

**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: 2020/62/90054/W
Site Address: 56, West Street, Lindley, Huddersfield, HD3 3JX
Description: Erection of single storey extension to side and rear
Recommending Officer: Ellie Worth

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: 12-Mar-2020

Officer report

Site description

56 West Street, Lindley is a semi-detached property constructed from natural stone with a stone slate roof. The property is located within a row of residential properties whereby the common design features are stone heads and cills. To the rear of the site is private amenity space. At the time in which the site visit was undertaken, there was no evidence of on-site parking, however, pedestrian access can be taken from the front elevation onto West Street. To the rear, boundary treatment consists of timber fencing and hedging.

The site and wider area is predominantly dominated by residential properties, most of which vary in design and form. Furthermore, to the East of the application is the Ye Olde Black Bull Pub a Grade II Listed Building, alongside Urban Green Space to the rear of the site.

Description of development

The applicant is seeking permission for a single storey extension. The measurements of the proposal are as follows:

- 2.5m – 4.8m in width
- 5.7m in length
- 2.8m to the eaves; 4.5m in maximum height

The proposed extension will be constructed from stone with a tiled roof to match the host property. The additional fenestration will also be constructed from white UPVC to match. Internally the extension will provide an additional bedroom for the property.

History of negotiations/amendments received

The officer entered into discussions with the agent regarding the overall size and scale of the extension, given its relationship with the host property and the fact that it would be readily visible from public vantage points. As such, amended plans were received on the 2nd March 2020.

Relevant Planning History

None at the application site

Representations

The application was advertised by site notice and neighbour notification letters.

Final publicity expires: 12th March 2020

As a result of the above publicity, no representations have been received.

The application has also been re-advertised via a 10 day neighbour letter given the amendments sought. As a new bathroom window will be inserted

into the eastern facing side elevation which was not previously included on the original plans.

Consultation responses

KC Highways DM (informal): The officer has raised no objections to the proposal, as the extension will serve an existing residential property within a sustainable location.

KC Environmental Health: No objections to the proposal.

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.

Kirklees Local Plan:

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP21 – Highway safety
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity
- LP53 – Contaminated and unstable land

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 design places
- Chapter 15 – Protecting and enhancing the natural environment

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. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this instance the principle of extending and altering the dwelling is acceptable and shall be assessed against other material planning consideration below.

2. Impact on visual amenity

It has been considered that the proposed extension would appear subservient to the host property given the amendments sought to omit the first floor element. As such, it would still be possible to rear the original dwelling in which would sit comfortably within its curtilage. Whilst there would be additional amenity space developed to the side and rear of the dwelling, the proposal would not result in the overdevelopment of the site, as the property benefits from an ample amount of amenity space to the rear. The existing UPVC porch will also be demolished as part of this application.

The design of the extension has been considered acceptable in terms of visual amenity, as it would benefit from a dual pitched roof. This simple form of development would harmonise well with the host property and therefore can be supported. Furthermore, the overall bulk and massing of the extension has also been significantly reduced to single storey, in order to provide a more subservient addition to the dwellinghouse.

In terms of fenestrations, the submitted plans show two openings to be inserted into the northern facing elevation, alongside a smaller opening to serve an en-suite, within the eastern facing side elevation. These would have a satisfactory visual impact, as the openings proposed would be of a similar appearance to those that exist on the host property.

The overall footprint of the extension would extend beyond the side and rear elevations of the host property by 2.5m. This is unusual but this follows the line of ownership between the application property and the dwelling to the east, where there is a ‘dog-leg’ to the rear.

For these reasons, the proposal is considered to have an acceptable visual impact that would on balance promote good design and respect the character of the area in accordance with Policy LP24 of the Kirklees Local Plan as well as Chapter 12 of the NPPF.

Setting of Grade II Listed building at Ye Olde Black Bull Public House

To the east of the site lies the Black Bull Public House, a C18th or early C19th rendered two storey building with a pitched slate roof. The design features

incorporate 2 ranges of 3 light stone mullioned windows, one range of 4 light stone mullioned windows (with all the ground floor windows removed).

Significant of affected heritage assets

Paragraph 190 of the NPPF requires that the Local Planning Authority identify and assess the particular significance of any heritage assets affected and take this into account when considering the impact of an application for planning permission on the setting of a heritage asset.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act requires that the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Policy LP35 of the Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

In this case, given the siting of the proposed extension, it has been noted that this would be partially seen in context of the listed building when viewed from the rear of the public house. However, given the relatively small scale of the extension, the proposal would have no material impact on the setting of the listed building, due to the irregular shape of the neighbouring property at 54 West Street which would obscure the majority of the view.

For these reasons, it has been considered that there would be no significant impact upon the character and setting of the listed building and therefore in this instance, it has not been considered necessary to advertise the application as affecting the setting.

In summary, it has been concluded that the proposal would be of a satisfactory design quality and would be in keeping with the character of the area, including the setting of the Listed Building in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and the aims of Chapter 12 and 16 of the NPPF.

3. Impact on residential amenity

The impact of the development on each of the surrounding properties will be assessed in turn.

58 West Street is the adjoining property to the West of the application site. Given the amendments sought to reduce the overall height of the extension

from two storey to one, it has been considered that there would be no undue impact on these neighbours amenity in terms of overbearing. Any concern, is also alleviated by the fact that the main bulk of the extension would be located along the eastern facing side elevation of the dwelling, away from these neighbours.

In terms of overshadowing, it has been noted that these neighbours benefit from a single storey conservatory to the rear, which is likely to be impacted on as part of this application. However, it has been noted that any overshadowing would only occur in the morning, and only when the sun is low and therefore will not be undue.

The submitted plans also show no additional openings to be inserted into the western facing side elevation of the extension. Nonetheless, in order to protect the existing and future neighbour's amenity it has been considered necessary to remove future openings within this elevation.

54 West Street is the neighbouring property to the East of the application site. Due to the irregular shape of this dwelling, and the fact that these neighbours benefit from a single storey flat roof extension to the rear, it has been considered that there would be no undue impact on overbearing and overshadowing.

In terms of overlooking, the submitted plans show a small opening to be inserted into the eastern facing side elevation. Given that this will serve a bathroom and is likely to be obscurely glazed no significant concerns is raised. Nonetheless, in order to protect these neighbours' amenity, future openings within the eastern facing side elevation will be removed, as the extension would bring development closer to the shared boundary at these neighbours. As such, a condition will be attached to the decision notice accordingly.

Overall, it has been considered that the impact on residential amenity is acceptable and therefore the proposal is considered to comply with Policy LP24 of the Kirklees Local Plan.

4. Impact on highway safety

KC Highway DM have been informally consulted as part of this application, given the fact that the proposal has the potential to intensify the domestic use at the property, as an a third bedroom will be provided. In this instance, the officer raised no objections to the proposal, as the property is an existing dwellinghouse within a sustainable location.

For these reasons, the proposal is unlikely to have any significant impact on highway safety in accordance with Policies LP21 and LP22 of the Kirklees Local Plan.

5. Other matters

Bats

The application site lies within the bat alert layer on the Council's GIS system. As such, careful attention was paid when undertaking the site visit to look to evidence of bat roost potential. In this instance, the host property appeared well sealed around the eaves and therefore is unlikely to contain roosting bats. Alongside this, the extension would be single storey in height with no works being proposed to the eaves of the dwelling. This is to accord with the aims of Chapter 15 of the NPPF.

Historic Landfill Site

The site is located within a historic landfill buffer. As such, Environmental Health have been informally consulted, raising no concern on this matter. Therefore in this instance it is not considered necessary to attach a condition to the decision notice regarding the reporting of unexpected land contamination.

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 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.

Given the nature of the proposal it is not considered reasonable to require the applicant to put forward resilience measures. However, it has been noted that the proposed extension will be constructed from stone which is a natural, durable material that can be sourced locally. Furthermore the extension would provide an accessible bedroom and ground floor bathroom which provide flexible accommodation for residents.

6. Representations

None received.

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 materials considerations. It is considered that the development would constitute to sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2020/90054

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 LP30 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the rear extension hereby approved shall in all respects match those used in the construction of the existing building, in accordance with the details shown on the approved plan.

Reason: In the interests of visual amenity and to accord with Policies LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings, other than those expressly permitted by this development, shall be created within the eastern and western side elevations 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 LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

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 work may be carried out.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	-	-	14 th January 2020
Existing floor plans	20_1001.1		14 th January 2020
Existing elevations	20_1001.1.1	-	14 th January 2020
Proposed elevations	20_101.2.1	A	2 nd March 2020
Proposed floor plans	20_161.2	A	2 nd March 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, the officer entered into

discussions with the agent regarding the overall size and scale of the extension and therefore final amended plans were received on the 2nd March 2020.

Report Dated: 12th March 2020