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:	2019/62/90346/W
Site Address:	8, Hungerford Road, Edgerton, Huddersfield, HD3 3AL
Description:	Demolition of existing dwelling and erection of detached dwelling (within a Conservation Area)
Recommending Officer:	William Simcock

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.

Emma Thompson

AUTHORISED OFFICER

Date: 01-May-2019

Officer Report

Site Description

8 Hungerford Road is a medium-sized two-storey detached dwelling situated on the northern side of the highway. It is built in modern materials (brick and tile) and incorporates a flat-roofed garage at its eastern side.

Most of the amenity space is at the rear. The site itself is near-level but there is a strong upward gradient east to west along Hungerford Road. The eastern site boundary is formed by a short track leading to a substation.

Surroundings comprise mostly individually designed houses of mixed ages and styles.

Description of Proposal

The proposal is for the demolition of the existing dwelling and the erection of a new detached dwelling. This would be of two storeys, with additional rooms in the roof space, an attached garage with a bedroom above, and a single storey element to the rear. The living accommodation would include a total of 7 bedrooms.

The proposed dwelling would be built, as is the existing dwelling, closer to the eastern than the western boundary of the site. It would have a larger footprint, the western wall being approximately 3.0m from the western boundary. The front to back measurement of the main part of the dwelling would be approximately 13.5m.

The existing accesses to the public highway would be retained and used.

History of negotiations/amendments received

12-Mar, 02-Apr, 15-Apr-2019 – Amended plans submitted in response to requests from case officer, to address design and heritage concerns.

30-Apr-2019 – Additional plans to clarify access and parking arrangements.

Relevant Planning History

None.

Representations

Final publicity date expires: 13-Mar-2019

No representations have been made.

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 Highways Development Management – No objection subject to conditions.
- KC Planning Conservation & Design – No objection subject to conditions.
- Historic England – No observations

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 within the Edgerton Conservation Area on the Kirklees Local Plan. The adjacent dwelling to the east is grade 2 Listed.

As the proposal is for a single dwelling it is considered it does not raise issues under the Equality Act.

Kirklees Local Plan (LP):

- **PLP 21:** Highway safety and access
- **PLP 22:** Parking
- **PLP 24**: Design
- **PLP 28**: Drainage
- **PLP 30:** Biodiversity and geodiversity
- **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 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 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places

- Chapter 14 – Meeting the challenge of climate change, flood risk and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment.

Assessment

1 – Principle of development: The site is within the Edgerton Conservation Area. As such there is no presumption against residential development, but it is important that any such development contributes to sustaining and enhancing the significance of heritage assets and of development making a contribution to local character and distinctiveness, as set out in Chapter 16 of the NPPF. Great weight should be given to the asset's conservation. The same criteria area set out in PLP35 of the Local Plan.

Other relevant policy considerations for the development – other design considerations, highway safety, parking, drainage, and biodiversity – are set out in the NPPF and Local Plan policies listed above.

2 –Impact on visual amenity: Edgerton Conservation Area contains a number of distinct character areas. The application site lies within Area 1. Buildings within this area are usually of high architectural quality and were mostly built in the mid to late nineteenth Century and draw inspiration from Medieval, Tudor and Jacobean English houses, or from Classical and Renaissance architecture from continental Europe. Development was typically low-density but with some later infill.

The existing dwelling on this plot is not of high architectural quality and detracts from the character of the Conservation Area and from the setting of 4 Hungerford Road, which is grade II listed.

After negotiation and revisions, the applicant has submitted a set of plans which, it is considered, would conserve and enhance both the Conservation Area and the setting of the Listed Building. The dwelling proposed is of a significantly greater height than the existing dwelling on the site, but ridge height would be comparable to that of 4 Hungerford Road and slightly below that of 10 Hungerford Road. It is separated from no. 4 by the existing substation plot and there is also space within no. 4's plot. The proposed dwelling has a neo-Classical influenced design which, it is considered, shows much greater architectural unity than the originally submitted plans. It is considered that the dwelling would not amount to overdevelopment of the plot.

It is proposed that the external walls are stone and that the roof is concrete tiles. Stone is appropriate as a walling material. Given the setting and location of the site, it is important that high-quality materials are used; either stone slate or blue slate, or good imitations, may be acceptable.

Subject to samples of stone and the intended roofing material being submitted for approval it is considered that it would enhance the Conservation area and accord with the aims of NPPF 16, of PLP24 and 35.

3 – Impact on residential amenity: The proposed dwelling would have a greater bulk and footprint than the existing dwelling. It would however leave a gap of 3m before the boundary with no. 10, which is itself built up against the plot boundary and has quite a substantial curtilage. No. 10 has its main outlook to the north and south, with no primary habitable room windows facing the site. No. 4 has windows predominantly in the east and south elevations, with a few in the west, but even if the west-facing windows are habitable, it is considered that the mutual distance between the two opposing walls (15m) is sufficient to avoid any overbearing impact, notwithstanding no. 4 being set at a lower level.

The only side-facing window proposed is in the western side elevation, which is to give light to a stairwell and corridor – as this would only face a blank wall the arrangement is not considered problematic. It is considered that neither of these two dwellings would experience a loss of amenity arising from overbearing impact or any effects on privacy.

It is recommended that a condition be imposed that no windows be formed in the eastern elevation at ground floor since these could have an impact on the privacy of the adjacent dwelling. Subject to this it would accord with the aims of Policy PLP24 (b).

4 – Impact on highway safety: The dwelling would take access to a road which has good width and alignment and there is a footway of approximately 2m width. The same access points would be used. Although the proposed development could in practice represent an intensification because of the increased amount of living accommodation, this should not present a problem given the standard of the local highway network. Areas for the storage and collection of waste are not explicitly shown – there is however ample room within the curtilage as shown, to store waste bins safely without their being visually intrusive or interfering with the flow of traffic, and collection arrangements would, it is expected, be the same as existing.

The latest plans show that the integral garage is of acceptable internal dimensions. On the arrangements as proposed, at least another 4 vehicles can be parked outside on the main driveway and there is room to park at least one other vehicle on the narrower driveway at the western end of the site. There is no turning provision but given the likely speed and volume of traffic, and the visibility available, this is not considered essential.

It should be conditioned that the existing parking spaces are retained at all times and that existing visibility is retained along the frontage. Subject to this it would not interfere with the free or safe use of the highway and would accord with the aims of Policy PLP21-22.

5 – Other matters:

Sustainable Transport:
In order to mitigate impact on air quality and in accordance with Local Plan Policy PLP24 and the West Yorkshire Low Emissions Strategy development proposals such as this should aim to include sustainable transport methods. As such, this development should encourage the use of ultra-low emission vehicles such as electric vehicles. A condition is recommended in this respect.

Drainage:
The site is not known to be at risk from flooding. It is proposed that surface water is disposed of via the main sewer. Policy PLP28 advises that for development on brownfield sites there should be a minimum 30% reduction in surface water run-off achieved by the use of Sustainable Urban Drainage Systems. It is considered however that such an approach is disproportionate in this case as the application relates to a single dwelling, occupying to a large extent the same footprint as the existing one. The main increase in footprint would be to the rear, into an area which is already hard-surfaced. On balance, given the nature and scale of the development and since it will presumably make use of the existing mains drainage connection, it is considered unnecessary to apply the drainage hierarchy principle or any conditions relating to flow restriction in this case.

Ecology:
The site is within the bat alert layer. Based on an external viewing of the building, it appears to be well-maintained and well-sealed and is very unlikely to provide bat roost potential. A bat survey report was submitted with the application, which also concludes that the building lacks bat roost potential. The rest of the site comprises a medium-sized domestic garden which is considered to have modest ecological value, and the site does not lie within, or close to, any extensive semi-natural habitat networks.

It is considered that in the circumstances, no further survey work is necessary and a full ecological design strategy would not be justified. But it would be justifiable to require artificial bird nesting and bat roost provision integral to the building, as recommended in the bat survey report. This can be conditioned.

Removal of permitted development rights:
Given the location of the site it is recommended that permitted development rights be withdrawn for the erection of extensions within the curtilage, so as to ensure that the setting of the adjacent Listed Building is conserved.

6 – Representations: No representations have been made.

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 – CONDITIONAL FULL PERMISSION

Decision Authorisation - Delegated Powers

Application Number: 2019/90346

Officer Recommendation: CONDITIONAL FULL 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 Policy PLP24 (as modified) of the Kirklees Local Plan.

3. Samples of all facing and roofing materials shall be submitted to, or inspected on site, and approved in writing by, the Local Planning Authority, before work on the superstructure of the dwelling commences and the development shall be implemented using the approved materials and thereafter retained.
Reason: In the interests of visual amenity and to accord with the aims of Policy PLP24 (a) (as modified) of the Kirklees Local Plan.

4. Nothing shall be permitted to be planted or erected within a strip of land 2.0m deep measured from the carriageway edge of Hungerford Road along the full frontage of the site which exceeds 1.0m in height above the level of the adjoining highway.
Reason: To ensure adequate visibility in the interests of highway safety and to accord with the aims of Policy PLP21 (as modified).

5. Prior to the development being brought into use, the approved vehicle parking areas shall be provided and cleared of all obstructions to their use. Any new hard surfacing laid in the area used for parking shall be formed in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded. The approved parking spaces shall thereafter be retained and kept free of all obstructions to their use for the parking of vehicles.
Reason: To ensure that safe and satisfactory parking arrangements are provided and retained within the site in the interests of highway safety, to ensure that any new hardstanding reduces run-off and flood risk, and to accord with the aims of Policy PLP21 (as modified), PLP22 (as modified) and PLP28 (as modified).

6. Before the dwelling hereby approved is first occupied or brought into use, one artificial bat roost feature shall be installed at least 4m above ground, avoiding the western elevation, and one artificial bird nesting feature shall be installed at eaves height, avoiding the southern elevation. In both cases these shall be integral to the new dwelling and not directly above doors or windows. These shall be installed before the hereby approved dwelling is occupied and thereafter retained.
Reason: To ensure appropriate ecological enhancement is delivered in accordance with the aims of Policies PLP24(h) and PLP30 (as modified) of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

7. One electric vehicle recharging point shall be installed within the dedicated garage or parking area of the hereby approved dwelling before it is first occupied. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.
Reason: In accordance with the aims of Policy 24(d & v) (as modified) of the Kirklees Local Plan and government guidance on air quality mitigation, outlined within the Planning Practise Guidance and Chapter 14 of the National Planning Policy Framework, so as to promote infrastructure which encourages modes of transport with low impact on air quality.

8. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed in the external eastern side wall of the dwelling at ground floor level at any time.
Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy PLP24(b) (as modified) of the Local Plan.

9. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification including paragraph A.1(ea)), no extensions shall be erected within the land edged in red on the approved location plan without full planning permission having been first obtained from the Local Planning Authority.
Reason: So as to retain adequate planning control over the site in the interests of preventing future extensions which could harm the setting of the adjacent grade 2 Listed Building, and to accord with the aims of Policy PLP24(a) (as modified) and PLP35 (as modified) of the Local Plan and the National Planning Policy Framework part 16.

Footnote:

The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			05-Feb-2019
Existing front and rear elevations	HD-A-312-008	A	12-Mar-2019
Existing ground floor plan	HD-A-312-102		05-Feb-2019
Location plan	HD-A-312-001		05-Feb-2019
Existing first floor plan	HD-A-312-003		05-Feb-2019
Proposed front and rear elevations	HD-A-312-003	C	15-Apr-2019
Proposed side elevations	HD-A-312-104	C	15-Apr-2019
Proposed ground floor plan with parking layout	HD-A-312-101	C	30-Apr-2019
Proposed second floor	HD-A-312-106	A	02Apr-2019
Proposed first floor	HD-A-312-103	A	02-Apr-2019
Proposed site plan with parking layout	HD-A-312-102	B	30-Apr-2019
Design, access and heritage statement			12-Mar-2019
Bat survey			12-Feb-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 undertook negotiations with the applicant to secure amended plans modifying the design of the proposed dwelling and clarifying the parking arrangements to ensure that it conserved and enhanced the significance of the Edgerton Conservation Area and adjacent grade 2 Listed Building, and provided adequate and safe parking.

Report Dated: 01-May-2019