

**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:** 2019/62/91957/W

**Site Address:** 5, Two Gates, Holme Lane, Slaithwaite, Huddersfield,  
HD7 5UG

**Description:** Erection of extensions and alterations and formation  
of new access

**Recommending Officer:** Laura Yeadon

**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: 30-Sep-2019**

## **Officer Report**

### **Site Description**

5 Two Gates is a detached property which is three storeys in height. The property sits at the base of a hillside resulting in steep site topography, at right angles to the roadside. The building is a considerable age with a structure being visible on maps dating back to 1893. The property hosts a two storey extension to the side and rear of the roadside facing elevation with a garden area to the side elevation of the property facing the wooded area which separates the school from the Green Belt. On the opposite side of Two Gates is No's 3 and 4 which are a pair of semi-detached Listed Buildings.

### **Description of Proposal**

Permission is sought for the erection of extensions and alterations and the formation of a new access.

#### **Extensions**

It is proposed that the existing wrap-around extension would be extended forward of its existing front elevation and the existing element to the rear would also be extended. It is also proposed to rebuild the existing two storey extension.

*Front extension* - it is proposed that the extension would be extended forward by 4 metres and would follow the line of the boundary as the existing extension does. The width of the extension would be 4.1 meters and would be single storey in height with an eaves height of 2.7 metres rising to an overall height of 3.8 metres at the ridge of the lean-to roof which attaches to the two storey element of the existing extension. The resultant accommodation would be a lobby, utility room and cloak room with the extension being constructed from natural stone with a stone slate roof and timber effect windows and doors.

*Rear extension* – it is proposed that the extension to the rear would be extended. The extension would lie flush with the existing rear elevation and would be a continuation of the existing eaves and ridge height. The extension would project a further 4 metres across the rear elevation projecting off the side by 1.4 metres. The extension would result in the coal house and utility room being replaced with an extended kitchen and dining room. The extension would be constructed from natural stone with a stone slate roof and timber effect windows and doors.

*Side extension* – it is proposed to rebuild the two storey side extension with the same dimensions as existing. The extension would be rebuilt using reclaimed stone.

### Alterations

External alterations are proposed within all four elevations of the proposal and include the following:

*South (side) elevation* – existing filled in windows to be reopened with new windows installed; new bi-folding doors installed with stone cill and jambs to match the existing; the existing chimney flue being replaced; walls to be repointed; and certain sections of the wall rebuilt in line with the previously submitted Structural Report.

*East (front) elevation* – existing roof to be stripped and new felt and existing natural stone tiles re-installed; existing gutters and down pipes to be replaced; and new double glazed windows installed throughout with natural stone jambs, cills, heads and mullions to be replaced as required.

*North (side) elevation* – new black soil pipe installed; new double glazed timber effect windows with natural stone jambs, cills, heads and mullions replaced as required; and new ground floor windows inserted within two storey extension

*West (rear) elevation* – new roof lights installed to the single storey roof, 2 no. roof lights installed to main roof; natural stone corbels introduced to rear elevation to carry new gutters; and new double glazed timber effect windows with natural stone jambs, cills, heads and mullions replaced as required; existing filled in windows to be re-opened with new windows installed

### New access

It is proposed that a new vehicular access is created off Two Gates which would enable a driveway to be created which would run across the front of the property to a parking area for 3 no. vehicles which would be created to the side of the property in front of the raised garden. It is proposed that the access would be gated with 1 metre high gates positioned on 1.1 metre high natural stone piers.

### **History of negotiations/amendments received**

Concerns were raised following the consultation response from Conservation and Design in terms of the impact the scheme would have on the adjacent Listed Buildings. It was requested that the scheme be revised with a simpler form and materials and details more in keeping with existing buildings. In response, the Agent amended the plans and following further discussions, the proposed terrace to the garden side of the building was removed. The final amended plan received is (0-)02 Rev: H which is the plan which forms the basis of this assessment. In addition, a Bat Survey was submitted at the request of the Ecology Officer.

### **Relevant Planning History**

2016/94291 Erection of extensions and alterations  
*Conditional Full Permission*

## **Representations**

Final publicity date expired 31<sup>st</sup> July 2019 including the newspaper advertisement – no representations received

Parish/ Town Council – not applicable

## **Consultation Responses**

K.C. Conservation and Design – initial concerns regarding the design of the extensions which were requested to be simplified either by using pitched or lean-to roofs or by reducing the number of extensions. Following the submission of amended plans and the removal of the terrace, the scheme is now satisfactory.

K.C. Policy – proposal does not accord with Policy LP61 as the proposed extension and access would represent a departure from the Plan however consideration needs to be given with regard to other material considerations in this instance

K.C. Ecology – initial Bat Survey requested. Following the submission of the Survey and its contents discussed with the Ecologist, no objection subject to the imposition of an appropriate condition

## **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 27<sup>th</sup> February 2019).

The site is designated as Unallocated Land on the Kirklees Local Plan with the garden area to the side being located within Urban Greenspace.

## **Kirklees Local Plan**

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 28** – Drainage
- **LP 30** – Biodiversity and geodiversity
- **LP 35** – Historic Environment
- **LP 61** – Urban Greenspace

## **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19<sup>th</sup> February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 2 – Achieving sustainable development
- 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 adjacent Listed Buildings:
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology (e.g. bats)
- 5) Representations
- 6) Conclusion

### 1 – Principle of development:

The site is without notation on the Kirklees Local Plan. 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. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

In this case, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity and highway safety.

In this case, the property itself is within Unallocated Land with the garden area to the side within Urban Greenspace on the Kirklees Local Plan. Policy LP61 accords with national guidance by restricting proposals for development subject to a limited number of exceptions. The Policy states:

*“Development proposals which would result in the loss of urban green space (as identified on the Policies Map) will only be permitted where: a. an assessment shows the open space is clearly no longer required to meet local needs for open space, sport or recreational facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value; or b. replacement open space, sport or recreation facilities which are equivalent or better in size and quality are provided elsewhere within an easily accessible location for existing and potential new users; or c. the proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space.*

*The protection set out in this policy also applies to smaller valuable green spaces not identified on the Policies Map.”*

This is mirrored in the paragraph 97 of the NPPF which states:

*“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use”*

In this instance, the site has benefitted from a previous planning approval as set out above under 2016/94291. At the time of the previous Officer Report, the Kirklees Local Plan was in a draft format and it is cited within that report that under reference UGS872, the site was proposed to be removed from the Urban Greenspace. However, it has not been removed. The Planning Policy Officer has commented that the works do not accord with Local Plan Policy LP61 and would represent a departure from the plan. Comments received state that in this case, the primary purpose of the allocation of this Urban Greenspace is in relation to educational and sporting use (playing pitch) relating to the function of Slaithwaite CE Junior and Infant School and grounds. The residential curtilage/garden adjoins the school grounds but does not form part of it and the proposed extensions would not affect the function and quality of the of the primary Urban Greenspace allocation. The Officer cites that consideration will need to be given to whether these circumstances constitute material considerations in this instance and what weight can be attached to them.

In response, the Agent has submitted further justification and states the following:

*“The garden of the above property is currently allocated as Urban green space on the Local Plan Map, however; it has never been used for sport or*

*recreational facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value. I would suggest there is no loss of Urban green space.*

*I note that some urban green spaces have been designated as such for purposes other than sport and recreation and may not have public access i.e. important spaces for visual amenity, landscape and biodiversity, but the proposed extension sits close to the existing building, it is also set back from the front elevation, meaning the general public will be unaffected.”*

Taking into account all the above and the previous application which was not considered as, or advertised as a departure from the former Unitary Development Plan, it is not considered that the development would result in a loss of Urban Greenspace as the dwelling and its curtilage are clearly defined. The proposed extensions and access would not affect the existing open space, sports and recreational buildings and land, including the playing fields.

As such, it is considered that the principle of developing this residential site for residential purposes is considered to be acceptable.

## 2 –Impact on visual amenity and the adjacent Listed Buildings:

Two Gates is a small group of dwellings originating in the late 18<sup>th</sup> century. Its earliest dwellings are No. 3 (late 18<sup>th</sup> century) and No. 4 (early 19<sup>th</sup> century) which are Grade II listed. The application site dates from early mid 19<sup>th</sup> century and No. 1 and 2 date from the late 19<sup>th</sup> century. All five dwellings are traditional in design and constructed from stone with stone slate roofs with rows of mullioned windows. Holme Lane narrows as it approaches No. 5 and No. 3 Two Gates, which are 7 metres apart at their nearest point. The two buildings create a focal point in the street which has a backdrop with a rural character including fields, drystone walls and a narrow lane without pavements. No. 5 therefore makes an important contribution to the setting of the Grade II Listed Building and together they create an attractive townscape.

The application site, No. 5 has benefitted from a two storey pitched roof addition to the north side elevation between the dwelling and the roadside and single storey lean-to extension on the rear elevation. Both additions appear to have been constructed not long after the main body of the dwelling and have similar details and materials.

Prior to the submission of amended plans it was considered by the Conservation and Design Officer that the single storey lean-to extension would not be in keeping with the existing building or the local townscape and would have a harmful impact on the setting of the listed building and the townscape, particularly the use of large expanses of glass. In addition, it was cited that the two further extensions would lead to the building having a very complex form comprising of three, two and single storey elements, pitched, lean-to and flat roofs. It was considered that the impact of the extensions would be compounded by the use of materials not in keeping with the existing building to create an unsatisfactory composition.

Following discussions and subsequent amendments to the proposed scheme which introduced more traditional features to the extensions it is considered that the harm to the facing Listed Building has been minimised and therefore, in terms of the impact on the setting of the Listed Building, this is considered to be acceptable in accordance with Policy LP35 of the Kirklees Local Plan and advice within the NPPF.

In terms of the impact of the scheme on general visual amenity, works to the property had commenced at the time of the site visit. Whilst the extensions are single storey with the two storey element being rebuilt, these additions are clearly subservient when viewed against the substantial three storey dwelling. The works do not significantly add to the scale or massing of the dwelling and the repointing and replacement windows throughout would serve to future proof the building without detracting from the historical interest of the building and the other dwellings within Two Gates.

The extensions are proposed to be constructed of reclaimed natural stone with natural stone corbels, cills and jambs. The use of natural stone will assist in retaining the historical and architectural features of the building. In line with the previous approval on the site, it is considered to re-impose the condition previously included on the decision notice which stated that the pointing shall be carried out within the confines of the of the joint using a lime based mortar and shall be recessed. This is to ensure that the rebuilding of the property is undertaken in a sympathetic manner, and the lime-based mortar is used to ensure the breathability of the masonry, in accordance with Policy LP24 of the Kirklees Local Plan.

It is also proposed that a new access would be located off Two Gates which would be accessed via 1 metre high gates. It is considered that the gates, due to their limited height, would not be visually intrusive. No details have been submitted regarding the finishing material for the driveway however this can be controlled by an appropriate condition.

Given that the proposed design has been reduced in overall scale by removing the terrace, the side and rear extensions are considered to sit more comfortably within the site and it is not considered that the additions would result in an overdevelopment of the site and would accord with Policy LP24 of the Kirklees Local Plan and advice within the NPPF. However, in order to ensure this remains the case it is considered necessary to remove permitted development rights to prevent any further development. A condition is imposed.

### 3 – Impact on residential amenity:

Due to the siting of surrounding development the dwellings which could be potentially impacted on by the proposal are No's 3 and 4 Two Gates which are the facing Listed Buildings. It is proposed that ground floor side elevation openings are proposed within both the side and rear extensions which would serve the kitchen area of the property. As these would be isolated to the

ground floor, separated from the facing dwellings by a minimum of 9 metres and the road in addition to being set slightly oblique to the façade of the neighbouring properties, it is considered that these openings are considered acceptable in terms of overlooking. There are no other new openings proposed within this elevation however it is proposed to re-instate one of the first floor windows adjacent to two existing windows. It is not considered that to re-instate this opening would be detrimental.

The alterations to the rear elevation also includes the reinstatement of 1 no. openings that has previously been infilled. As there are no other residential properties beyond the rear elevation of the property, these are also considered to be acceptable. Larger openings are proposed within the south side elevation which would face the garden area which would not impact on any neighbouring properties.

Due to the siting of the extensions, adjacent to the roadside and to the rear of the property, it is not considered that the proposed development would cause undue harm in terms of overshadowing and/or being overbearing.

In summary, it is considered that the proposed development is acceptable in terms of residential amenity and would accord with Policy LP24 of the Kirklees Local Plan and advice within the NPPF.

#### 4 – Impact on highway safety:

In terms of highway safety, the proposal also seeks to create a driveway to the front of the property and a parking area adjacent to the garden. There is currently no off-street parking provision and therefore to create off-street parking would be an improvement to highway safety, especially due to the on road restrictions due to the adjacent school and also the narrowness of the road itself. No details have been submitted with regards to the finishing materials for the driveway or parking area. In the interest of highway safety a condition should be attached to the decision notice regarding the surfacing and draining of the parking area to avoid surface water run-off in the interests of highway safety. Due to the layout of the proposed entrance it is not considered necessary to include a footnote relating to a dropped crossing. This would accord with Policy LP21 of the Kirklees Local Plan and advice within the NPPF.

#### 5 – Other matters:

Ecology – The site is within a Bat Alert layer on the Council's Gazetteer mapping system and therefore the Council's Ecology Officer was formally consulted as part of the application process. Initial comments submitted indicated that the building is a type where roosting bats are likely to be present and therefore a Bat Survey was requested. This was subsequently received on 20<sup>th</sup> August 2019. The results of the Survey confirms the presence of a small bat roost in the roof structure, confirming that appropriate licensing arrangements need to be made to prevent a criminal offence occurring. The report also outlines mitigation method statement that will

inform licensing, but states that an additional survey visit will need to support licensing. Following discussions between the Council's Ecologist and the consultant ecologist, the Council's ecologist has confirmed that they are satisfied that appropriate mitigation can be secured through the mitigation required under the Bat Low Impacts Licence and is satisfied that the presence of bat roosts is appropriately addressed through the use of the an appropriate condition. The suggested condition shall be included on the decision notice as requested. This would accord with Policy LP30 of the Kirklees Local Plan and advice within the NPPF.

#### 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 would constitute sustainable development and is therefore recommended for approval.

#### **Recommendation**

**Approve**

#### **Decision Authorisation - Delegated Powers**

**Application Number:** 2019/91957

**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 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 LP1, LP2, LP21, LP22, LP24, LP28, LP30, LP35 and LP61 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

**Reason:** In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

4. The formation of any parking area and driveway shall be drained and surfaced in accordance with the Communities and Local Government; and Environment Agency's '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 (England) 2015 as amended (or any Order revoking or re-enacting that Order) the parking area shall be so retained thereafter.

**Reason:** In the interests of amenity and traffic safety and to avoid an increase in flood risk through surface water run-off and in accordance Policies LP21 and LP28 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

5. All pointing shall be carried out within the confines of the joint using a lime-based mortar and shall be recessed.

**Reason:** To ensure that the rebuilding of the property is carried out in a sympathetic manner, and that lime-based mortar is used to ensure the breathability of the masonry. This is to ensure that the development accords with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

**NOTE:** Weather-struck, strap or ribbon pointing is not permitted.

6. No works affecting the roof or roof verges of the existing structure shall take place in any circumstances unless the local planning authority has been provided with either:

a. a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead;

b. written confirmation of Site Registration under the Low Impact Bat Class Licence;

c. a statement from a suitably qualified ecologist, agreed in writing by the Local Planning Authority, to the effect that suitable measures are in place to ensure the development can proceed without resulting in an offence under regulation 43 of the Conservation of Habitats and Species Regulations 2017.

**Reason:** To ensure adequate mitigation for effects on roosting bats in accordance with LP30 of the Kirklees Local Plan and advice within the National Planning Policy Framework and to ensure the proposed works do not

result in a criminal offence under the Conservation of Habitats and Species Regulations 2017.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, B, D and E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority with the site outlined in red on the hereby approved location plan.

**Reason:** To ensure any additions and extensions remain subservient to the host and to prevent the over development of the site, in the interests of protecting the character and appearance of the area, and to accord with Policies LP24 and 35 of the Kirklees Local Plan and Policies in Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan, existing elevations and floor plans	(0-)01		24 <sup>th</sup> June 2019
Proposed site plan, elevations and floor plans	(0-)-2 Rev: H		16 <sup>th</sup> September 2019
Bat Survey	Middleton Bell Ecology		20 <sup>th</sup> August 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. Concerns were raised following the consultation response from Conservation and Design in terms of the impact the scheme would have on the adjacent Listed Buildings. It was requested that scheme be revised with a simpler form and materials and details more in keeping with existing buildings. In response, the Agent amended the plans and following further discussions, the proposed terrace to the garden side of the building was removed. The final amended plan received is (0-)02 Rev: H which is the plan which forms the basis of this assessment. In addition, a Bat Survey was submitted at the request of the Ecology Officer.

**Report Dated:** 26<sup>th</sup> September 2019

