

**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: 2019/62/92082/E

Site Address: Meadow Cottage, 38, Manor Road, Farnley Tyas,
Huddersfield, HD4 6UL

Description: Removal of boundary wall, erection of new boundary wall, alterations to existing garden to form off road parking and erection of domestic shed (within a Conservation Area)

Recommending Officer: Josh Kwok

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 23-Aug-2019

Officer Report

Site Description

The application site is no.38 Manor Road, Farnley Tyas. It consists of a two storey stone built semi-detached property, timber framed porch to the front, a parking area and elevated garden to the side and a patio to the rear. The boundary treatment consists of a coursed stone retaining with stone piers and timber panel fencing above. The site and its surrounding area are purely residential characterised by two storey stone built properties with a traditional appearance. All properties on Manor Road fall within the Farnley Tyas Conservation Area.

Description of Proposal

Permission is sought retrospectively for the removal of the existing boundary wall, erection of a new boundary wall, alterations to the existing garden to form an off road parking area and the erection of a domestic shed (within a Conservation Area). The details of the proposal are set out as follows:

- The original dry stone wall is removed and earth behind it is excavated to form an off road parking area (26.6sqm.) with a coursed stone retaining wall to side and rear.
- Stone piers and timber fencing panels of approximately 0.8m in height are installed above the retaining wall.
- A domestic timber shed (1.8m x 1.5m x 2.1m) is to be erected to the side of the property on the elevated garden.

History of negotiations/amendments received

No amendments sought during the course of this application. However, pre-application discussion has been held with the conservation officer in order to establish the acceptability of the proposal from a heritage conservation perspective.

Relevant Planning History

2019/91255 – Certificate of lawfulness for existing off road parking to side of dwelling (within a Conservation Area) – (38, Meadow Road) – Invalid

Representations

This application was advertised by site notices, neighbour letters and news adverts, which expired on 02-Aug-2019. As a result of the above publicity, four representations were received from the occupants of the neighbouring

properties. Three of these are in support of the application and one is in objection to the application.

The comments set out in the objection are as follows:

- The proposal is out of character with the surrounding area
- The retaining wall and fence by reason of their height is too prominent from Manor Road
- The hard surface may increase surface water runoff

The comments received in support of the application are summarised as follows:

- The formation of an off road parking area can ease the congestion currently experienced by the occupants of the neighbouring properties
- The dry stone wall was in very poor condition and potential in danger of collapse; the new retaining wall helps address this issue
- The proposed development is sympathetic to the nature of the house

Kirkburton Parish Council – “Approve”

Consultation Responses

KC Highways DM – no objections to the proposal and it improves highway safety by reducing the number of cars parked on Manor Road.

KC Conservation & Design – consider the proposal to be of minimal harm to the Conservation Area. Some concerns in terms of the siting of the garden shed.

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 unallocated on the Kirklees Local Plan. It also falls within the Farnley Tyas Conservation Area.

Kirklees Local Plan (KLP):

- **LP 01** – Achieving sustainable development
- **LP 02** – Place shaping
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 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 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on historic environment
- 3) Impact on visual amenity
- 4) Impact on residential amenity
- 5) Impact on highway safety
- 6) Other matters
- 7) Representations
- 8) Conclusion

1 – Principle of development:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan. This policy stipulates that proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

2 – Impact on historic environment:

Given the location of the site being within a conservation area and adjacent to a grade II listed building at no.32 Manor Road, the development proposal should be considered with reference to policy LP35 of the KLP and chapter 16 of the NPPF that requires great weight be given to the preservation of designated heritage assets, which include but are not limited to, conservation areas and listed buildings. In particular, development proposal should seek to sustain and, where possible, enhance the significance and character of these assets. In determining applications, local planning authorities as required in paragraph 190 of the NPPF should identify and assess the particular

significance of any heritage asset that may be affected by a proposal. Where less than substantial harm is to be caused by a proposal, it shall be weighed against the public benefit arise as a result of such a proposal.

Farnley Tyas Conservation Area does not have a conservation area appraisal. Farnley Tyas is a stone built village in a country setting. It has an identifiable core with public house, church and school, together with numerous farm groups and cottages. The application property being a stone built cottage of a traditional appearance makes a positive contribution to the significance and character of the conservation area. The dry stone wall at the application site alongside those at the neighbouring site are a defining feature in this part of the conservation area.

Considering the proposal in this context, it is acknowledged that the replacement of the dry stone wall with a coursed stone retaining would have some impact on the character of the conservation area. However, the retaining wall (excluding piers and fencing panels) is not significantly higher than the dry stone wall, which it has replaced. Additional to this consideration, the retaining wall is constructed in coursed natural stone to match the existing property at the site. Concerning the 0.8m high stone piers and timber fencing panels, this would be an appropriate addition to the boundary treatment of the site. In view of the above, officers consider the proposal to be of less than substantial harm to the significance and character of the conservation area.

The proposal, if permitted, is likely to benefit local communities by reducing the number of parked vehicles on a narrow and frequently congested road. The impact on highway safety and parking currently experienced by the neighbouring occupiers is likely to be reduced as a result of the proposal. For this reason, it is considered that the public benefit of supporting the proposal to highway safety and parking significantly and demonstrably outweigh the harm to the significance and character of the conservation area. Accordingly, officers are of a view that the policy requirement in paragraph 190 of the NPPF has been met. The development proposal can be, on balance, supported on this occasion.

Concerning the impact on the setting of the adjoining listed building no.32 Manor Road, it is deemed to be minimal in this instance taking into account the relationship between the proposal and the listed building. It is acknowledged that the application property does contribute to the setting of the listed building to an extent that it helps sustain the residential character of the area. The proposed development does not disrupt the relationship between the application property and the adjoining listed building in any respect.

It is noted that comments have been received from the Council's Conservation and Design Officer with respect to the siting of the proposed shed. This is noted, however given the nature and scale of the garden shed as already discussed above, officers again do not find it significantly detrimental to the significance and character on the conservation area and the listed building.

In conclusion, whilst the proposal is considered to have less than substantial harm to designated heritage assets, the above assessment has demonstrated that the harm to these assets would be significantly outweighed by the public benefit to highway safety and efficiency. On this basis, the proposal could be, on balance, supported from a heritage conservation perspective and consistent with policy LP 35 of the KLP and chapter 16 of the NPPF.

3 – Impact on visual amenity:

Planning permission is sought to replace the original dry stone wall with a new retaining wall and to form an off road parking space. It is recognised that it involves a significant amount of engineering works, which include excavating and re-leveling the garden to form a flat surface for parking. Officers acknowledge this has to a degree resulted in some change in the character and appearance of the street scene. However, given the new retaining wall is of a similar height as the original dry stone wall, it is considered, in this instance, that the scale of development can be acceptable from a visual amenity perspective. In terms of the additional piers and fencing panels above the retaining wall, they appear to be similar in height compared to the agricultural post and rail fencing to the side and the rear of the application site. Therefore, whilst the visual impact of these additional elements is noted, it is not unduly detrimental to the appearance of the application property and the character of the surrounding area.

The new retaining wall constructed in coursed natural stone does differ from the original dry stone wall at the application site and the neighbouring sites on Manor Road. This is not however substantially harmful to visual amenity when taking into account the walling material of the application property as well as the neighbouring properties. For this reason, officers consider the materials of construction, on balance, acceptable in visual amenity terms.

In all, the development proposal is of a satisfactory quality in terms of scale, design and materials. It is sympathetic to the appearance of the application property and the character of the surrounding area. The impact on the street scene is not considered unduly detrimental on this occasion for all the reasons already outlined in the above section as well as in the historic environment section. The proposal is, on balance, acceptable from a visual amenity perspective and consistent with policy LP24 of the KLP and chapter 12 of the NPPF.

4 – Impact on residential amenity:

The proposal by reason of its nature has no effect on the living conditions of the occupants of the neighbouring properties at nos.32 and 49 Manor Road. The proposed development does not conflict with the aims of policy LP24 of the KLP from a residential amenity perspective.

5 – Impact on highway safety:

The development proposal would improve highway safety by forming two parking spaces off road. This would be consistent with policies LP21 and LP22 of the KLP. KC Highways DM have been consulted; no objections have been raised as a result of this consultation.

The applicant has already surfaced the parking area with tarmac, which is an impermeable material. This may increase the surface water runoff to Manor Road. Notwithstanding this consideration, officers observed during the site visit that a number of properties in the vicinity of the site have already had their driveways surfaced with impermeable materials. Given the proposed parking area is modest in scale compared to that of the neighbouring properties, it is felt that the increase in surface water runoff is unlikely to be significant enough to cause a highway safety concern. Furthermore, the benefit for providing an off road parking area is, in officers' view, significantly greater than the harm by reason of the potential increase in surface water runoff. KC Highways DM confirms that they have no objections to the proposal and do not find it necessary to impose specific conditions in the consultation response received on 22-Aug-2019.

In light of the above circumstances and on balance, the proposal could be acceptable in terms of highway safety, efficiency and parking and complaint with policies LP21 and LP22 of the KLP.

6 – Other matters:

There are no other matters considered relevant to the determination of this application.

7 – Representations:

Four written representations have been received from the occupants of the neighbouring properties as a result of the statutory publicity. The following views have been expressed in those representations.

- The proposal is out of character with the surrounding area
Officer response: This matter is already addressed in the visual amenity section and the historic environment section in this report.
- The retaining wall and fence by reason of their height is too prominent from Manor Road
Officer response: The retaining wall itself is of a similar height as the original dry stone wall. The additional piers and panel fencing is considered satisfactory in scale from visual amenity and heritage conservation perspectives.
- The hard surface may increase surface water runoff
Officer response: This issue is already considered in the highway safety section in this report.
- The formation of an off road parking area can ease the congestion currently experienced by the occupants of the neighbouring properties

Officer response: This is already assessed in the highway safety section in this report.

- The dry stone wall was in very poor condition and potential in danger of collapse; the new retaining wall helps address this issue

Officer response: Officers have concluded in the highway safety section that the proposal improves highway safety.

- The proposed development is sympathetic to the nature of the house

Officer response: This matter is already addressed in the visual amenity and historic environment section in this report.

The above representations have been carefully considered in the assessment of the development proposal. On this occasion, officers have concluded that the benefit of the proposal to highway safety is greater than the impact on visual amenity and historic environment. Accordingly, it is considered that the proposed development has achieved a net gain across each overarching objectives as identified in paragraph 8 of the NPPF and that it constitute sustainable development.

8 – 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: 2019/92082

Officer Recommendation: Approve

1.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 Policies LP21, LP22, LP24 and LP35 of the Kirklees Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan			01-Jul-2019
Proposed elevations and floor plans			01-Jul-2019
Block plan			01-Jul-2019
Heritage statement			01-Jul-2019
Existing elevations and floor plans			01-Jul-2019
Shed Elevations			01-Jul-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 are sought in this instance as the development proposal is considered acceptable in its submitted form.

Report Dated: 22-Aug-2019