

**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: 2019/62/92519/W

Site Address: 3, Cobcroft Road, Fartown, Huddersfield, HD2 2RU

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

Recommending Officer: Ellie Worth

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: 04-Oct-2019

Officer report

Site description

3 Cobcroft Road, Fartown is a semi-detached property faced in stone with a tiled roof. The property benefits from a grassed area to the front, an area of hardstanding to the side and private amenity space to the rear. Pedestrian and vehicular access can be taken from the front boundary onto Cobcroft Road. Boundary treatment consists of a small stone wall to the front, medium stone walling to the side and fencing to the rear. It has also been noted that the host property benefits from a detached garage in which is located along the north eastern boundary.

The site and the wider area is dominated by residential properties, whereby stone is the common construction material. The site is also located within Birkby Conservation Area on the Kirklees Local Plan.

Description of development

The applicant is seeking permission for a two storey side extension and an extension to the existing single storey rear extension. The measurements of the proposal are as follows:

Two storey side extension:

- 3.7m – 5.8m in projection from the north eastern facing elevation
- 5.6m in length
- 5.3m in height to the eaves; 7.1m in maximum height

Single storey rear extension:

- 3m in maximum height
- 2.4m in width
- 4.7m in projection (to sit flush with the existing)

The walls of the extensions will be constructed from stone with a tiled roof to match the host property. Internally the extensions will provide additional living accommodation.

History of negotiations/amendments received

The officer entered into discussions with the agent regarding the design of the two storey side extension and therefore amended plans were received on the 30th September 2019. The officer also entered into discussions with the agent regarding an updated site plan which was received on 4th October 2019.

Relevant Planning History

None at the application site

96/91890 Renewal of previous permission for erection of two storey extension – Granted (1 Cobcroft Road)
91/04400 Erection of two storey extension – Granted (1 Cobcroft Road)
2008/93414 Erection of medical centre with internal pharmacy – Granted (Cobcroft Road)
2014/90774 Erection of two storey medical centre with integral pharmacy and parking – Granted (adj 7 Cobcroft Road)
2019/91710 Discharge of conditions 4 (remediation strategy) and 5 (ventilation) on previous permission for 2014/90774 for the erection of two storey medical centre with integral pharmacy and parking
89/00502 Conversion of single dwelling house into two self-contained flats – Granted (2 Cobcroft Road)
2017/92471 Installation of replacement doors (within a conservation area) – Granted (2 and 2a Cobcroft Road)

Representations

The application was advertised by site notice, neighbour notification letters and the press.

Final publicity expires: 14th September 2019.

As a result of the above, one objection has been received. A summary of the concerns can be seen below:

- Objections to the two storey element on the grounds of loss of privacy and loss of light and overshadowing.

Consultation responses

KC Conservation and Design (informally): Concerns raised regarding the two storey extension having a symmetrical design. Amended plans submitted have overcome their 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 located within Birkby Conservation Area on the Kirklees Local Plan.

Kirklees Local Plan:

LP 1 – Achieving sustainable development

LP 2 – Place shaping

LP21 – Highway safety

LP22 – Parking

LP24 – Design

LP30 – Biodiversity

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 design places

Chapter 15 – Protecting 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
2. Impact on visual amenity
3. Impact on residential amenity
4. Impact on highways
5. Other matters
6. Representations
7. Conclusion

1. Principle of development

The site is located within Birkby Conservation Area. Therefore, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area. This relates to Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

Furthermore, LP35 states “development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm”. This harm will be assessed and discussed later in the report.

Alongside this, LP1 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. Policy LP24 of the KLP is also relevant and states that “good design should be at the core of all proposals in the district”.

The principle of development, extending the property, is acceptable and shall be assessed against other material planning considerations below.

2. Impact on visual amenity and heritage

It has been considered that the proposed extensions would appear subservient to the host property. Nonetheless, there would be additional amenity space to the side and rear of the property developed as part of this proposal. However, this would not result in the overdevelopment of the site as a reasonable amount of amenity space would be retained.

Given the position of the dwelling in relation to Cobcroft Road, it has been assessed that there would be some impact on the appearance of the street scene, as the side extension in particular, would be readily visible from public vantage points. As such KC Conservation and Design have been consulted, in which concerns were raised as the original plans were considered to have a significant impact on the character of the semi-detached properties and the wider street scene. More specifically the officer raised concerns, in regards to the fact that the extension would not follow through with the symmetrical design. Therefore, to overcome some of the harm, concerns were raised with the agent regarding the above and amended plans were received on the 30th September 2019.

After reviewing the amended plans, it has been considered that the design of the two storey side extension would have an acceptable impact on visual amenity, as it would follow on from the original property and harmonise well with this and other half of the semi-detached pair. The building materials would match those that exist on the host property and therefore would allow the extension to harmonise well with the existing. Nonetheless, a condition will be attached to the decision notice to ensure visual amenity is protected.

The additional fenestration within the front and rear elevations are also considered satisfactory as they will be in keeping with those that exist on the host property. For these reasons, it has been noted that the initial concerns raised by the Conservation and Design officer have been overcome.

The submitted plans also show the side extension to have a projection of 3.7m – 5.8m given the existing staggered arrangement. It has been considered that the extension would not result in an undesirable terracing affect as there are no neighbouring properties to the east of the application site.

In regards to the rear extension, it has been considered that the design of this element would be acceptable as the proposed building materials would also be of a similar appearance to those that exist on the host property and the existing single storey element.

With reference to fenestration, the submitted plans show additional openings to be inserted into the north eastern facing elevation. Whilst these would be large in size and scale it has been noted that this element would not be readily visible from public vantage points and therefore on balance any harm can be supported. A door and toilet window will also be inserted into this elevation which have been considered acceptable.

The rear extension would have a maximum projection of 4.7m and will sit flush with the existing rear element. Whilst this is larger than what is often supported, it has been assessed that the proposal would not result in the overdevelopment of the site.

Furthermore, the public benefits to the single storey rear and two storey side extensions would be that the host property could remain as its optimum use, as a dwelling, with the additional living accommodation required to meet the needs of the applicant. There are also permitted development rights for the property which may have resulted in a less sensitive proposed. For these reasons, it has been considered that the public benefits of the scheme are considered to outweigh the less than substantial harm.

In summary the proposed extensions would be of a satisfactory design as the materials would be in keeping with the character of the area and would sustain the significance of Birkby Conservation Area. As such, the proposal would accord with LP24 and LP35 of the KLP and Chapter 12 and 16 of the NPPF.

3. Impact on residential amenity

1 Cobcroft Road is the adjoining property to south west of the application site. It has been assessed that there would be minimal impact on these neighbours amenity as part of this application, as the proposed side extension would be located at the opposite side of the host property, away from these neighbours. Furthermore, it has been assessed that there would be no undue harm on these neighbours amenity as a result of the single storey rear extension, as it would be built at the same height as the existing rear element at the host property and these neighbours.

As a result it has been assessed that the harm on these neighbours amenity would be acceptable.

108-110 Old Halifax Road is the neighbouring property to the rear of the application site. It has been assessed that the proposal would have some impact on these neighbours amenity, as the side and rear extensions would intensify development at the application site. Nonetheless, amendments were sought to omit the rear projecting element on the two storey side extension to mitigate against any further impact on overbearing. Alongside this, it has been noted that any harm on overshadowing would only be evident within a morning and therefore officers can support this relationship.

In regards to overlooking, the submitted plans show two additional openings to be inserted into the rear elevation of the two storey extension. These will be obscurely glazed and therefore, any harm on overlooking would be minimal. Nonetheless, a condition will be attached to the decision notice stating that these openings will be fitted to a minimum of grade 4.

In relation to the single storey rear extension, it has been assessed that there would be no material harm on these neighbours in regards to overbearing, overshadowing and overlooking. As there is sufficient boundary treatment, in the formation of a fence, between these neighbours. For these reasons it has been considered that the impact on balance be acceptable.

To the East of the application site, is Croft Medical Centre, taking into account the use and relationship it is considered that there would be no impact on amenity.

2 and 4 Cobcroft Road are the neighbouring properties adjacent to the front elevation of the host property. It has been assessed that there would be some harm on these neighbours amenity however, the submitted plans show the side extension to sit flush with the front elevation and therefore any harm on overbearing and overshadowing would be minimal.

Alongside this, it has been noted that additional openings will be inserted into the front elevation of the side extension. These appear to serve bedroom 1 and 5 and therefore there will be some impact on overlooking. However, it has been considered that any harm would not be over and above the existing situation.

As a result, officers raise no objection to this relationship.

In summary the application is considered to have an acceptable impact on residential amenity and therefore complies with LP24 of the KLP from this perspective.

4. Impact on highways safety

Whilst the proposal has the potential to intensify the residential use at the site, the proposed floor plan shows 4 parking spaces to be provided at the site.

Alongside this, the existing garage which is located along the eastern boundary will be retained.

For these reasons, it has been considered that there would be sufficient onsite parking and therefore the proposal is considered to have an acceptable impact on highway safety, complying with LP21 and LP22 from this perspective.

5. Other matters

Bats

The application site lies within the bat alert layer on the Council's GIS system. As such, careful attention was paid when undertaking the site visit to look to evidence of bat roost potential. In this instance, the property appeared well sealed around the eaves and roof area and it was judged unlikely to contain roosting bats. Even so, as a cautionary measure, a note will be added to the decision notice stating that if bats are found development shall cease and the advice of a licenced bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

6. Representations

As a result of the above publicity, one representation has been received. A summary of the concerns raised alongside officer comments can be seen below:

- Objections to the two storey element on the grounds of loss of privacy and loss of light and overshadowing

Comment: These concerns have been assessed with the residential amenity section.

The above comment has been carefully considered in the determination of this application. However, they are not deemed to substantiate defensible reasons for refusal for the reasons outlined above.

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: 2019/92519

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 Policies LP1, LP2, LP21, LP22, LP24, LP30 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the extensions hereby approved shall in all respects match those used in the construction of the existing building, in accordance with the details shown on the approved plan.

Reason: In the interests of visual amenity and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

4. Before the hereby approved two storey extension is first occupied, the windows within the north western facing, rear elevation shall be fitted with obscure glazing, minimum grade 4 as detailed on the hereby approved plan, Dwg. No. AD-A-405 – 101. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) the window shall thereafter be so retained obscure glazed. **Reason:** So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan.

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.

Plans and specifications schedule

Plan Type	Reference	Version	Date Received
Site and location plan	AD-A-405-103	-	4 th October 2019
Existing floor plans	AD-A-405-001	-	9 th August 2019
Existing elevations	AD-A-405-001	-	9 th August 2019
Proposed floor plan	AD-A-405-101	-	30 th September 2019
Proposed elevation plan	AD-A-405-102	-	30 th September 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. In this instance, the officer entered into discussions with the agent regarding amendments to the scheme. These were received on the 30th September 2019. An updated site plan was also received on the 4th October to reflect the amendments made.

Report Dated: 04.10.19

