

**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: 2019/62/90237/W

Site Address: 27, Church Street, Golcar, Huddersfield, HD7 4PX

Description: Demolition of existing two storey extension and porch and erection of two storey extension with integral garage and single storey extension (within a Conservation Area)

Recommending Officer: Neil Bearcroft

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.

Emma Thompson

AUTHORISED OFFICER

Date: 20-Mar-2019

Officer Report

Site Description - 27, Church Street, Golcar, Huddersfield, HD7 4PX

The application site is a detached two/three storey dwelling constructed of natural stone with a two storey flat roofed side extension constructed from artificial stone. The dwelling is located to the south of Church Street and to the north west of Deal Lane. The host property benefits from garden areas to the south west, to the north east set at a higher level with space in front of the dwelling predominantly used for access and parking.

Access to the site can be gained on foot to Church Street by a path and steps which lead around no.17, with vehicular access gained from a narrow shared drive which leads from Deal Lane. The wider area is a steeply sloping hillside where there are significant changes in levels. The host property has a lower ground floor element which is gained by some steps.

Description of Proposal

The application seeks to demolish the existing two storey flat roof side extension and erect a new two storey side extension with enlarged footprint including an integral garage. The enlarged footprint would also provide access to an area of amenity space set at first floor level adjacent to outbuilding associated with no.29. A flat roof single storey extension at the lower ground floor of the building would also be rebuilt and enlarged as part of this development.

The extension would project 7.64 metres from the side of the dwelling, would have a depth of 7 metres with a set in from the principle elevation of the adjacent dwelling by 0.3 metres and would have a maximum overall height of 7.1 metres. The extension would be faced in stone to the front with rendered sides and rear. The enlarged lower ground development would project 2.8 metres from the dwelling and have a depth of 5.9 metres. This extension would be constructed in natural stone and would have a flat roof.

Windows and garage door in the proposed development would be anthracite grey.

History of negotiations/amendments received

The agent was contacted in relation to the comments made by the Conservation Officer who has confirmed that the applicant is agreeable to the use of conservation style roof lights but wants to keep anthracite grey windows in the development.

Relevant Planning History

92/00573 - erection of 2-storey extension - Approved

Representations

Final publicity date Expires: 18 March 2019 – no comments received.

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, comments made.

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 Kirklees Local Plan, but is designated as being within the Golcar Conservation Area.

Kirklees Local Plan (LP):

- **PLP1** – Achieving Sustainable Development
- **PLP2** – Place Shaping
- **PLP21** (as modified) – Highway and Access
- **PLP22** (as modified) - Parking
- **PLP24** (as modified) – Design
- **PLP30** (as modified) – Biodiversity & Geodiversity
- **PLP35** (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 16** – Conservation and enhancing the historic environment

Assessment

The site is without notation on the Local Plan but is located within the Golcar Conservation area. Policy PLP1 is relevant which supports the presumption in favour of sustainable development and Policy PLP24 states that good design should be at the core of proposal in the district.

Given that the site is located within a Conservation Area Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 needs to be considered which requires special attention to be given to the preserving or enhancing of the character of the conservation area. Policy PLP35 needs to be considered which sets out criteria to be considered for applications which impact on heritage sites. Chapter 16 of the NPPF also needs to be considered which advises that new development should make a positive contribution to local character and distinctiveness. When harm is caused this needs to be weighed against the public benefits of the proposal.

Other policies of relevance are PLP21 highway and access and PLP22 parking which require new developments to have an acceptable impact on highway safety and provide sufficient parking. PLP30 seeks protect and enhance biodiversity.

Heritage and Design

The heritage and design impact of the development has been assessed by the Councils Conservation Officer who has provided a detailed assessment of the proposal. In summary the existing side extension is considered to be out of keeping with the character of the local area and its removal and replacement with a larger side extension set back from the principle elevation with pitched roof would enhance the appearance of the Conservation Area and is supported in principle. The enlargement of the lower ground floor extension is also considered to be acceptable.

The Conservation Officer has suggested that they would prefer the windows to be a traditional colour such as off white, that the roof lights are of a conservation type and that materials should be submitted. These points have been raised with the agent who has confirmed that the applicant is not agreeable to the use of off white windows in the development but is agreeable to the use of conservation style roof lights and has confirmed that the render will be an off white/cream to match that used on no. 17.

Planning Officers have considered these points and the use of conservation style roof lights can be conditioned. With regard to materials the submitted plans detail that the stone would be natural of a style and coursing to match

the host property and the render would be of a similar colour to the adjacent no.17. Such arrangements are considered to be acceptable by Planning Officers, securable by condition.

Turning to the windows whilst anthracite grey windows are not supported by the Conservation Officer, this has to be balanced against the potential fall-back position and the other benefits which the development provides. It is acknowledged by Planning Officers that anthracite grey windows could be installed in the existing host property without the need for planning permission and that similar such dark coloured windows are present within the wider conservation area. Furthermore the application provides a significant benefit by the removal of an extension which in itself is considered to cause harm to the Conservation Area. In light of these matters, whilst the use of anthracite grey windows does cause some harm to the conservation area, this is considered to be less than substantial harm and this harm is outweighed by the public benefit of the removal of an unsightly extension and replacement with an extension which in all other respects has an acceptable impact on the conservation area.

In conclusion the design of the proposed development is considered to be acceptable and would have an acceptable impact on the conservation area.

Residential Amenity

With regard to residential amenity the closest properties to the application site are no's 130 to the south, no.17 to the east and no.29 and its associated outbuilding to the north. With regards to no.130 this is set a significantly lower level with only the roof evident from within the application site and therefore the impact on the amenity of no.130 is considered to be acceptable. No.17 has no windows in the side facing gable and is located to the north-west and therefore there would be no overlooking or detrimental overbearing or overshadowing impact.

With regard to no.26 the main dwelling is separate from the application site but there is a large outbuilding which includes two windows at lower ground floor level. However given that the building does not form a separate residential dwelling it is not considered that these windows serve habitable space and therefore the impact on amenity would be acceptable.

Highway Safety

The site is accessed by a narrow lane which also forms Public Right of Way (PRWO) Colne Valley 55 which turns north before entering the site. The existing access arrangements whilst narrow are currently used and are considered satisfactory. It is not prospered to interfere with the footpath in anyway, however a note will be attached to the decision notice highlighting its presence to the applicant.

It is noted that the area to the front of the building and the access appear to be within shared ownership with the adjacent dwellings and notice has been

served. With regard to parking it is considered that sufficient parking is provided in front of the dwelling to cater for its enlarged size along with space for other users as was evident at the time of the case officer's site visit. Whilst the proposed integral garage does not meet the standard for internal dimensions in terms of its depth at 4.8 metres it is considered to be acceptable given the available space for off street parking in front of the dwelling.

As such highway arrangements are considered to be acceptable.

Ecology

The site is located within the bat alter layer, however the building to be extension to be demolished is flat roofed and considered to be unlikely to house bats and there are no known roosts in the local area. Notwithstanding this a precautionary note will be attached to the decision notice.

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: 2019/90237

Officer Recommendation: Full Conditional Permission

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 PLP21 (as modified), Policy PLP22 (as modified) and PLP 24 (as modified) of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The front elevation of the hereby approved extension shall be constructed in natural stone which shall in all respects match those used in the construction of the existing building.

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

4. The side and rear elevation of the hereby approved extension shall be rendered in a cream/off white colour before the extension is first brought into use.

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

5. The roof of the hereby approved two storey side extension shall be covered in tiles which shall in all respects match those used in the construction of the existing building.

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

6. The roof lights to be installed in the hereby approved extension shall be of a conservation style with a central glazing bar and installed flush with the roof of the extension, such roof lights shall thereafter be retained.

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

NOTE: It is brought to the applicant's attention that the access lane which serves the development forms a public right of way (PROW) Colne Valley 55. This PROW should not at any time prior to, during or after construction of the proposed development be unofficially obstructed or closed without prior written consent of the Local Planning Authority. For further information please contact the PROW team at publicrightsofway@kirklees.gov.uk

NOTE: The Council's Environment Officer has commented that 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.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	27CHS-18-PL03	-	25/1/2019
Existing Plans and Elevations	27CHS-18-PL01	-	25/1/2019
Proposed Plans and Elevations	27CHS-18-PL02		25/1/2019
Design and Access Statement			25/1/2019
Heritage Impact Assessment			25/1/2019

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 case officer sought confirmation on the materials of construction, window colour and the use of conservation area roof lights, the decision was made based on the submitted information.

Report Dated: 14/3/19