

**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: 2019/62/92811/W
Site Address: 44, Magdale, Honley, Holmfirth, HD9 6LU
Description: Erection of front porch (within a Conservation Area)
Recommending Officer: Alice Huxley

DECISION – Full Conditional 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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 16-Oct-2019

Officer Report

Site Description

44, Magdale, Honley, Holmfirth.

44 Magdale is a two storey, mid-terrace, stone constructed cottage, with a Marley modern tiled pitched roof. The property benefits from an extensive open front garden that occupies protected trees and the site's boundaries consist of timber fencing and mature hedging. It is noted that the adjoining properties are of the same character as the applicant dwelling.

The site is located within close proximity to the River Holme within the Green Belt in the Honley Conservation area.

Description of Proposal

Erection of front porch, internal and external alterations (within a Conservation Area).

The proposed porch will erect approximately 1.41 metres from the front elevation at a width of approximately 1.6 metres, an eaves height of approximately 2.35 metres, rising to an overall height of 2.8 metres. Proposed materials consist of 100mm tumbled and dyed stone from a local supplier and the roof will be in keeping with the existing and surrounding properties. A composite door will be added to the porches west elevation and a UPVC window will be incorporated on the porch's east elevation.

In regards to the internal and external alterations, the first floor ceilings are to be dropped and four new Velux windows will be fitted on the dwellings front elevation. The three top floor bedrooms will be remodelled, as well as a new bathroom suite in the existing bathroom footprint. Additionally, after the insertion of one steel beam, all existing internal walls on the ground floor will be removed to create an open plan kitchen / dining area where the existing living room is, and the proposed living space will be located where the existing kitchen is. A multi fuel burner is proposed to be housed in the new living room space with the flue extracted to the rear elevation wall. Furthermore a stone wall that does not exceed 1 metre high will be installed to the front garden boundary.

History of negotiations/amendments received

No amendments were sought in this instance.

Relevant Planning History

2019/91847 – Work to tree TPO 18/78 (within a Conservation Area) – *refused*.

2015/90140 – Work to TPO(s) 18/78 (within a Conservation Area) – *part granted/part refused*.

2012/92030 – Works to trees (within a Conservation Area) – *granted*.

2004/92651 – Erection of conservatory (within a conservation area) – *refused*.

Representations

Final publicity date Expires:

Neighbour letters expire 1st October 2019; site notice expires on 2nd October 2019; press advertisement expires 11th October 2019.

No representations received.

Parish/Town Council comments:

Holme Valley Parish Council – supports development subject to agreement re: Conservation Area and preservation of trees.

Response: the impact on the conservation area and trees is considered below.

Consultation Responses

K.C. Trees – no objections.

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 allocated as Green Belt Land within the Honley Conservation Area on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1 – Achieving sustainable development**
- **LP 2 – Place shaping**
- **LP 21 – Highway safety and access**
- **LP 22 – Parking**
- **LP 23 – Core walking and cycling network**
- **LP 24 – Design**
- **LP27 – Flood Risk**
- **LP 30 – Biodiversity and Geodiversity**
- **LP 35 – Historic Environment**
- **LP 57 – Extension, alteration or replacement of existing buildings in the 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, 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 14 – Meeting the challenge of climate change, flooding and coastal change**
- **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 (including any heritage considerations)
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology (e.g. bats)
- 5) Representations
- 6) Conclusion

Principle of development:

The site is allocated as Green Belt Land on the proposals map of the Kirklees Local Plan and is designated as being within the Honley Conservation Area. The key consideration for the proposal is its impact on the Green Belt, Conservation Area and overall design of the scheme, highway safety, flood risk and all other material planning considerations.

Alongside this, LP1 of the Kirklees Local Plan states that:

‘... the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.’

Green Belt

Due to the site being allocated as Green Belt Land, the principle of erecting an extension to the host building needs to be considered in relation to its impact on the Green Belt. Chapter 13 of the NPPF provides overarching advice in relation to the Green Belt and states that:

‘The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence’.

Specifically in relation to new buildings within the Green Belt paragraph 145 of the NPPF advises that new buildings for inappropriate development, however exceptions can include:

145. (c) the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building.'

Policy LP57 of the Kirklees Local Plan is also relevant in relation to extensions in the Green Belt and states:

'Proposals for the extension...of buildings in the Green Belt will normally be acceptable provided that...the original building remains the dominant element in both terms of size and overall appearance'.

The key consideration for the proposal is whether the development forms a disproportionate addition to the host building. Due to the limited size of the porch extension it has been considered it will not result in disproportionate additions over and above the size of the original building and the proposal would accord with requirements of Chapter 13 of the NPPF and Policy LP57.

Design and Heritage

The application site is located within the Honley Conservation Area and the impact of the development on visual amenity and the conservation area are key considerations.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 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.

Furthermore this relates to Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment. LP35 states that:

'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'.

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby 124 provides a principal consideration concerning design which states:

'124. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

Policy LP24 states that proposals should promote good design by ensuring:

'a. the form, scale, layout and details of all development respects and enhances the character of the townscape..'

'c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...'

Regarding the front porch, the proposed materials will consist of stone walls and incorporate a roof that will be in keeping with the original building and surrounding dwellings. Additionally, it is noted that both no.40 and no.46 have existing front porches similar to what is proposed and no. 40 – no. 46 Magdale are disconnected from the main highway via a track/public-footpath, therefore the proposed porch would be somewhat hidden from public view points. Furthermore, due to the nature of the works, it has been considered that the erection of a front porch will not result in disproportionate additions over and above the size of the original building. For these reasons, it has been considered that the erection of a front porch would cause minimal harm to the visual amenity of the area.

With regards to the stone wall at the front garden boundary, it is considered that this will cause minimal harm to the visual amenity of the area as comparable to the front porch, it will be in keeping with the host property in terms of materials used and will be kept at a modest height that does not exceed 1 metre. It is also noted that no. 40 Magdale has an existing stone wall located at the south of their property.

Furthermore, it has been assessed that the other proposed works will cause no harm to the areas visual amenity due to them being carried out internally.

In Summary, for the reasons set out above, the proposed extension is deemed to be acceptable in regards to visual amenity and corresponds with LP24 and LP57 of the Kirklees Local Plan.

Impact on residential amenity:

Section B and C of LP24 states that alterations to existing buildings should:

'...maintain appropriate distances between buildings' and '...minimise impact on residential amenity of future and neighbouring occupiers'.

In regards to residential amenity, it is noted that a window will be incorporated on the east side elevation of the proposed front porch. Despite this, there are minimal concerns in terms overlooking due to the location of the new opening

with the adjoining neighbours front elevation, likewise the extension will be used as a porch and therefore any harm in terms of overlooking would be minimal. Additionally, there is existing fencing and hedging on the north-east and south-west boundary lines, which also helps protect privacy. Furthermore, due to the front porch being single storey and two properties in the area having existing front porches, no concerns have been raised in terms of overbearing or prominent in the street scene.

Conclusively, the proposal is considered to be acceptable in respect of residential amenity and complies with LP24 section B and C of the Kirklees Local Plan.

Impact on highway safety:

The proposed development relates to the erection of a front porch and internal and external alterations that do not interfere with any areas of parking or access. The provision of parking therefore remains unchanged, and as a result of this, there are no concerns regarding matters of highway safety in accordance with LP21 and LP22.

Other matters:

Public Footpath

It is noted that public footpath HOL/13/10 runs through the site approximately 7 metres from the dwellings existing front elevation.

Chapter 9 of the NPPF states that planning policies should:

'd) provide for high quality walking and cycling networks...'

In line with the NPPF, policy LP23 states that:

'proposals that may prejudice the function, continuity or implementation of the core walking and cycling network will not be permitted.'

Despite the proposed porch erecting from the front of the property, this would not interfere or obstruct the footpath as it would be constructed approximately 6 metres away. Additionally, similarly to the porch, the proposed front garden boundary wall would be within close proximity of the footpath however would not cause any undue harm to the network.

Conclusively, the proposed developments would not obstruct the core network or continuity of the public footpath and therefore comply with Chapter 9 of the NPPF and LP23 of the Kirklees Local Plan. However a note will be added to the decision notice highlighting the position of the PROW and that it should not be obstructed at any time.

Flood Risk

It is noted that the existing house is in Flood Zone 1 but the proposed porch would be in Flood Zone 2. The applicant has completed a flood risk assessment showing details of flood resilience and resistance measures which are as follows:

The floor level of the porch will be the same level of the existing house and incorporate a UPVC door; concrete floor; masonry walls and moisture and mould resistant cementitious boards to stud walls rather than plaster board. The porch would also have polyurethane insulation boards, a tiled floor finish, water proof adhesive mechanical and electrical supplies set above flood level with wiring from above, airbrick covers and no additional hard surfacing which could exacerbate flooding.

Such flood mitigation measures are considered to be appropriate to accord with Policy LP27 of the Local Plan and Chapter 14 of the NPPF. The measures will be secured by planning condition.

Trees.

The application has been assessed by the Councils Arboriculturalist given the proximity of the site to a number of protected trees with other trees in the area being protect by reason of their location within the Conservation Area. It is considered the changes to the property and the addition of a porch will not impact upon any trees. A separate tree work application (2019/92943) has been submitted to address the tree work indicated on the application form.

Biodiversity

It is recognised that the site is located within a bat alert area. The applicant property is thought to date back to approximately 1791 and is one of four cottages that was the original building of the spinning mill; therefore whilst on site, it was noted that the roof had some small gaps and was less sealed in comparison to more contemporary dwellings. Despite this, records show that there are no bat roosts in the immediate area. Chapter 15 of the NPPF states that:

'planning policies and decisions should contribute and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity...'

In line with the NPPF, LP30 of the Kirklees Local Plan states that:

'development proposals will be required to result in no significant loss or harm to biodiversity in Kirklees'

To comply with Chapter 15 and LP30 of the Kirklees Local Plan the impact of the development on biodiversity needs to be considered. It is considered that the proposed porch would not adversely impact on biodiversity as no works would occur to the roof of the dwelling. However it is noted that the application form details that roof lights will be installed in the property along with internal

alterations. These internal works would not require planning permission and therefore it is considered that their impact falls outside of the control of this application. None the less a note on the decision notice will recommend that the advice of a licensed bat worker is sought if bats are found in the construction phase of the development.

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: 2019/92811

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, in the interests of the protection of the character and appearance of the Honley Conservation Area and Green Belt to accord Policies LP24, LP35 and LP57 of the Kirklees Local Plan and Policies in 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, the protection of the character and appearance of the Honley Conservation Area and the Green Belt and to accord Policies LP24, LP35 and LP57 of the Kirklees Local Plan and Policies in the National Planning Policy Framework.

4. The hereby approved development shall be constructed in accordance with the flood resilience and resistance measures detailed on the Flood Risk Assessment received on 24 September 2019.

Reason: In the interests of reducing the impact of any potential flooding instance which may occur and to accord with Policy LP27 of the Kirklees Local Plan and Policies in Chapter 14 of the National Planning Policy Framework.

NOTE: Public Right of Way number HOL/13/10 which abuts the site, shall not at any time prior to, during or after construction of the proposed development be unofficially obstructed or closed without prior written consent of the Local Planning Authority. For further information please contact publicrightsofway@kirklees.gov.uk

NOTE: Due to the location and nature of the application site, 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 Location Plan	-	1	05/09/2019
Existing Ground Floor Plan	-	1	05/09/2019
Proposed Ground Floor Plan	-	1	05/09/2019
Existing First Floor Plan	-	1	05/09/2019
Proposed First Floor Plan	-	1	05/09/2019
Existing Elevations	-	1	05/09/2019
Proposed Elevations	-	1	05/09/2019
Design and Access Statement	-	1	05/09/2019
Flood Risk Assessment	-	1	24/09/2019

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. There was no reason to contact the agent or applicant as the details were acceptable as submitted.

Report Dated: 16/10/2019

