

**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: 2019/62/93540/W

Site Address: 27, Church Street, Golcar, Huddersfield, HD7 4PX

Description: Demolition of existing dwelling and erection of one dwelling (within a Conservation Area)

Recommending Officer: Neil Bearcroft

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 10-Dec-2019

Officer Report

Site Description - 27, Church Street, Golcar, Huddersfield, HD7 4PX

The application site is a detached two/three storey dwelling constructed of natural stone with a two storey flat roofed side extension constructed from artificial stone. The dwelling is located to the south of Church Street and to the north west of Deal Lane. The host property benefits from garden areas to the south west, to the north east set at a higher level with space in front of the dwelling predominantly used for access and parking.

Access to the site can be gained on foot to Church Street by a path and steps which lead around no.17, with vehicular access gained from a narrow shared drive which leads from Deal Lane. The wider area is a steeply sloping hillside where there are significant changes in levels. The host property has a lower ground floor element which is gained by some steps.

At the time of the Case Officers site visit the building was in the process of being demolished.

The site is located within the Golcar Conservation Area.

Description of Proposal

The application seeks to demolish an existing dwelling and erection of one dwelling. The proposed dwelling would be of the same scale and design as the development approved by application 2019/90237 which granted permission to extend and alter the existing dwelling.

The replacement dwelling would be split across 3 floors with a kitchen and dining area on the lower ground floor, a lounge, integral garage, and snug/play room on the ground floor, and 4 bedrooms on the first floor. The dwelling would appear as a dwelling that has been extended and would be constructed from natural stone and render with an artificial stone slate roof. The main habitable room windows would be located on the south eastern and south western elevations.

Access to the property would be via a drive that leads from Deal Lane. Amenity space is provided around the dwelling at differing levels that works with the topography of the site.

History of negotiations/amendments received

The applicant sought the use of artificial stone slates for the roofing tile.

Relevant Planning History

2019/90237 - Demolition of existing two storey extension and porch and erection of two storey extension with integral garage and single storey extension (within a Conservation Area) - Approved

92/00573 - erection of 2-storey extension - Approved

Representations

Final publicity date Expires: 6/12/2019, no comments received.

Consultation Responses

No consultation necessary

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 unallocated on the Kirklees Local Plan, but is designated as being within the Golcar Conservation Area.

Kirklees Local Plan (LP):

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP7** – Efficient and effective use of land and buildings
- **LP11** – Housing Mix and Affordable Housing
- **LP21** – Highway safety and access
- **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 5** – Delivering a sufficient supply of homes
- **Chapter 11** – Making effective use of land
- **Chapter 12** – Achieving well-designed places
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

Assessment

The application site is unallocated on the Local Plan and therefore Policies LP1 and 2 are relevant which support sustainable development. Policy LP24 considers design and states that good design should be at the core of proposal in the district.

The site is located within the Golcar Conservation Area and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 needs to be considered which requires special attention to be given to the preserving or enhancing of the character of the conservation area. Policy LP35 of the local plan is also relevant which sets out criteria to be considered for applications which impact on heritage sites. Chapter 16 of the NPPF considers heritage matters and advises that new development should make a positive contribution to local character and distinctiveness. When harm is caused this needs to be weighed against the public benefits of the proposal.

Other policies of relevance are LP21 highway and access and LP22 parking which require new developments to have an acceptable impact on highway safety and provide sufficient parking. LP30 seeks protect and enhance biodiversity.

The key considerations for the development are its design and impact of the Golcar Conservation, impact on residential amenity, highway safety and all other material planning considerations.

Principle

The proposal would provide a residential dwelling and therefore it is appropriate to consider the LPAs overall housing position

In the recently adopted Kirklees Local Plan the council have demonstrated 5.51 years supply of deliverable housing capacity (including incorporation of the required 20% buffer). As the Local Plan was adopted within the last five years the five year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019) and takes account of shortfalls in delivery since the Local Plan base date (1st April 2013).

Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 68 of the NPPF recognises that "small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should... support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes". The development site forms a plot for a single dwelling in an

established residential area. Although the Local Planning Authority can demonstrate a five year land supply, it is noted that the development of this plot would be represent a replacement dwelling and would help to maintain the housing supply in the district. However the provision of housing needs to be balanced against all material planning considerations considered below.

Heritage and Design

The proposed development seeks the demolition of an existing dwelling and erection of a replacement dwelling. It has been submitted after the host building was deemed to be structurally unsound after works commenced on application 2019/90237 which granted permission to extend and alter the property.

The design of the development has therefore previously been considered to be acceptable and a rebuild of the whole property, instead of solely extending and altering the existing property, is not considered to change this assessment. The previous scheme was reviewed by the Conservation Officer who in summary considered that the design of the proposal represented an improvement on the extension that was formally present at the property and that the design would enhance the appearance of the Conservation Area.

The fenestration detailing of the dwelling will be the same as previously approved with conservation area style roof lights conditioned. Natural stone will make up the predominant construction material with the use of render as a secondary material but this would be the same as previously approved. This will be conditioned to be a cream or off white. The roof is to be covered in artificial stone slates which is also considered to be acceptable.

In conclusion the proposal would represent an enhancement to the Golcar Conservation Area and would provide a public benefit of removing a building with an unsympathetic extension and replacing it with a property of an acceptable design.

Residential Amenity

With regard to residential amenity the closest properties to the application site are no's 130 to the south, no.17 to the east and no.29 and its associated outbuilding to the north. With regards to no.130 this is set a significantly lower level with only the roof evident from within the application site and therefore the impact on the amenity of no.130 is considered to be acceptable. No.17 has no windows in the side facing gable and is located to the north-west and therefore there would be no overlooking or detrimental overbearing or overshadowing impact. With regard to no.29 the dwelling is separate from the application site but there is a large outbuilding which includes two windows at lower ground floor level. However given that the building does not form a separate residential dwelling it is not considered that these windows serve habitable space and therefore and the impact on amenity would be acceptable.

In light of the above assessment the impact of the development on residential amenity is therefore considered to be acceptable and the proposal would accord with Policy LP24 of the Local Plan.

Highway Safety

The site is accessed by a narrow lane which also forms Public Right of Way (PROW) Colne Valley 55 which turns north before entering the site. The existing access arrangements whilst narrow are currently used and are considered satisfactory. It is not prospered to interfere with the footpath in anyway, however a note will be attached to the decision notice highlighting its presence to the applicant.

It is noted that the area to the front of the building and the access appear to be within shared ownership with the adjacent dwellings and notice has been served. With regard to parking it is considered that sufficient parking is provided in front of the dwelling to cater for its enlarged sized along with space for other users as was evident at the time of the case officers original site visit. Whilst the proposed integral garage does not meet the standard for internal dimensions in terms of its depth at 4.8 metres it is considered to be acceptable given the available space for off street parking in front of the dwelling.

As such highway arrangements are considered to be acceptable and would accord with Policy LP21 of the Local Plan.

Ecology

The site is located within the bat alter layer, however the dwelling was mostly demolished at the time of the Case Officers site visit and therefore there it is considered unlikely that there would be any bats at the site and there are no known roosts in the local area. Notwithstanding this a precautionary note will be attached to the decision notice.

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: 2019/9

Officer Recommendation: Full Conditional Permission

Conditions and Reasons

1. 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, to retain the significance of the Golcar Conservation Area, in the interests of highway safety and to accord with Policies LP21, LP22, LP 24 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

2. The dwelling hereby approved shall be constructed from the materials set out on the hereby approved '*Proposed Floor Plans, Elevations and Location Plan*' Dwg. No. 27CHS-18-PL02, where stone specified it shall be coursed natural stone, where render is specified it shall have a cream/off white colour before the dwelling is first brought into use, the roof shall be covered in artificial stone slates. The use of such materials and finishes shall thereafter be retained.

Reason: In the interests of visual amenity, to preserve and enhance the appearance of the Golcar Conservation Area and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Policies set out in the National Planning Policy Framework.

3. The roof lights to be installed in the hereby approved development shall be of a conservation style with a central glazing bar and installed flush with the roof of the extension, such roof lights shall thereafter be retained.

Reason: In the interests of visual amenity, to preserve and enhance the appearance of the Golcar Conservation Area and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Policies set out in the National Planning Policy Framework.

NOTE: It is brought to the applicant's attention that the access lane which serves the development forms a public right of way (PROW) Colne Valley 55. This PROW should 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 the PROW team at publicrightsofway@kirklees.gov.uk

NOTE: The Council's Environment Officer has commented that 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
Location Plan	27CHS-19-PL03	-	29/10/2019
Proposed Block Plan	27CHS-19-PL04	-	29/10/2019
Existing Plans and Elevations	27CHS-19-PL01	-	29/10/2019
Proposed Floor Plans, Elevations and Location Plan	27CHS-18-PL02	-	29/10/2019
Design, Access and Planning Statement, Including Heritage Assessment Statement		-	29/10/2019

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. No amendments or further information were sought by the Case Officer, however the agent requested the use of artificial stone slates. The application has been assessed based on the submitted information.

Report Dated: 9/12/2019

