

**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: 2019/70/92204/E

Site Address: 34, North Gate, Upper Hopton, Mirfield, WF14 8ET

Description: Variation of condition 2 (plans and specifications) on previous permission 2018/92241 for Erection of single and two storey rear extension (Listed Building)

Recommending Officer: Jennifer Booth

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: 05-Sep-2019

OFFICER REPORT

Site Description

34 North Gate is a two storey terraced property with a small amenity space to the front, a garden to the rear which is split by the access lane and a single storey extension to the rear. The house is constructed with hammer dressed stone, slate roof tiles and timber framed windows. The adjoining terraced houses are also made of very similar materials. This property and the others within the road are grade II listed.

The property is surrounded by open fields, which are marked as Green Belt in the Kirklees Local Plan.

Description of Proposal

Planning permission was granted under 2018/92241 for the erection of a single and two storey extension to the rear.

The current application is seeking permission to alter the roof over the single storey element to a steeper slope with changes to the fenestration on the rear elevation.

History of negotiations

There were some concerns with the initially submitted plans in terms of the new roof form and the proposed roof lights. After discussion with the Conservation Officer, the scheme has been amended to remove the roof lights.

Relevant Planning History

2018/92241 – single and two storey rear extension – approved

2018/92242 – listed building consent for single and two storey rear extension - granted.

Also of relevance are the two applications detailed below for the adjoining 32 North Gate

96/91081 – erection of two storey rear extension – granted

96/92200 – listed building consent for two storey rear extension - granted

Representations

The application was advertised by site notices, press notice and neighbour letters, which expired on 16/08/2019

As a result of the above publicity, no representations have been received.

Mirfield Town Council has been consulted although no comments have been received.

Consultation Responses

K.C. Conservation & Design – support the amended plans

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 Green Belt on the Kirklees Local Plan Proposals Map

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design
- **LP 35** - Historic Environment
- **LP 57** – Extension, alteration or replacement within Green Belt

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, and 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 13 – Protecting green belt land
- 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
- 2) Impact on residential amenity
- 3) Impact on highway safety

- 4) Other matters
- 5) Representations
- 6) Negotiations
- 7) Conditions
- 8) Conclusion

1 – Principle of development:

The site is within the Green Belt on the Kirklees Local Plan (KLP). Policy PLP1 (as modified) of the KLP 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. In terms of extending and making alterations to a property, Policy PLP24 (as modified) of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

Furthermore with the position of the property within the Green Belt, the proposal will be assessed having regard to Policy LP57 and NPPF chapter 13 which advise that development in such areas should be considered having regard to their impact on the openness of the Green Belt and the extent to which the existing building remains the dominant element, and should not create disproportionate additions.

The National Planning Policy Framework and the Kirklees Local Plan both support limited extensions to buildings within the green belt. For extensions within the green belt to be considered acceptable, it is essential that they should neither prejudice the open character of the green belt nor be discordant in themselves or in relation to the host property.

As part of the previous application, it was considered that given the host property is part of a grouping of dwellings which form an “L” shape of development then this particular area does not have a particularly open character. Furthermore, a number of the dwellings within the grouping do have some form of rear extension. The design and scale of the proposed extension was considered to represent an appropriate form of development within the green belt which respects the traditional character of the host property and would not represent a disproportionate addition to the dwelling. It is noted that the alteration proposed would alter the appearance of the extension. However, it would not increase the bulk and massing of the overall extension and is not considered to change how the proposed extension relates to the Green Belt.

The property itself is a listed building and as such consideration must also be given to how the proposal will affect the character of the listed building in line with policy PLP35 and the NPPF, Chapter 16 – Conserving and enhancing the historic environment.

These issues along with other policy considerations will be addressed below.

2 – Impact on visual amenity:

The property is sited within a semi-rural area with sporadic development. It is noted that the host property is part of a grouping of similar stone cottages. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

The scale of the development was agreed previously and the alteration is not considered to increase the scale of the extension outside the scope of the previous approval. The materials proposed would remain the same and with the removal of the roof lights the appearance is considered to be acceptable. The other alterations to the fenestration are also considered to form an acceptable relationship with the host property.

Having taken the above into account, the proposed extension would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan and the aims of chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

The changes proposed in terms of the fenestration and roof form would not have any impact on the neighbouring properties.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan and Paragraph 127 (f) of the National Planning Policy Framework.

4 – Impact on highway safety:

The proposals will not result in an intensification of the domestic use. However it is noted that the host property does have a parking area to the rear of the property on the opposite side of the access track to the main house which is considered to represent a sufficient provision. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan.

5– Other matters:

There are no other matters for consideration.

6 – Representations:

None

7 – Negotiations:

None

8 – Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Matching materials to ensure that the extensions harmonise with the host property as using alternative materials would look out of place within the street scene.

It is also considered appropriate to condition the installation of appropriate windows to ensure the best possible relationship is formed between the extensions and the listed building.

9 – Conclusion:

This application to vary condition 2 of the approved 2018/92241 at 34 North Gate has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be acceptable.

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.

As set out above, 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: 2019/92204

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, and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of 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 the aims of chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the submitted details, the windows within the extension hereby approved shall be of a slim line timber construction with a painted finish using a colour from the Dulux Heritage Range or equivalent and thereafter retained.

Reason: To ensure that appropriate windows are installed within this Listed Building and to sustain the significance of the heritage asset in accordance with LP35 of the Kirklees Local Plan and the aims of chapter 16 of the National Planning Policy Framework.

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 and 18.30 hours, Mondays to Fridays

08.00 and 13.00hours, Saturdays

With no working 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	Web ID	Date Received
Existing plans	B01	758358	01/07/2019
proposed plans (sections)	B03a	758356	01/07/2019
Proposed plans	B02c	766855	29/08/2019
Supporting letter	-	758359	01/07/2019

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 Planning 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.

There were some concerns with the initially submitted plans in terms of the new roof form and the proposed roof lights. After discussion with the Conservation Officer, the scheme has been amended to remove the roof lights.

Report Dated 04/09/2019