

**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:** 2020/62/90152/W

**Site Address:** 3, West Avenue, Lindley, Huddersfield, HD3 3LR

**Description:** Erection of two storey rear, single storey side and single storey front extensions (within a Conservation Area)

**Recommending Officer:** Sam Jackman

**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: 16-Mar-2020**

## **SITE DESCRIPTION - 2020/90152**

3 West Avenue, Lindley is a large detached property located in a small cul-de-sac of similar properties built around 1940. The property is within an area defined as Edgerton Conservation Area as defined on the Kirklees Local Plan.

The property is situated centrally within a fairly large plot where site slopes gently from the road up towards the property and the rear garden by around 2m in total. There is an existing driveway along the north facing gable leading to two large detached double garages at the rear of the property. The property is set back from the road within large mature gardens where the majority of the garden area located to the front and rear of the property.

The two-storey period property is constructed from natural stone with a stone slate roof with a double storey bay windows both the front and side elevation (south Facing) and a 2-storey and single storey rear extension where the single storey has a flat roof.

## **DESCRIPTION OF PROPOSAL**

Permission is sought for the demolition of the existing flat roofed single storey rear extension, replacing it with a 2-storey rear extension, as well as a single storey orangery extension to the side and small single storey front extension with internal alterations.

### *Single storey front extension*

The proposed single storey front extension would be located to the side of the existing entrance lobby of the property. The extension would project 1metres by 2m with a flat roof reflecting the existing lobby.

The accommodation would create an en-suite to the newly created ground floor bedroom.

The proposed materials of construction would be coursed stone for the walls.

### *Demolition of single storey rear extension*

To the west facing rear elevation of the property is a single storey flat roofed stone extension which is to be demolished.

#### Two storey extension

The proposed two storey extension would be located on the site of the demolished single storey extension, albeit with a larger footprint. The extension would be flush with the gable and extend in line with the rear elevation.

The extension would be 5.5m by 4.8m with the eaves height following through from the existing eaves at a height of 5.5m with the ridge of the roof being set down from the main roof by 0.8metres, in line with the rear extension with an overall height of 8m, creating a double gabled rear elevation with a central valley gutter.

The proposed materials of construction would be natural coursed stone for the walls, stone tiles for the roof with steel and upvc windows.

The accommodation would be an enlarged kitchen at ground floor and bedroom with en-suite at first floor.

#### Single storey side orangery extension

The proposed single storey side orangery would project 4.5metres by 5.5metres, with glazing to all sides with stone corners, having a central roof lantern to a flat parapet roof.

#### Internal alterations

The proposal includes internal alterations to the existing kitchen-diner, utility and pantry, by extending the hallway, creating a ground floor bedroom and larger utility. The side entrance will be relocated to an existing window opening with new porch canopy over. At first floor a new bathroom window will be created in the side elevation.

### **HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED**

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

However, amended plans were submitted at the request of the applicant, which included an open canopy over the front entrance with a lean-to roof. These details were considered to be not in keeping with the character of the building and following discussions with the agent, the canopy was removed from the application and revert back to the original submitted plans.

### **RELEVANT HISTORY**

Pre- 74 – 2-storey rear and single storey extension

2 detached double garages

*Adjacent Property*

2015/90414 No 5 West View, Lindley – 2 storey side extension – conditional full permission

2018/92235 No 7 West View, Lindley – 2 storey side extension & single storey rear – conditional full permission

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f92235+>

## **PUBLIC/MEMBERS RESPONSE**

Final publicity date Expires: 20.2.20

No letters of representation have been received in respect of this application.

## **CONSULTATION RESPONSES**

**K.C. Conservation & Design** - It is considered that this application satisfies the relevant LP and NPPF policies and therefore can be supported by Conservation and Design.

## **POLICY**

The statutory development plan comprises:

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 27<sup>th</sup> February 2019).

The site is unallocated on the Kirklees Local Plan and is designated as part of Edgerton Conservation Area.

### **Kirklees Local Plan (LP):**

**LP 1**– Achieving sustainable development

**LP 2** – Place shaping

**LP 22** - Parking

**LP24** – 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, together with Circulars, Parliamentary 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 14** – Meeting the challenge of climate change, flooding & coastal change.
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

## **ASSESSMENT**

### **Principle of development:**

The site is within the Edgerton Conservation Area. Section 72 of the Listed Buildings & Conservation Areas Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area. This is mirrored in Policy LP35 together with guidance in Chapter 16 of the National Planning Policy Framework.

The site is without notation on the Kirklees Local Plan. Policy LP1 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 LP1 goes on further to stating that “the council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design.

In the case of this application, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity and highway safety.

### **Impact on visual amenity including the character and appearance of the Conservation Area:**

The proposed two storey extension would be located on the rear elevation of the property and would replace the existing flat roofed ground floor extension.

In terms of design, the rear extension reflects the design of the earlier two-storey extension replacing a single storey flat roofed extension, with the eaves following through and the ridge height set below the host property creating a

twin gabled rear elevation providing symmetry to the property. It would have an impact within the street scene as it would be visible from the cul-de-sac. From this elevation it would not be possible to read the original dwelling, the orangery would also be glimpsed from here too. However, it would not impact on the original principal elevation of the property.

The openings in the side elevation reflect the existing first floor window, however the rear elevation incorporates a modern patio door to the new kitchen is at odds with the host property, albeit reflects the openings in the existing extension, furthermore these are to the rear, in a non-listed property and are a modern addition so are considered to be acceptable in this case.

The single storey front extension would extend the existing entrance lobby in line with the gable, reflecting the window opening and roof form, retaining the existing features and characteristics of this period property.

The proposed orangery would be constructed onto a later extension where historic detailing such as the two-storey bay window will not be obscured. The applicant proposes natural stone construction with a roof lantern to a parapet wall reflecting the architectural detailing of the existing bay windows. Furthermore, with windows would have matching proportions incorporating mullions, matching the host property.

The proposed extensions combined with previous extensions could be considered not to be subservient to the host property given that the combined rear extension would project 5.5m by 11.2m the full width of the rear elevation with the addition of the orangery. However, the proportions of the extensions reflect the scale of the host building and therefore albeit large are considered to be acceptable in this case, taking into account plot size and the scale of nearby dwellings.

As the property is located within the Conservation Area, Conservation and Design have been consulted where their view is that the scheme in terms of scale, design and materials of the proposed extensions would not cause harm to the special character and appearance of this section of the Edgerton Conservation Area and is considered to satisfy both the Local Plan and National Planning Policy Framework policy (LP35 and Chapter 16)

Therefore, the proposal is in accordance of Policy LP24 of the Kirklees Local Plan in that the extension will be constructed of materials to match those of the host building and although will not remain subordinate to the host building. The design and proportions reflect the character of this period property. The extensions are considered to relate satisfactorily to the host building and will have an acceptable impact on visual amenity, thereby acceptable and compliant with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan and advice in the NPPF

**Impact on residential amenity:**

The proposed extension and alterations are assessed upon whether they would have a detrimental effect on visual amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking and also in terms of its design, size and visual amenities.

The proposed 2-storey extension is located over 5m from the shared boundary with its nearest neighbour to the north with an overall separation distance of 20m between the properties, therefore, it is considered there will be no impact on neighbouring properties in terms of overshadowing or overbearing.

With regards overlooking the ground floor window reflects the distance of the existing windows to the boundary which provides some screening. Where the new first floor to the bedroom is a secondary window, which potentially overlooks the neighbours garden and towards the neighbour property, would have a separation distance of over 20m between habitable room windows. However, given that it would overlook the neighbours garden and existing boundary planting doesn't provide adequate screening, the first-floor bedroom windows should be condition to be obscurely glazed as a secondary window to this large bedroom. (condition 4)

The properties to the rear have over 30m separation distance between the 2-storey rear extension to the shared boundary with mature planting therefore little opportunity for overshadowing, overbearing or overlooking.

With regards to the orangery and front extension these are both single storey, set in from the shared boundaries and unlikely to create any overbearing or overshadowing of neighbouring properties. With regards overlooking the front extension windows are small and overlook the front garden. The existing screening along the shared boundary would screen the windows to the orangery preventing overlooking.

The proposal therefore accords with policies LP1, LP2 & LP24 of the Kirklees Local Plan which states "extensions...minimise impact on residential amenity of future and neighbouring occupiers." Having considered the above factors affecting neighbouring properties and relevant policies, the proposed extensions are not deemed to result in any significant harm upon the residential amenity, as well as chapter 12 of the National Planning Policy Framework.

#### **Impact on highway safety:**

In terms of highway safety there are no highway issues as the drive is not being affected by the proposal, albeit reduced in width adjacent to the rear extension, the drive can still accommodate 3 cars, as such would meet the aims of Policy LP22 of the Kirklees Local Plan with respect to highway safety and advice in Chapter 12 of the National Planning Policy Framework.

#### **Other matters:**

**K.C. Conservation & Design** - It is considered that this application satisfies the relevant LP and NPPF policies and therefore can be supported by Conservation and Design.

**K.C. Biodiversity** – the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance.

This is due to the fact that the appears to be in a good state of repair, however a cautionary note should be added in case bats are found.

As such the development would have little impact on bats and would be in accordance with Chapter 15 of the National Planning Policy Framework and Policy LP30 of the Kirklees LP.

**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.

Due to the size, scale and limited nature of development, it was not considered necessary to request specific measures to address the developments' resilience to climate change. The use of natural stone is a local, recyclable source of materials that would result in less transport miles.

### **Representations:**

It should be noted that no representations have been received as a result of site publicity.

### **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.

## **Decision Authorisation - Delegated Powers**

**Application Number:** 2020/90152

**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 51 of the Planning and Compulsory Purchase Act 2004.

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 retain the significance of Edgerton Conservation Area and to accord with Policies LP01, LP02, LP24 and LP35 of the Kirklees Local Plan and advice in the National Planning Policy Framework.

3. The external walls and roofing materials of the extensions hereby approved shall in all respects match those used in the construction of the host building.

**Reason:** In the interests of visual amenity, to retain the significance of Edgerton Conservation Area and to accord with Policies LP01, LP02, LP24 and LP35 of the Kirklees Local Plan and advice in the National Planning Policy Framework.

4. Notwithstanding the approved plans the first-floor bedroom window in the side elevation, shall be obscurely glazed (minimum grade 4), before the extension is first brought into use. Notwithstanding the provisions of section 55(2) (a) (ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) this window shall thereafter be so retained obscurely glazed.

**Reason:** So as not to detract from the amenities of the adjoining property by reason of loss of privacy and to accord with policies LP01, LP02 & LP24 of the Kirklees Local Plan and advice in the National Planning Policy Framework.

**NOTE:** The Council's GIS system indicates that the property is within a bat roost area and 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 to 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      | Date Received |
|--------------------------------------|----------------|---------------|
| Location Plan 1:1250                 | 1983-D-20-001  | 22.1.20       |
| Existing & proposed block Plan 1:100 | 1983-D-20-002  | 22.1.20       |
| Existing ground floor layout         | 1983-D-20-003  | 22.1.20       |
| Existing first floor layout          | 1983-D-20-004  | 22.1.20       |
| Proposed ground floor layout         | 1983-D-20-005  | 22.1.20       |
| Proposed first floor layout          | 1983-D-20-006  | 22.1.20       |
| Existing elevations                  | 1983-D-20-007  | 22.1.20       |
| Proposed elevation                   | 1983-D-20-008  | 22.1.20       |
| Heritage, design & Access Statement  | Dated Jan 2020 | 22.1.20       |

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 Planning 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. The Case Officer did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

### **Recommendation and Authorisation Box**

Report Dated:

12.3.20

Coal – low risk