

**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: 2019/62/93888/E

Site Address: 114, Hartshead Lane, Hartshead, Liversedge, WF15
8AJ

Description: Erection of first floor extension and exterior alterations

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-Mar-2020

Officer Report

Site Description

The application site is 114, Hartshead Lane, Gomersal. It is a 2-storey house on an L-shaped footprint and attached to the side of 120, Hartshead Lane. Historic maps seem to indicate that in the past it was formerly a barn consisting of three adjoining buildings, the main 2-storey element on roughly north / south axis and adjacent to the roadside, with single storey elements attached to the east and south.

All the walls are natural stonework and the roof is surfaced in stone tiles. It has access, driveway and detached double garage to the south of the house and larger garden stretching to the south (the lower half of which is in the Green Belt).

More recently a first floor extension has been built above the eastern part of the building and the current application is to build a first floor above the southern part of the building.

The land slopes gently downwards in a southerly direction and the house is within a group of buildings of similar period and design, and adjacent to a listed cottage to the east.

Description of Proposal

Planning permission is sought for the erection of a first floor extension and exterior alterations.

- Rectangular footprint approximately 6.2m wide x 9.4m long.
- Dual pitched roof eaves and ridge levels around 0.2m below those of the adjoining part of the house.
- One window to the west elevation, dual doors and Juliet balcony to southern elevation and three windows to the eastern elevation.
- The walls of the first floor extension would be rendered and the roof surfaced in natural stone slates.
- It would provide space for master bedroom with en-suite and wardrobes, and bedroom 4.

History of negotiations/amendments received

No negotiations / amendments took place during the course of this application.

Relevant Planning History

81/6254 – Conversion of barn to dwelling and erection of detached garage. Conditional full permission.

2000/93330 – Erection of porch extension and detached double garage.
Conditional full permission.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2000%2F93330>

96/90614 – erection of first floor extension. Conditional full permission.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=96%2F90614>

Representations

Final publicity date expired: 11th February 2020. No representations received during the course of this application.

Parish/Town Council comments: Not applicable.

Consultation Responses

K C Conservation and Design:

The impact of the proposed development on the setting of 120 Hartshead Lane, which is listed grade II has been considered and there would be minimal harm. Conservation and Design therefore have no concerns regarding the proposed development on heritage grounds and also raise no concern regarding the design of the extension.

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 without notation on the Kirklees Local Plan.

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 predates 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.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP21** – Highway safety
- **LP22** – Parking

- **LP 23** – Core walking and cycling network
- **LP 24** – Design
- **LP 30** - Biodiversity
- **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 the 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
- 6) Representations
- 7) Conclusion

1 – Principle of development:

The buildings and upper half of the application site is on land without notation on the Kirklees Local Plan and as such policy LP24 of the KLP is applicable. It seeks to ensure that development proposals promote good design by ensuring a range of criteria, including that development should respect and enhance the character of heritage assets and that extensions are subservient to the original buildings and in keeping in terms of scale, materials and details, minimising impacts upon residential amenity. The principle of extensions to this property is acceptable providing that it meets the detailed criteria.

The lower half of the garden is on land allocated Green Belt in the KLP. However, given that there is a separation distance of around 27.0m between the proposed extension and the boundary with the Green Belt land, the potential impact is considered to be very limited.

The National Planning Policy Framework also states that decisions should ensure that developments are sympathetic to local character and history, including surrounding built environment.

The application site is also on land adjacent to a grade II listed building at 120, Hartshead Lane, an early to mid 19th century cottage. As such, Policy LP

35 of the KLP and Chapter 16 of the NPPF are relevant. In this instance, there would be a separation distance of around 6.0m between the nearest part of the proposed extension and the listed building, with a tall evergreen hedge on the boundary.

2 – Impact on visual amenity:

Chapter 12 of the NPPF sets out that decisions should ensure that, amongst other things, developments are sympathetic to local character, including the surrounding built environment. Policy LP24 of the KLP expands on this further, stating that good design should be at the core of all proposals in the district. With regards to extensions, it says that proposals should promote good design by ensuring ‘extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details’.

In this case, the original part of the house is a former farm building now in use as a single dwelling with more recent first floor extension (to opposite end of building); detached double garage and small canopy to an existing doorway.

In terms of scale, whilst the massing of the proposed first floor extension is quite substantial, it would not increase the footprint of the original part of the house and the eaves and ridge levels would be slightly below those on the host dwellinghouse, so that it would have a subordinate appearance.

With regards to design, the roof design would be in keeping with those on the existing house and others nearby and would replace a rather disproportionately large mono-pitched roof of striking appearance. Turning to the proposed external materials, the intention is for the walls to be rendered and the roof to be surfaced in natural stone slate to match the existing. Although render on the existing house is restricted to small part of the south facing gable and recessed area outside the study, other properties nearby have more extensive areas of light coloured render, notably 116 and 118, Hartshead Lane, and slightly further away at 108 and 110, Hartshead Lane, and so it is considered to be in-keeping with the character of the area. The proposed roofing materials are to match the existing and therefore, subject to a condition managing the colour of render and specifying that roofing materials should match the original dwelling, this part of the proposal is considered to be acceptable in terms of visual amenity.

The proposed window styles would largely reflect those on the host dwellinghouse and restricted to one opening on the west side elevation, which would be in keeping with character of the building’s former agricultural use. This elevation is the most visible from the public highway. There are more openings on the other elevations, which are considered to reflect the more domestic nature of the current building and are not seen from the public highway. It is noted that there is a public right of way running in a north / south direction beyond several neighbouring properties to the west. However, given that it is at least 40m away, either with other houses in-between providing

screening, or potentially viewed at greater distances, it is considered that there would be very limited impact, if any, on the users of this public footpath.

Overall, it is considered that the development is sympathetic to local character, including the surrounding built environment, and would be in keeping with the existing buildings in terms of scale, materials and details. This is compliant with policy LP24 of the KLP and the aims of chapter 12 of the NPPF.

3 – Impact on residential amenity:

Policy LP24 of the KLP also sets out that extensions should minimise impact on residential amenity of future and neighbouring occupiers.

In this instance two neighbouring properties have potential to be impacted by the proposed development and these are described below.

118, Hartshead Lane – This is 2-storey semi-detached house to the west of the application site and of similar era. Its side gable end faces onto the application site but is slightly beyond the southern end of the proposed first floor extension.

In terms of overshadowing and overbearing impact, the massing of the proposed first floor extension has potential to cast some additional shade over the front garden of this neighbouring property in the morning. However, given that this happens already to some extent by the ground floor element and mono-pitched roof, and that this area is north facing and overshadowed by the existing house at 118, Hartshead Lane, this impact is considered to be fairly restricted over and above the existing circumstances.

With regards to overlooking, the proposed window in the west facing elevation would serve a corridor and there would be an indirect relationship to the existing window in the front elevation of this neighbouring property. The proposed doors, with Juliet balcony in the south elevation, is at approximately 90 degrees to existing windows in the nearest elevation (east facing gable end), and as such it is considered that the ability for overlooking from there would be relatively limited. The south facing back garden at 118, Hartshead Lane would effectively be screened by the massing of the house and a detached garage.

120, Hartshead Lane – This is a 2-storey cottage of the same vintage and adjacent to the eastern side of the house at the application site. The proposed extension would be at least approximately 6.0m from the nearest part of this neighbouring property and orientated to the south west. Here, it would have potential to cast some shade and make the space directly to the east feel more enclosed. However, it is considered that the impact of this would be mainly felt within the yard at the front of the application site. It is also noted that tall evergreen trees and hedges along the mutual boundary already cast significant shadow.

There would be no direct relationship between habitable room windows in the east elevation of the proposed extension and the rear of 120, Hartshead Lane and the substantial screening effect from the tall trees and hedge along the boundary.

Other houses in the vicinity are either further away from the proposed extension than those discussed above or are on the opposite side of the existing building at the application site and screened by its massing.

To conclude, it is considered that the proposal would minimise impact on residential amenity of future and neighbouring occupiers and is compliant with policy LP24 of the KLP.

4 – Impact on highway safety:

The site is accessed from Hartshead Lane, an adopted but unclassified road, via a driveway to the side. The proposal would retain a detached double garage and has ample parking and turning space to the front of the house for at least approximately 4 vehicles. The enlarged property would be a 5 bedroom house and it is considered that there would be sufficient off-street parking to prevent harm to highway safety, and as such the proposal complies with policies LP21 and LP22 of the KLP.

5 – Other matters:

Carbon Budget

The proposal is a small scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

Impact upon the setting of a Listed Building:

The application site is adjacent a Grade II listed building at 120, Hartshead Lane. It is described as a detached cottage of early to mid 19th century, 2-storeys with stone walls and stone slate roof.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that any application for development must preserve the character and appearance of the listed building. The main issue here is whether the proposed first floor extension affects the setting of the listed building.

In this instance, the Council's Conservation and Design officers have been consulted and commented that there would be minimal harm on the setting of the listed building and therefore have no concerns on heritage grounds. They also raise no concern regarding the design of the proposed extension.

The application is therefore considered acceptable in relation to Policy LP35 of the KLP and the aims of chapter 16 of the NPPF.

Protected species (bats):

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

Bats are 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 Policy LP30 of the KLP and chapter 15 of the NPPF.

6 – Representations:

No representations were 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: 2019/93888

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 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external roofing material of the first floor 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 conserve the setting of the adjacent listed building in accordance 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. The external walls of the first floor extension hereby approved shall be finished in render in an off-white or cream colour, before it is first brought into use and thereafter retained.

Reason: To ensure that the development harmonises with the character of the surrounding area, in the interests of visual amenity and to conserve the setting of the adjacent listed building. This is to accord with Policies LP24 and LP35 of the Kirklees Local Plan as well as the aims of Chapters 12 and 16 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 13.00 hours, 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 work may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	Dwg no. 2019_80_20_3		14.01.2020
Site plan	Dwg no. 2019_80_20_3		14.01.2020
Floor plans as existing	Dwg no. 2019_80_01		14.01.2020
Elevations as existing	Dwg no. 2019_80_03		14.01.2020
Side elevations as existing	Dwg no. 2019_80_02		14.01.2020
Plans and elevations as proposed	Dwg no. 2019_80_19		14.01.2020

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. In this instance, no negotiations took place during the course of the application as the proposal was considered to be acceptable as originally submitted.

Report Dated: 09.03.2020