

**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: 2019/62/90710/W

Site Address: 25, Hightown Lane, Holmfirth, HD9 3HY

Description: Erection of garage with terrace above, rear dormer extension and external alterations (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: 03-May-2019

Officer Report.

Reference: 2019/90710

Location: 25 Hightown Lane, Holmfirth, HD9 3HY

Proposal: Erection of garage with terrace above, rear dormer extension and external alterations (within a Conservation Area).

Site Description.

25 Hightown Lane is a two-storey end terrace property located in Holmfirth. The property is faced with regular coursed natural stone, with pebble-dash render to the side. The property benefits from a side garage with a lean-to roof with a stepped garden to the rear as well as two storey gabled extension and single storey lean-to extension. The front of the property benefits from a small pitched dormer, with a smaller one to the rear.

The site is situated within a predominantly residential area, with the Holmfirth Town Centre located just to the south and allocated Green Belt land to the north. Properties in the area share a similar traditional style, with stone terraced properties being predominant although with brick hipped properties being present.

Description of Proposal.

The proposal involves the erection of a flat roof garage with a terrace above in replacement of an existing side garage, as well as the erection of a rear dormer and replacement of the front dormer with conservation roof lights.

The garage is to be situated south-west of the site, being partially built into the stepped rear garden. The garage is to have a width of 3.75 metres and length of 6.80 metres with a flat roof. A terraced area is to be located above accessed from the stepped rear garden, with a 0.80 metre black metal balustrade. The garage is to be constructed in natural stone.

The rear dormer is to have a length of 7.90 metres with a height of 1.80 metres with a flat roof and is to project 3.50 metres replacing a smaller pitched dormer. This is to be cladded in dark grey anthracite aluminium cladding with an anthracite roof.

Additionally, the front dormer is to be demolished in replacement of two conservation roof lights. The roof of the existing two storey extension is also to be infilled to adjoin with the main roof.

History of Negotiations.

Amendments were sought as the existing front elevation was missing from the plans, with amended plans received detailing this. The agent also agreed to add a condition to ensure a 1.65 metre privacy screen on the boundary side to protect the residential amenity.

Relevant Planning History.

No relevant planning history for this site.

Representations.

The application was advertised by a site notice and neighbour letters which expired on 02/05/2019, taking into consideration additional days for each public holiday. No representations were received from this publicity.

Consultation Responses.

K.C. Highways – No objection considering the proposal retains sufficient off-street parking provision. Condition suggested to ensure the surface for the driveway is surfaced and drained in accordance with Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' that shall be added. In addition, a footnote shall be added regarding works on the highway.

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.

Kirklees Local Plan:

- **PLP 1** – Achieving Sustainable Development
- **PLP 2** – Place Shaping
- **PLP 22** - Parking

- **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
- 1) Impact on visual amenity, including any designated heritage assets
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) 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 Holmfirth 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 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 detached garage with a flat roof terrace above (replacing an existing attached garage with a lean-to roof), erection of a rear dormer extension, the replacement of the existing front dormer with two conservation roof lights and the infilling of the roof of the existing two storey extension with the main roof.

The proposed garage is to replace the existing side garage that will be set further back from the highway and would thus be of less prominence upon the street scene and the Conservation Area. The proposed garage is to have a flat roof instead of the existing pitched roof that is considered to be of no impact when considering that lean-to roofs like this are not prominent in the area nor adds to the character. The garage is to be faced with natural stone that will retain the traditional appearance of the host building and Conservation Area ensuring minimal harm upon the Conservation Area. Any harm caused by the proposed garage is to be outweighed by the public benefit by allowing for two additional off-street car parking spaces that will reduce the pressure on highway safety in the area. The garage would be adding considerable mass to the site but this is mitigated by it being built partially into the land to the rear and replacing the existing structure.

The rear dormer is to be set away from the highway and would not be visible within the Conservation Area and would thus be causing minimal harm upon the setting of this. The dark grey cladding would be complementary to the slate roofing tiles, with the flat roof being in no conflict with the host property.

The front dormer is to be replaced with two conservation roof lights, which is also to be of little harm when considering the dilapidated state of the existing pitched front dormer. Any harm caused by the loss of this dormer would be outweighed by retaining the original roof form with the more obscure

conservation roof lights that would be less prominent in the street and on 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 (as modified) ensuring minimal harm upon the Holmfirth 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 properties from the east also having visibility of the proposal.

27 Hightown Lane to the north will not be impacted by the development as it would not have any visibility of the alterations or extensions. 22 Hightown Lane to the east will also not be impacted as the replacement of the dormer to conservation roof lights would result in less potential of out looking ensuring privacy levels are unaffected.

However, 23 Hightown Lane to the south has the potential to be impacted as this property shares the boundary where the proposed garage is to be relocated to with the terrace set above this. However, it was noted during the site visit that the garage would be set on a much lower ground level than the ground at no. 23 ensuring no risk of overbearing or overlooking. In addition, the existing neighbouring garage would also obscure the view into the garden ensuring privacy. Furthermore, a condition shall be added to ensure a 1.65 metre privacy screen is installed of the southern side of the terrace to ensure the privacy of neighbours due to the lack of boundary treatment and the proximity to the boundary.

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 side extension is not deemed to result in any significant harm upon the residential amenity.

Impact on highway safety:

The proposal would not result in any additional bedrooms and would be adding two additional off-street car parking spaces to the site which would be an improvement for parking in the area. A condition will ensure that they are appropriately surfaced and that the spaces are retained for parking. Therefore, the proposal is considered to have no harm 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 on the Holmfirth 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: 2019/90710

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 protect the character and appearance of the Holmfirth Conservation Area and to accord with Policies PLP24 and 35 of the Kirklees Local Plan (as modified).

3. The hereby approved "terrace above garage" as detailed on Dwg. No. 02 shall not be brought into use until a 1.65 metre high privacy screen has been erected along the southern boundary. The privacy screen shall either form a close boarded timber fence or an obscurely glazed glass screen with obscure glazing to a minimum of Grade 4. The privacy screen shall thereafter be retained.

Reason: In order to retain a good standard of residential amenity for neighbouring properties by preventing undue overlooking of amenity areas and to accord with Policy PLP24 of the Kirklees Local Plan (as modified).

4. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained 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 any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the use specified on the approved plans and retained thereafter.

Reason: In the interests of highway safety and to achieve a satisfactory layout and to accord with Policy PLP 21, PLP 22 and PLP 24 of the Kirklees Local Plan (as modified).

NOTE: 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.

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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	1893		06/03/2019
Plans and Elevations as existing	1893 01		01/05/2019
Plans and Elevations as proposed	1893 02		06/03/2019
Heritage Statement			06/03/2019

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.

An amended existing plan was sought to show the front elevation as it was missing from the submitted plans, with these received on 01/05/2019. In addition, concerns were raised over the residential amenity of the terrace with the agent agreeing to a 1.65 metre privacy screen via email correspondence on 01/05/2019.

Report Dated:

02/05/2019