifax Old Road* – This property is located to the north of the site and would not be impacted by the proposed development. The extension is to project south away from this property and not be extending beyond the footprint of the existing outrigger. No additional rear facing windows are proposed that ensures privacy levels are retained.
- *157 Halifax Old Road* – This property is located to the south, situated where the proposed extension is to project. The impact from the proposal is to be minimal when considering the low projection from the side with sufficient distance from this property meaning no overshadowing. The side windows and door are to be located closer toward this property although this would only be facing toward the yard and side door that would be of no harm upon this property's privacy.

The proposal therefore accords with Policy PLP 24 (as modified) of the Kirklees Local Plan which states “extensions...minimise impact on residential amenity of future and neighbouring occupiers.” Having considered the above factors affecting neighbouring properties and relevant policies, the proposed rear extension is not deemed to result in any significant harm upon the residential amenity.

Impact on highway safety:

The proposed rear extension would result in an enlarged extension, which would not result in the need of an increase of car usage or reduce the capacity of car parking to the property. Therefore, the proposal is considered to have no impact on highway safety and as such complies with Policies PLP22 and PLP24 of the Local Plan (as modified).

Other matters:

There are no other matters for consideration.

Representations:

No public representations were received for this proposal.

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, including the harm upon the Birkby Conservation Area. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation - Delegated Powers.

Application Number: 2019/90114

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 Policy PLP24 of the Kirklees Local Plan (as modified).

3. The external walls and roofing materials of the rear extension hereby approved shall in all respects match those used in the construction of the existing dwelling.

Reason: In the interests of visual amenity and to preserve the setting of the Birkby Conservation Area and to accord with Policies PLP24 and PLP35 of the Kirklees Local Plan (as modified).

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 - 18.30 hours (Mondays to Fridays), 08.00 - 13.00 hours (Saturdays)
with no work carried out on Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations	2019001 (SK)01		25/01/2019
Conservation/Heritage Statement			29/01/2019

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.

As submitted plans were considered to be acceptable, no changes were sought.

Report Dated:

25/03/2019