

**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: 2019/62/93505/E

Site Address: 12, Primrose Lane, Kirkburton, Huddersfield, HD8 0QY

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

Recommending Officer: Olivia Roberts

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.

Rebecca Drake

AUTHORISED OFFICER

Date: 07-Feb-2020

Officer Report

Site Description

12 Primrose Lane is a two storey end terrace property in Kirkburton. It is constructed in natural stone and is designed with a gable roof form which is finished in stone slate roof tiles. The dwelling is set back from the access road with a small garden to the front, a driveway to the side and amenity space to the rear.

The site is located in a predominantly residential area. Whilst the row of terraces on which the application site is located are of a similar appearance to the application dwelling, properties within the street scene vary in terms of their style and design. Despite this, the predominant material of construction is stone. The site is located within the Highburton Conservation Area.

Description of Proposal

The application seeks planning permission for the erection of a two storey side extension (within a Conservation Area). The application has been amended and is being assessed based on the following:

The extension would project 2.60 metres from the side elevation of the property and would sit flush with the existing rear elevation. It would be set back from the front elevation of the property by 0.15 metres. The extension would be designed with a gable roof form which would form a continuation of that of the host property.

The plans show that the existing stone flags which leads from the access road to the main entrance to the property will be removed to allow for a second parking space to be provided within the front garden space of the property. The access steps from the driveway into the property would be relocated to suit. The driveway would be finished in materials to match existing. The boundary wall to the front of the site would not be effected by the proposed works.

All external materials would match existing.

History of negotiations/amendments received

The following amendments were requested during the course of the application:

- Eaves and ridge of the extension to be set down from the property
- Openings on the front elevation of the extension to be more central
- Alternative provision of the proposed second parking space to allow the existing stone boundary wall to be retained

Amended plans were received from the agent which are set out above. The agent did not consider it practical to set the extension down from the ridge and eaves height of the host property.

The amended plans were advertised by neighbour letter for 14 days.

The agent was made aware of a representation which commented on the requirement of access round the side of the property. The agent has confirmed that there is no legal right of way stated on the title deeds for the adjoining properties. Notwithstanding this, an advisory note shall be added to the decision notice.

Relevant Planning History

No relevant planning history at the site.

At 3A Primrose Lane –

97/92254 – Demolition of single storey extension and erection of two storey extension. Granted Conditional Full Permission.

Representations

The application was advertised by site notice and neighbour letter which expired on 4th February 2020.

As a result of the above publicity, one representation has been received. The following concerns were raised:

- Access is required from the rear to either side of the terrace properties.

Officer comments will be made in Section 6 of the report.

Kirkburton Parish Council comments: no comments received.

Consultation Responses

K.C. Conservation & Design – Informal discussion in which concern was raised over the original plans regarding the loss of the boundary wall to the front of the site. Following receipt of amended plans, no concerns were raised.

K.C. Highways Development Management (HDM) – Informal discussion over revised parking plan in which no concerns were raised.

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).

On 12th November 2019, the Council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highways safety and access
- LP 22 – Parking
- LP 24 – Design
- LP 30 – Biodiversity and geodiversity
- 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, 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 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places
- 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
- 2) Impact on visual amenity and the Conservation Area
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy 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. In terms of extending and making alterations to a property, Policy LP24 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.

The property is however sited within the Highburton Conservation Area and is located within a row of similar properties. As such, consideration is to be given to the current proposal in terms of the relationship formed between the proposal and the Conservation Area with regards to policy LP35 of the

Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

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

2 – Impact on the visual amenity and the Conservation Area:

The proposed extension, by virtue of its scale and design, would be subservient to the host property which would remain the dominant feature following development. The extension would be finished in materials to match existing and is considered to respect the character of the host property in terms of its design and fenestration. Whilst the extension would form a continuation of the roof form of the host property, given its limited projection, it is not considered that this would be detrimental to the visual amenity of the property.

Whilst the extension would be visible within the street scene, it is not considered that it would be out of keeping with the properties along Primrose Lane, with there being some variation in terms of style and design. The dwelling is set back from the access road which would reduce its prominence within the street scene. Given the location of the dwelling on an end of a row of terrace properties and set forward from the adjacent property to the north, it is not considered that the proposal would result in the creation of a terracing effect in this instance.

As part of the proposal, an additional parking space would be provided to the front of the site. Given the existing arrangements, along with the fact that a number of other properties along Primrose Lane benefit from parking to the front, it is not considered that this element would have a significant impact on the visual amenity of either the host property or the wider area. The conservation and design officer viewed the revised plans during the course of the application and raised no objections.

Having taken the above into account, it is not considered that the proposal would cause significant harm to the visual amenity of either the host dwelling, the wider street scene or the Conservation Area, complying with policies LP24 and LP35 of the Kirklees Local Plan and the aims of chapters 12 and 16 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Impact on Primrose Cottage

Primrose Cottage is a detached dwelling which is located to north of the site and set back in relation to the application property. The proposed extension, given its close proximity to the property, which benefits from habitable room openings within close proximity to the boundary, has the potential to cause an overbearing and overshadowing impact. It is noted however that the proposed extension would be set in from the boundary by 0.60 metres. The neighbouring property is also set in from the boundary. Taking this into consideration, along with the fact that the extension would not project beyond the rear elevation, it is not considered that this impact would be significantly detrimental in terms of residential amenity, particularly when considered against the existing relationship that exists. The openings proposed for the side elevation of the extension would be obscurely glazed which would prevent overlooking onto the driveway which is located to the front of the site. Notwithstanding this, given the close relationship between the proposed extension and the property, it is considered appropriate to condition that no openings shall be erected in the side elevation of the extension in the future in order to prevent overlooking into the property and its front amenity space.

Impact on 10 Primrose Lane

The proposed extension would be located to the side of the dwelling and would not project beyond the existing front and side elevations. It is therefore not considered that the proposal would impact on the amenity of the property.

Impact on 10A Primrose Lane

The proposed extension would not project beyond the rear elevation of the dwelling. Taking this into consideration, along with the distance that would be retained between the two properties, it is not considered that the proposal would have a significant impact on residential amenity of the property.

It is considered that sufficient distance would be retained between the extension and the properties which are located to the west of Primrose Lane to prevent the development from having a harmful impact on their residential amenity.

Having considered the above factors, the proposal is 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 proposed two storey extension would be located across a section of the existing driveway, displacing a current off-street parking space. The extension would also introduce an additional bedroom. A plan has been submitted showing the provision of a replacement parking space within the front garden of the site. This has been reviewed by the highways development management officer and is considered acceptable. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policies LP21 and LP22 of the Kirklees Local Plan.

5 – Other matters:

Biodiversity

The site is located within a bat alert layer. Following a site visit, the building appeared to be well sealed and there was no evidence of bat roosts or bat roost potential. A footnote has been added to the decision notice to provide the applicant with advice should bats or evidence of bats be found during construction. This would accord with the aims of chapter 15 of the NPPF and policy LP30 of the KLP.

Listed Buildings

Two Grade II listed buildings are located along Far Dene within close proximity to the application site. However, given the nature of the proposal along with the distance that would be retained between the development and the two properties, it is not considered that the proposal would impact their setting. As such, the application was not advertised as affecting the setting of a listed building in this instance and is considered to comply with policy LP35 of the Kirklees Local Plan and the aims of Chapter 16 of the NPPF.

6 – Representations:

As a result of the above publicity, one representation has been received. The following concerns were raised:

- Access is required from the rear to either side of the terrace properties.

Response: This comment has been noted. Whilst this is not a material planning consideration that can be taken into consideration as part of the application, an advisory note shall be attached to the decision notice advising that planning permission does not override private legal rights.

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: 2019/93505

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, LP22, LP24 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 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 Policies LP24 and LP35 of the Kirklees Local Plan and the aims of Chapters 12 and 16 of the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the side elevation of the extension hereby approved.

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 and the aims of the National Planning Policy Framework.

5. Before the extension is first brought into use, the area indicated for parking on the submitted/listed plans shall be finished in a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for parking thereafter.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and in accordance with Policies LP21 and LP22 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.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

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	Version	Date Received
Location Plan			06/11/2019
Existing Floor Plans			06/11/2019
Existing Front & Rear Elevations			06/11/2019
Existing Side Elevation & Site Plan			06/11/2019
Proposed Plans & Elevations (as amended)			02/01/2020
Proposed Parking Plan			02/01/2020
Heritage Statement			06/11/2019

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.

Amended plans were sought and received from the agent during the course of the application to address officer's comments.

Report Dated:

05/02/2020