

**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: 2019/62/91503/W

Site Address: 56, Upper Clough Road, Linthwaite, Huddersfield,
HD7 5PF

Description: Erection of single and two storey extensions and
demolition of existing garage (within a Conservation
Area)

Recommending Officer: Laura Yeadon

DECISION - REFUSE

**I hereby authorise the refusal 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: 28-Jun-2019

Officer Report

Site Description

56 Upper Clough Road is a mid-terraced property located within an area which is designated as the Linthwaite Conservation Area. The property is constructed from stone and hosts a single storey extension on the rear elevation which attaches to a single storey flat roof stone structured garage. The site is sloped with the attached neighbour No. 58 on a higher ground level and No. 54 on a lower ground level. The front of the property is set on the roadside with access to the rear of the property being via a private track which is accessed to the side of No. 76.

Description of Proposal

Permission is sought for the erection of a single and two storey extensions and the demolition of the existing garage.

The proposed extension would project 9.2 metres from the rear elevation of the property and would be the full width of the rear elevation. It is also proposed to construct a first floor extension which would have a cat slide roof, projecting 4 metres from the rear elevation.

The proposed construction materials would be natural stone for the walls, dark grey tiles and slates for the roof with uPVC windows and doors.

The resultant accommodation would be a kitchen/dining room at ground floor and a study and bedroom at first floor.

History of negotiations/amendments received

No negotiations have taken place and no amended plans have been sought or submitted.

Relevant Planning History

2018/90601 Erection of extensions to rear and demolition of existing garage
(within a Conservation Area)
Conditional Full Permission

Representations

Final publicity date expired 8th June 2019 – no representations received.

Parish/ Town Council – not applicable

Consultation Responses

None required

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 Linthwaite Conservation Area on the Kirklees Local Plan.

Kirklees Local Plan

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 24** – Design
- **LP35** – 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 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity and the Conservation Area
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

The site is within the Linthwaite Conservation Area. Section 72 of the Listed Buildings & Conservation Areas Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area. This is mirrored in Policy LP35 of the Kirklees Local Plan together with guidance within Chapter 16 of the National Planning Policy Framework.

Furthermore, Policy LP1 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 National Planning Policy Framework.

2 –Impact on the Conservation Area and visual amenity

Information submitted with regards to significance

Paragraph 189 of the NPPF requires that applicants describe the significance of any heritage assets affected, including any contribution made by their setting. The Agent has provided a Heritage Statement which falls short of the tests set out in Paragraph 189. The proposed development would show limited regard to the significance of the Conservation Area in terms of the proposed projection of the extension, particularly at ground floor level.

Impact of the proposal on the significance of the Conservation Area

Policy LP24 requires that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape and that extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise the impact on residential amenity of future and neighbouring occupiers.

Paragraph 193 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset the Local Planning Authority should give great weight to the heritage asset's conservation irrespective of the level of harm.

The proposed works have been submitted following the approval of application number 2018/90601 for an alternative scheme. The previous approval granted permission for a 6.2 metre projecting ground floor extension and a 4 metre projecting first floor extension. It is proposed within this application that the ground floor would project an additional 3 metres to project 9.2 metres from the rear elevation of the property. The previous assessment of the scheme noted that the existing extension is physically attached to the garage resulting in a total projection of 11 metres. Whilst the proposed structure is less than this at 9.2 metres, the existing situation does

not have Planning Permission and as such limited weight can be afforded to it.

It is acknowledged that there are other properties within the terraced row that have rear extensions however these are much smaller in scale than the structure proposed. Whilst there is an extant permission on the site it is considered that that proposal has reached the maximum development potential for the site and it is therefore considered that the structure would harm the character and appearance of the Conservation Area. As the majority of the site would be covered with extensions, it is considered that the proposal would result in an overdevelopment of the site which would be contrary to LP24 (c) of the Kirklees Local Plan which states that with regard to good design that *“extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers”*.

Justification for the harm to significance

Paragraph 194 of the NPPF requires that the Local Planning Authority should require clear and convincing justification for any harm.

The submitted heritage statement states that the proposed wall and roofing materials would match the existing property and that the site is not seen from the highway and will not have a detrimental effect on the heritage asset, nor will it affect the character or appearance of the Conservation Area. For the reasons set out in the previous paragraph it is considered that the justification falls far short of being clear and convincing as required by paragraph 194 of the NPPF.

As such, it is considered that the proposed extensions result in an unacceptable form of development from a visual amenity and Conservation Area perspective and would be contrary to Policies LP24 and LP35 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework. In turn, the harm to the character and appearance of the Conservation Area would fail to accord with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and the NPPF. It is considered that the additional 3 metre projection over and above that already approved would fail to enhance the appearance of the Conservation Area.

3– Impact on residential amenity:

In terms of residential amenity, it is proposed that the extension would project 9.2 metres at ground floor and 4 metres at first floor. Due to the sloping nature off the land, No. 58 is on a higher ground level and No. 54 on a lower ground level than the application site with the extensions projecting to the south-west. The neighbouring property No. 58 has constructed an extension which projects 4.45 metres from the rear elevation of that property which has an eaves height which is slightly higher than that on the proposed extension. Due to the orientation of the dwellings there would not be any loss of direct sunlight to the openings. The principle of a two storey and single storey

extension has been established via the previous application and it was considered to be acceptable. Therefore the impact of an additional 3 metres at ground floor level is the matter for consideration for this application. It is considered that due to the existing situation, that a reduction of the structure by approximately 2 metres is considered to be acceptable.

As previously assessed, it is considered that taking into account the benefit to residential amenity in terms of the demolition of the garage, the presence of the existing extension along the boundary line and also the impact of the first floor extension that the proposal is considered to be acceptable in accordance with Policy LP24 of the Kirklees Local Plan and advice within the NPPF.

4– Impact on highway safety:

It is proposed to demolish the garage as part of the application however, the submitted details indicate that a parking space would be retained within the garden. As such, the proposal would not alter the existing parking arrangements.

5 – Other matters:

Biodiversity – the application site is within a ‘Bat Alert’ layer on the Council’s GIS system. Whilst formal comments have not been sought from the Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

There are no other matters for consideration.

6 – Representations:

No representations have been received.

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 proposals do not accord with the development plan and/or the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

Recommendation

Refusal

Decision Authorisation - Delegated Powers

Application Number: 2019/91503

Officer Recommendation: Refusal

1. The proposed extension, by reason of its size, scale and projection would fail to preserve the character and appearance of the host building, the terraced row of dwellings of which it forms part and the wider Linthwaite Conservation Area causing harm to its significance and to the visual amenity of the area in general. It is also considered to result in an overdevelopment of the site contrary to Policies LP24 and LP35 of the Kirklees Local Plan.
2. The harm is considered to be less than substantial harm, however, as required by paragraph 193 of the National Planning Policy Framework (NPPF), great weight has been given to the harm in assessing the impact of the proposed development. Public benefits have not been demonstrated that would outweigh the harm in this case. The development would therefore be contrary to the Council's duties under the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy LP24 (c) and LP35 of the Kirklees Local Plan and paragraphs 127. 130. 190. 193, 194 and 196 of the NPPF.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan, existing and proposed elevations and floor plans	GP01A		7 th May 2019
Heritage Statement			7 th May 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. No amendments were sought as it was considered that there were no solution to overcome concerns regarding the development.

Report Dated: 27th June 2019

