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:	2020/62/90241/W
Site Address:	143, St Johns Road, Birkby, Huddersfield, HD1 5EY
Description:	Erection of single storey rear extension (within a Conservation Area)
Recommending Officer:	Danielle Cooper

DECISION - REFUSED

I hereby authorise the refusal 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: 18-Mar-2020

Officer Report

Site Description

143 St Johns Road, Birkby is commercial property. The building is a terraced property which is constructed from stone with a blue slate gabled roof. The commercial property appears to have parking to the front, although it is of the understanding from the officer that the host property does not own any land for parking. The application site is located within a commercial and residential area with a mix of dwellings in terms of their character, style and design.

The building has an existing single storey extension to the rear for which retrospective planning permission is sought. This has been completed with the inclusion of a wall mounted A/C unit.

The application site is located within Birkby Conservation Area.

Description of Proposal

Permission is sought for the erection of a single storey rear extension.

The proposed extension is faced in render with a bitumen covered flat roof. A wall mounted A/C unit is installed on the rear elevation as shown on the submitted plans.

The proposed extension is ‘L’-shaped with the larger projection of 4m and the lower of 2.8m near the adjoining boundary wall with no. 139 St Johns Road. The width of the extension is 3.4m and has an overall height of 3m.

History of negotiations/amendments received

None

Relevant Planning History

None.

Representations

The application was publicised by site notice and neighbour notification letter and the press

Final publicity date Expires: 13/03/20

No representations were received

Consultation Responses

Enforcement were notified of the application.

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 within Birkby Conservation Area.

Kirklees Local Plan (LP):

- **LP1 Achieving sustainable development**
- **LP2 Place Shaping**
- **LP21 Highway safety and access**
- **LP22 Parking**
- **LP24 Design**
- **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 12 – Achieving well-designed places
- 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

Principle of Development:

<u>Impact on Birkby Conservation Area</u>

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that LPAs have a general duty in that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.

National policy sets out guidance for development in the conservation area. Paragraph 193 of Chapter 16 of the NPPF states ‘when considering the potential impact that the proposal shall have on the area, great weight should be given to the asset’s conservation.

Local plan policy LP35 echoes the intentions of the NPPF, LP35 reads as “development proposals affecting a designated heritage asset (or an archaeological site of national importance) should preserve or enhance the significance of the asset. In cases likely to result in…harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring…public benefits that clearly outweigh the harm”.

LP24 states that all proposals should promote good design by ensuring the following:
‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’ and that ‘extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers’.

The proposed rear extension, although not seen within the immediate street scene, does not respect the character of the immediate area. Its form, siting and external appearance do not harmonise with the predominant use of stone and slate. Although only single storey it would create a discordant structure which will have a detrimental impact to the visual amenity and the significance of the Birkby Conservation Area. This impact is exacerbated by the inclusion of the A/C unit on the rear elevation.

The harm accrued has been weighed against the potential benefits of the development. The Heritage Statement focuses on the private benefits stating that it would provide ‘much needed floor space within the retail unit’. This might be the case but this could have been provided by extending the property in a way which did not harm the significance of the conservation area. It is considered there are no public benefits that outweigh the harm the extension would cause to the significance of Birkby Conservation Area.

The development is therefore not acceptable in regards to the historic environment and does not accord to Policy LP 35 of the Kirklees Local Plan and Chapter 16 of the NPPF. It would also be detrimental to visual amenity, contrary to Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

Impact on residential amenity:

LP24 states that alterations to existing buildings should provide the following: ‘high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distance between buildings and the creation of development-free buffer zones between housing … and means of screening where necessary’.

As the proposal has no openings and there being an existing single storey lean to. It has been assessed the proposed extension will only impact upon neighbouring dwelling no 139 St Johns Road

No. 139 St Johns Road is the neighbouring dwelling east of the application site. The proposed development does not raise concern in regards to overlooking, however as the proposed structure will form part of the adjoining boundary wall there will be some impact in regards to overshadowing. Given the modest scale of projection near to the boundary wall of 2.8m and the overall height of 1.5m, although the proposed extension will cause some overshadowing given the time of day, it has been considered that on balance the impact of overshadowing & overbearing would not be undue.

There is no information regarding the level of noise that might be created by the A/C unit but this is well spaced from the windows in no. 139.

For the reason's set out above, it is considered that the proposal is acceptable in respect on residential amenity and against LP24 (b) and (c).

Impact on highway safety:

The development not affect parking provision on site, it has been considered that the proposal would comply with LP21 and LP22 of the Kirklees Local Plan.

Other Matters:

Biodiversity

It is recognised that the site is located within a bat alert area. However, the development would not affect any existing structures and therefore any potential impact on bats is considered to be acceptable.

Climate change credentials - 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.

In this instance, it has been decided that the proposed development would not need to be assessed for its climate change credentials.

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 proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the National Planning Policy Framework as a whole.

Recommendation – Refuse

Decision Authorisation - Delegated Powers

Application Number: 2020/90267

Officer Recommendation: Refuse

Reasons for refusal

The proposed extension by reason of its design and external appearance would fail to preserve the character or appearance Birkby Conservation Area. Furthermore it would be an overly prominent and incongruous feature which would result in harm to the visual amenity of the area. The harm to the significance of the conservation area is considered to be less than substantial, however, as required by paragraph 193 of the NPPF, great weight has been given to that harm in assessing the impact of the proposed development. Public benefits have not been demonstrated that would outweigh the harm caused in this case. The development would therefore be contrary to the Council's duties under the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies LP24 and LP35 of the Kirklees Local Plan and Chapter 16 of the

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan & Existing Elevations	01	1	27/01/20
Conservation/Heritage Assessment	-	1	04/02/20

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 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 have been sought as it was considered that there was no design solution to address the raised concerns.

Report Dated: 18/03/20