

**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: 2019/62/92328/E

Site Address: 77, Butts Road, Farnley Tyas, Huddersfield, HD4 6TZ

Description: Erection of single storey rear extension (within a Conservation Area)

Recommending Officer: Katie Wilson

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.

Julia Steadman

AUTHORISED OFFICER

Date: 10-Sep-2019

Officer Report

Site Description

The application site is 77, Butts Road, Farnley Tyas. It consists a detached, 2-storey house built into sloping land with single storey elements to the back at first floor level. It appears that it was formerly two properties dating from the Victorian era or before with later single storey additions at the back on raised ground.

The walls are natural stonework and it has a series of dual pitched roofs surfaced in stone slates. The house fronts directly onto Butts Road, with off street parking to western side and steps beyond leading up to main entrance. There is garden area to the back and opposite side of the house.

On adjacent land to the eastern side is a relatively new detached 2-storey house with accommodation at second floor level, and there is a quite recently built residential cul-de-sac estate of detached houses to the western side and at the back, on higher ground. Beyond there are open fields, a church and a first school.

The site is also within Farnley Tyas Conservation Area.

Description of Proposal

Planning permission is sought for erection of a single storey rear extension.

- Rectangular footprint infilling a corner of the existing single storey elements of the existing house. Projecting 4.5m from the kitchen and 3.1m from the existing sitting room.
- Flat roof design approximately 2.68m overall height with central lantern style roof light a further 0.6m high.
- Floor to ceiling windows in both exterior walls and patio doors in the north east facing elevation.
- The walls would be largely glazed within an oak framework. The roof is a single ply membrane.

History of negotiations/amendments received

No amendments were sought or received during the course of this application.

Relevant Planning History

88/04990 – Conservation area consent for demolition of part of existing boundary wall. Consent granted.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=88/04990>

88/05364 – Formation of pavement crossing for vehicular access. Granted conditionally.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=88/05364>

94/92438 – erection of pitched roof to replace flat roof. Conditional full permission.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=94/92438>

Representations

Final publicity date expired: 4th September 2019. No representations received during the course of this application.

Kirkburton Parish Council comments: No comment

Consultation Responses

KC Conservation & Design: informal advice – No concerns.

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 Farnley Tyas Conservation Area on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **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 12 – Achieving well-designed places
- Chapter 16 – Conservation and enhancement of Historic environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity (including any heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Representations
- 7) Conclusion

1 – Principle of development:

The application site is on land without notation on the Kirklees Local Plan and as such policy LP 24 is applicable. It seeks to make sure that development proposals promote good design by ensuring a range of criteria including extensions to buildings.

The site is also within Farnley Tyas Conservation area and as such chapter 16 of the NPPF and policy LP35 of the Kirklees Local Plan are applicable.

The NPPF states (amongst other things) that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

It goes on to say that any harm or loss of significance (from its alteration or development within its setting) should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy LP35 of the KLP reflects this saying that *Proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to (amongst other things) the need to: ensure that proposals within Conservation Areas conserve those elements which contribute to their significance;*

The principle of extensions to this property is acceptable provided that it meets the detailed criteria.

2 –Impact on the Conservation Area and visual amenity:

In terms of chapter 16 of the NPPF and policy LP35 of the KLP, the proposal given its scale and position may be considered to lead to less than substantial harm to the significance of Farnley Tyas Conservation area designated

heritage asset. Paragraph 196 of the NPPF says that this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.

In this instance the proposal has been assessed by a conservation and design officer who raises no concerns about the impact of the proposal upon the conservation area or the setting of St Lucius' church (Listed Building).

In relation to the conservation area, the proposed extension is an acceptable contrast to the design of the existing house as in officer's opinion it neatly fills a small corner of the house and it is largely glazed and transparent, so it would sit quite lightly against the solidity of the existing building, retaining its character to a large extent. It is also in an elevated position and set back from the road frontage, and so would have very limited impact when viewed from this direction. It is also enclosed by other elements of the existing building or surrounding garden and neighbouring properties, and so is discreetly positioned away from public areas.

In relation to the setting of St Luicius's Church, which is a listed building, there are several two-storey, detached dwellings forming a row to the east of the application site which effectively screen the proposed single storey extension from this listed building and so it would have very limited, if any, impact upon the setting of this listed building (and as such, the application has not been advertised as affecting the 'Listed Building Setting'.

As such the proposal would cause no harm and is considered to be compliant with chapter 16 of the NPPF and policy LP35 of the KLP.

In relation to Policy LP24 and visual amenity, proposals should ensure that extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and provide a high standard of amenity. The original building is usually thought to be the building as it existed on 1st July 1948, or if constructed after this date as it was originally built.

Historic plans dated 1955 held on the Kirklees Council database show that at that time 77, Butts Road was part of a semi-detached house attached to the south eastern side of 75, Butts Road. It appears that since then 75 and 77 have become one house (which would not require planning permission) and this is the existing house today.

The scale of the proposed extension in relation to the existing house is relatively small, its overall height is below that of the existing house and its footprint is a small proportion of the existing.

The materials are a contrast to those of the existing building however there is a large degree of glazing which would result in a rather transparent structure and help to result in a development that would be in keeping with the existing building. The design of the proposed extension also contrasts with the existing house, however in officer's opinion this would not be harmful to the visual

amenity of the host building or the character of the area and would comply with the overall aims of policy LP24 of the KLP and chapter 12 of the NPPF.

In summary, the proposal is considered to promote good design and would be in keeping with the existing house and the character of the area, including the historic character of the conservation area and setting of the adjacent listed building, in accordance with the aims of policies LP24 and LP35 of the KLP as well as chapters 12 and 16 of the NPPF.

3 – Impact on residential amenity:

Policy LP24 of the KLP also states that proposals should promote good design by ensuring (amongst other things) extensions minimise impact on residential amenity of future and neighbouring occupiers.

In this instance, the nearest neighbouring properties are to the east of the house at 75, Butts Road and 3, St Lucius's Close. These are both relatively recently built detached 2-storey houses with the former having rooms in the roof space. The rear of 75, Butts Road faces onto the proposed extension and the front of 3, St Lucius's faces in the same direction.

There would be a separation distance of at least around 17m between the proposed extension and the nearest part of 3, St Lucius's Close and around 20m to 75, Butts Road. In between there is a mutual boundary formed by an evergreen hedge, currently maintained at approximately 2.5m in height, and also comprises of other trees and shrubs. This provide some dense screening.

Given the above circumstances it is considered that there would be very limited over shadowing, overbearing or overlooking impact as a result of the proposed extension.

Other properties are further away and screened either by the existing house or dense hedges along the boundary.

Overall, it is considered that the proposal would promote good design and minimise impact on residential amenity of future and neighbouring occupiers, and as such is compliant with the aims of policy LP24 of the KLP.

4 – Impact on highway safety:

The site is accessed from Butts Road, an adopted, but un-classified road and the property has off street parking to the side of the house suitable for 2 or 3 cars.

The proposed extension would not amount to development that requires further off street parking provision, and so in these circumstances it is considered that the proposal would not cause harm to highway safety and efficiency, and is compliant with policy LP21 of the KLP.

5 – Other matters:

Protected species (bats):

The site is in an area recorded as a bat alert area.

Bats are a protected species and the NPPF requires planning authorities to take account of priority species within planning policies.

An assessment in relation to the bat alert layer guidance - flow diagram has been carried out and as a result no survey is required, however a precautionary footnote shall be added to the decision notice in order to comply with the aims of chapter 15 of the NPPF.

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

6 – Representations:

No representations received during the course of this application.

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: 2019/92328

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 Policies LP1, LP2, LP21, LP24 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	Dwg no. 1006 - LP		16.7.2019
Plan and elevations as existing	Dwg no. 1006-01		16.7.2019
Plan and elevations as proposed	Dwg no. 1006-02		16.7.2019
Design and Access			16.7.2019

Plan Type	Reference	Version	Date Received
Statement			

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 / additional information was sought or received during the course of this application as it was considered acceptable as originally submitted.

Report Dated: 5.9.2019