

**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: 2019/62/94093/E

Site Address: Hill View Cottage, 5, Timberwood, Kirkburton,
Huddersfield, HD8 0PB

Description: Erection of single storey front extension (within a
Conservation Area)

Recommending Officer: Josh Kwok

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: 01-Jun-2020

Officer Report

Site Description

This application relates to 5 Timberwood, Kirkburton. It consists of a two storey stone built cottage with an elevated garden to the front and a courtyard to the rear enclosed by a dry stone wall. The cottage was part of a farm building, which was subsequently converted and extended to form 3 dwellings in 1995. It has traditionally designed windows with stone heads and sills and painted timber frames.

The site and its surroundings are purely residential characterised by two storey stone built properties of traditional appearance. The land level drops gradually from the northern aspect of the site to the southern aspect. All buildings in this locality fall within Thunder Bridge Conservation Area and the Green Belt on the Kirklees Local Plan.

Description of Proposal

Planning permission is sought for the erection of a single storey front extension. Details of the proposal are outlined in the following.

- 4.438m wide x 1.700m deep x 3.565m high
- Facing and roofing materials to match existing

The proposed drawing indicates that the existing painted timber door in the rear elevation of the host property would be replaced by a glass door. This alteration is not currently included in the application description and therefore not assessed in this application. However, such an alteration may be carried out under Class A of Part 1 of Schedule 2 of the GPDO. For the sake of clarity, a footnote should be inserted to the decision notice to state that the permission solely relates to the front extension.

History of negotiations/amendments received

The scale and design of the proposed development has been amended in order to reduce the impact on visual amenity and historic environment. The amended drawing was received 18-May-2020. No further amendments have been sought afterward.

Relevant Planning History

95/92086 – Part demolition, rebuild, re-use and extension to existing farm buildings and cottage to form 4 dwellings. Erection of detached garages, stabilising or rock face, formation of new access, removal of fill material and regrading to original ground levels (Grange Farm, Grange Lane) – Approved

Representations

This application was publicised by site notice, neighbour letter and news advert, which expired on 12-May-2020. As a result of this publicity, three representations have been received from the occupants of the neighbouring residential properties, who raised the following issues.

- The proposal would result in an unacceptable loss of amenity and would not enhance the conservation area
- The development as proposed would be out of character with its immediate surroundings, resulting in the loss of valued garden area
- The kitchen window of an adjoining property would be overshadowed by the front extension
- An undesirable sense of enclosure would arise from the proposal, affecting the view of a neighbouring property
- There would be more noise and disturbance as a result of the proposed front extension
- The proposed extensions would be in a prominent location clearly visible to those entering or existing Timberwood

Kirkburton Parish Council – no comments received

Consultation Responses

KC Conservation & Design Team – The amended proposal as shown in drawing no.17-178-01F received on 18-May-2020 is considered satisfactory from a heritage conservation perspective. It would not harm the significance and character of Thunder Bridge Conservation Area

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 within Thunder Bridge Conservation Area and the Green Belt on the Kirklees Local Plan.

Kirklees Local Plan (KLP):

- **LP 01** – Achieving sustainable development
- **LP 02** – Place shaping
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity
- **LP 35** – Historic environment
- **LP 57** – Extension etc of existing buildings

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 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- 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
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan. This policy stipulates that proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

Chapter 13 of the NPPF relating to development in the Green Belt is also relevant in this case as the application property amongst others nearby are situated within the Green Belt. Paragraph 143 states that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. This is elaborated further in paragraph 145 that “a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, except amongst others exceptions the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”. This requirement is mirrored in policy LP57 of the KLP that relates to the extension, alteration or replacement of existing buildings.

The application property was originally part of a barn. This was subsequently converted to three dwellings. Following the conversion approved in 1995, the property concerned has remained in the same form without any alterations or extensions. As such, the size of the current building could be considered the size of the original building for the purpose of paragraph 145(c) of the NPPF. The extension as proposed would be modest in size compared to the original building. Given that, officers do not find it to amount to a disproportionate addition as prescribed in paragraph 145 of the NPPF and policy LP57 of the NPPF. Concerning the design and materials of this extension, they are assessed further in the visual amenity section in this report. In summary, the principle of extending the current building could be supported from a Green Belt perspective, in line with policy LP57 of the KLP and Chapter 13 of the NPPF.

The application site is within Thunder Bridge Conservation Area. Therefore, the development proposal needs to be assessed with regard to policy LP35 of the KLP and chapter 16 of the NPPF. Additional to these policies is the statutory duty to have regard to the desirability of preserving or enhancing the character or appearance of a conservation area as set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This matter is addressed further in the visual amenity section in this report.

2 –Impact on visual amenity (including impact on historic environment):

The development proposal is for a single storey front extension comprising a porch and a utility room. This extension would be modest in scale compared to the host property. The facing and roofing materials are proposed to match the existing building on site. The extension would have a simple mono-pitched roof with two small windows. This is considered a satisfactory design that would preserve the appearance of the application property and in keeping with the semi-rural character of its immediate surroundings. Therefore, the proposal would be acceptable in scale, design and materials, complying with policies LP24 and LP57 of the KLP and chapter 12 of the NPPF.

As highlighted earlier in the site description section, the application site is within Thunder Bridge Conservation Area. Hence, the proposal would need to be designed in such that it would preserve and where possible enhance the significance and character of the conservation area in accordance with policy LP35 of the KLP and chapter 16 of the NPPF. Thunder Bridge Conservation Area does not have a conservation area appraisal.

Thunder Bridge is a small linear village in a wooded valley comprising of stone built eighteenth century cottages and public house adjacent to the village street. Two large villas and, at Grange, a farm and cottages. The application site is at the periphery of the conservation area, accessible from the village core view Grange Lane. All buildings on Grange Lane appear to be historically related to agriculture, surrounded by vast area of open fields. Although some have been extended and converted into dwellings, they are

still of a positive contribution of the historic setting and rural character of the conservation area.

In this case, planning permission is sought for a modest extension to the front of an existing residential property within the conservation area. Hence, it would not change the prevailing residential character in this locality. The materials of construction would be stone and tiles to match the existing building on site and those surrounding it. Furthermore, due to the changing land level, this extension would be partly screened from its immediate surroundings by the garden of the application property. In this respect, it would not constitute an overly prominent feature in the street scene.

No.5 Timberwood is part of a larger “L” shape building comprising two other residential properties i.e. nos.6 and 7. It is noted for example that no.7 has already had an extension of a similar design approved in 2013. This extension is materially larger than what is currently proposed in this application. With this factor in mind, officers do not find the proposed development to result in a greater impact on the appearance of the existing building and the historic character of the conservation area compared to what has already been approved and built at no.7 Timberwood.

KC Conservation and Design Team has confirmed in their consultation response that the current proposal could be supported from a heritage conservation perspective. It would not harm the significance of the conservation area or the historic townscape of Thunder Bridge. Since there is considered no harm to the conservation area, paragraphs 195 and 196 of the NPPF have not been engaged in the assessment of the current application.

In short, the development proposal would be of a satisfactory design that would preserve the traditional appearance of the host property and the historic rural character of Thunder Bridge Conservation Area in accordance with policies LP24, LP35 and LP57 of the KLP and chapters 12, 13 and 16 of the NPPF. The proposal would therefore be appropriate in terms of visual amenity, Green Belt and heritage conservation.

3 – Impact on residential amenity:

The proposed extension would project from the external front wall of the host property by 1.7m, setting back from the internal side wall by 3.5m. An extension of this scale is not considered to cause unacceptable overbearing and overshadowing impacts on the adjoining property no.6 Timberwood and its garden.

There is a substantial hedge along the western boundary of the application site. Hence, even if new openings are to be created in the side elevation of this extension, there is unlikely to be any harm to the privacy of these neighbouring occupiers.

There is no residential property directly adjacent to the front of the application site. No other properties in the vicinity of the site would be adversely affected

by the current proposal. In short, the development concerned would be acceptable in terms of residential amenity.

4 – Impact on highway safety:

The proposal would neither intensify the residential use of the application property nor would it affect the parking arrangement of the site. There would be no issues in terms of highway safety and efficiency, consistent with policies LP21 and LP22 of the KLP.

5 – Other matters:

Climate change

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 proposal is a small scale domestic development to an existing dwelling. As such, no specific measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in place 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.

Ecology

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 was found. 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.

Procedural matter

The amended drawing received on 18-May-2020 was not re-publicised by site notice or neighbour letter because it was not considered significantly different from the previous drawing no.17-178-01E, which was subject to further publicity. Proceeding to determination without re-publicising this drawing would not, in officers’ opinion, conflict with the relevant publicity requirement outlined in the DMPO and the Council’s Development Management Charter.

There are no other matters considered relevant to the determination of this application.

6 – Representations:

As a result of the initial and further publicity, three representations have been received from the occupants of the neighbouring residential properties. The following issues have been raised in these representations.

- The proposal would result in an unacceptable loss of amenity and would not enhance the conservation area
Response: This matter has already been considered in the visual amenity section in this report. It is considered that the proposal as amended would preserve the appearance and character of Thunder Bridge Conservation Area.
- The development as proposed would be out of character with its immediate surroundings, resulting in the loss of valued garden area
Response: The proposed front extension would be of a satisfactory design quality, which would be in keeping with the surrounding development. The area where this extension is proposed to be built is not currently used as a garden.
- The kitchen window of an adjoining property would be overshadowed by the front extension
Response: There would be no unacceptable overshadowing impact on any neighbouring properties.
- An undesirable sense of enclosure would arise from the proposal, affecting the view of a neighbouring property
Response: The proposed development would be modest in scale and in a reasonable separation distance from the surrounding development, thus not resulting in a significant overbearing impact on the adjoining properties and their garden.
- There would be more noise and disturbance as a result of the proposed front extension
Response: This is a domestic extension to be occupied by one household as existing. Hence, it would cause a material increase in noise and disturbance compared to the current situation.
- The proposed extensions would be in a prominent location clearly visible to those entering or existing Timberwood
Response: The extension would be set at a lower land level than the road and it would be of an appropriate scale. It would not have a dominating impact on the appearance of the host building. The impact on local street scene is also considered acceptable.

The above concerns have been considered carefully. Some amendments have been made to the original proposal to address the issues raised in these representations. The amended proposal is not considered to be of a satisfactory quality that could be recommended for approval.

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:** 2019/94093**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, to preserve and enhance the significance and character of Thunder Bridge Conservation Area and to avoid harm to the Green Belt in accordance with Policies LP21, LP24, LP35 and LP57 of the Kirklees Local Plan and Chapters 12, 13 and 16 of the National Planning Policy Framework.

3. The external walls and roofing materials of the single storey front extension hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity, to avoid harm to the Green Belt to preserve and enhance the significance and character of Thunder Bridge Conservation Area in accordance with Policies LP24, LP35 and LP57 of the Kirklees Local Plan and Chapters 12, 13 and 16 of the National Planning Policy Framework.

NOTE: This planning permission relates solely to the erection of a single storey front extension.

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 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
Plans and elevations as existing and proposed	17-178-01	F	18-May-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 case, the scale and design of the proposed development has been amended in order to reduce the impact on visual amenity and historic environment. The amended drawing was received 18-May-2020. No further amendments have been sought afterward.

Report Dated: 21-May-2020