KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 73

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING CONDITIONS PREVIOUSLY ATTACHED

Reference No:	2019/70/90838/E
Site Address:	132, Lane Head Road, Shepley, Huddersfield, HD8 8DB
Description:	Variation condition 2 (plans) on previous permission 2018/92670 for erection of rear extension, replacement windows and alterations (within a Conservation Area)
Recommending Officer:	Jason Hammond

DECISION – APPROVE VARIATION OF CONDITION 2

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: 10-May-2019

Officer Report.

Reference: 2019/90838

Location: 132 Lane Head Road, Shepley, Huddersfield, HD8 8DB

Proposal: Variation condition 2 (plans) on previous permission 2018/92670 for erection of rear extension, replacement windows and alterations (within a Conservation Area).

Site Description.

132 Lane Head Road is a large two-storey detached dwelling located in Shepley, Huddersfield. The property is constructed in regular coursed natural stone with a hipped and gabled roofing form that is constructed in grey stone slate roofing tiles. The front of the property benefits from a modest driveway, with the side and rear consisting of a large garden.

The site is located in a partially residential area, with properties fairly sparsely located with houses only in close proximity to the west. Other properties are located to the north west and to the north east across the highway. 132 Lane Head Road was built in the latter half of the 19th century, with neighbouring properties built at the end of the 19th century and the dwellings to the north west built in the 1980s. Properties in the area have various designs and styles, although they predominantly share a traditional material palette of natural stone and slate roofing tiles.

Description of Proposal.

The application refers to the variation of condition 2 (plans) on previous permission 2018/92670 for the erection of rear extension, replacement windows and alterations. Condition 2, and the reasoning for the conditioning of this, are stated as follows:

"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 D2, BE13 and BE14 of the Kirklees Unitary Development Plan and Policy PLP24 of the Kirklees Publication Draft Local Plan."

This variation of condition is to alter the design of the proposed rear extension from the approved oak frame to a modern orangery with lantern roof. The footprint is to remain unchanged having a projection of 3.75 metres and a length of 7.25 metres. The roof style is to be changed from a pitched roof to a flat roof with an eaves height of 2.40 metres and height of 2.75 metres with parapet. A roof lantern is proposed meaning the extension is to have a maximum height of 3.50 metres. Sliding doors are proposed to the eastern section of the rear elevation, with two large glazing panels proposed on the western section. Folding doors are proposed on the eastern side elevation on to the proposed patio, with glazed panels on the western side elevation. The extension is to be constructed with a grey aluminium clad steel frame with a grey aluminium grey lantern and black ogee style rainwater goods with a single ply roofing system.

History of Negotiations.

Materials for the amended rear extension were not stated in the application form nor on the submitted plans and as such further details regarding this were requested. Details on the proposed materials were received 08/05/2019 which were deemed satisfactory.

Relevant Planning History.

Various applications have been made to this property:

2018/92670 – Erection of rear extension, replacement windows and alterations (within a Conservation Area)
Granted in 2005.
2005/01458 – Erection of garage extension (within a Conservation Area).
Granted in 2005.

Representations.

The application was advertised by a site notice and neighbour letters which expired on 09/05/2019, taking into consideration an additional day for each public holiday. No representations were received from this publicity.

Consultation Responses.

Kirkburton Parish Council – No comment.

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 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 principle of development for the proposal made for 132 Lane Head Road has already been assessed as part of the original application, referenced 2018/92670. However, this was assessed against the Kirklees Unitary Development Plan that was superseded by the Kirklees Local Plan in February 2019. Therefore, a revised principle of development will need to be established in this application against the Kirklees Local Plan.

A full assessment was also undertaken in the previous application, with all planning considerations being addressed that were related to the original proposal. This variation would not impact upon all of these considerations, and as such only the relevant ones will be used to assess the potential impacts of the proposed elevations:

1) Principle of development
1) Impact on visual amenity, including any designated heritage assets
2) Representations
3) 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 Shepley 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 application, the principle development on the application site is acceptable and shall be assessed against other material planning considerations below relevant to this variation of condition.

Impact on visual amenity, including designated heritage assets:

The application refers to the variation of condition 2 of the original application, with alterations to the design of the garden room proposed. The footprint is to remain the same although the roof style and detailing is to be materially different to the original proposal.

The roof is to be a flat roof with lantern and parapet, with the overall height reduced from the originally approved pitched roof. This would reduce some visual mass from the proposal which would be a visual improvement to ensure the extension is subservient to the host dwelling. The alteration to the design would introduce a more modern addition to the property although this would

be of no harm considering the small scale of the extension in comparison to the large host building. The materials are to consist of a grey aluminium clad steel frame with a grey aluminium, with this colour being considered to be in keeping with the existing palette in the host property. Therefore, the alteration in design would be of no harm upon the visual amenity of the area.

However, the site is located within the Shepley Conservation Area and as such this will need to be taken into account. The harm caused by the original proposal was explored in detail in the Officer Report of that application. The extension is to be designed in a more modern fashion compared to the traditional extension of a pitched roofs and oak detailing, which would mean potential for additional harm. The extension is to be of a small scale in non-prominent position ensuring minimal harm. Additionally, this harm is considered to be less than substantial when considering the setback location of the extension provided by the screening around the site and the differences in ground levels from the highway.

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 Shepley 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.

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. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation - Delegated Powers.

Application Number: 2019/90838

Officer Recommendation: Approve

Conditions and Reasons:

1. The development hereby permitted shall be begun no later than 9th October 2021.
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).

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
Existing Plans and Elevations	155/00-01	b	19/03/2019
Proposed Scheme Plans and Elevations	155/00-02	G	19/03/2019

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.

As submitted plans were considered to be acceptable, no changes were sought. However, proposed materials for the rear extension were not given in the application form nor on the submitted plans and as such further details regarding this was requested. Details on the proposed materials were received 08/05/2019 which were deemed satisfactory.

Report Dated: 10/05/2019