

**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: 2020/62/90386/E

Site Address: 1, Dartmouth Terrace, Woodsome Road, Farnley Tyas, Huddersfield, HD4 6UE

Description: Erection of two storey side extension, single storey rear extension, rear dormer extension and demolition of rear porch (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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 14-May-2020

Officer Report

Site Description

This application relates to no.1 Dartmouth Terrace, Farnley Tyas. It consists of a two-storey brick and rendered end terraced property, a garden to the front, a driveway and detached garage to the side and a lawn to the rear. The site is enclosed by mature trees to the south-western boundary, timber fencing and brick walling to the northern and eastern boundaries respectively.

The site and its surroundings are purely residential characterised by a mix of two storey terraced and detached properties constructed in brick and stone. Some have already had a large roof extension to the rear. The land level drops gradually with the application property and those adjoining it elevated from land to the rear, which appear to be currently used as domestic gardens. The application site is within Farnley Tyas Conservation Area on the Kirklees Local Plan. Abutting its south-western boundary is a public footpath no. KIR/49/10.

Description of Proposal

Planning permission is sought for the demolition of a porch and the erection of a two-storey side extension, single storey rear extension, rear dormer extension and canopy with external alterations. Details of the development proposal are set out in the following.

- 4.0m wide x 8.0m deep x 7.5m high (side extension)
- 5.8m wide x 2.7m deep x 4.1m high (rear extension)
- 4.2m wide x 3.6m deep x 1.9m high (dormer)
- 1.6m wide x 1.6m deep x 3.1m high (canopy)
- Facing materials to be pebble dash render, brick and cladding
- Roofing materials to be natural blue slate tiles and flat roof membrane

History of negotiations/amendments received

Officers suggested a minor change to the facing materials as the proposed off-white/ cream coloured render was considered to have an adverse impact on visual amenity. The agent was also advised to amend the site plan to make room for parking two vehicles. The amended drawings were received 24-Apr-2020 and 05-May-2020 and no further amendments were sought thereafter.

Relevant Planning History

97/91542 – Erection of dormer extension and detached single garage (within a Conservation Area) (6, Dartmouth Terrace) – Refused

Representations

This application was publicised by site notice, neighbour letter and news advert, which expired on 26-Mar-2020. Following this publicity, one written representation has been received from the occupant of a neighbouring property, who expressed the following concerns:

- The proposal would be built on the existing water pipe and possibly power cable
- The neighbours' right of access would be prejudiced by the proposed extensions
- There could be an overshadowing impact on the neighbouring properties.

Kirkburton Parish Council – confirmed they have no comment to make on this occasion.

Consultation Responses

KC Conservation & Design Team – Subject to the coloured render being replaced by pebble dash render, we do not find the development proposal harmful to the significance and character of Farnley Tyas Conservation Area.

KC PROW Team – No specific issues raised in regard to the proposal. A footnote should be added to the decision notice to provide the applicant with further information.

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 falls within Farnley Conservation Area 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 23** – Core walking and cycling network
- **LP 24** – 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, 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 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.

The application site is within Farnley Tyas 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 comprises a small canopy, a two-storey side extension, a single storey rear extension and a flat roof dormer. Some external alterations to the host property are proposed as well. It is acknowledged that the proposal would significantly increase the size of the host property, which would consequently impact on its appearance to a degree. However, the development concerned would be proportionate to the

application property and those forming part of Dartmouth Terrace. The site also appears large enough to accommodate the proposed extensions without being overdeveloped. For these reasons, officers are satisfied that the scale of development could be, on balance, supported on this occasion.

The side extension is proposed to be faced with brickwork and pebble dash render whereas the rear dormer with grey coloured cladding. The canopy and rear extension would be constructed in brick, decorated with unpainted oak beams. Meanwhile, the external side and rear walls of the enlarged property would be faced with pebble dash render to match. All materials, except oak beam, are already evident at the application site. The adjoining terraced properties also appear to have been constructed in similar materials. It is noted that a considerable number of buildings within Farnley Tyas Conservation Area have already had extensions partly constructed in oak beams. Given that, the chosen materials would be satisfactory from a visual amenity perspective. There would be no effect on the appearance of the host property and the character of the street scene.

The side extension would have a dual pitched roof, with its ridge set at the same level as that of the host building, while the rear extension a mono-pitched roof. The proposed dormer would be of a flat roof design to match those of the neighbouring properties. It is considered that the proposal would relate sympathetically to the existing development in terms of design. It would reflect the architectural detailing of the application property and retain the symmetrical built form of the entire terrace. As such, the proposal would satisfy the policy requirement in LP24 (a) of the KLP. Given the scale of development under consideration, it would be necessary, in the interest of visual amenity, to withdraw the permitted development rights for extensions and buildings within the application site outlined in red in the location plan. This condition is crucially important to avoid overdevelopment of the site.

Careful consideration has been given to some amendments to make the extensions more subordinate to the existing property. These include for example setting down the ridge height of the side extension and creating a recess between this extension and the host building. Nevertheless, to amend the proposal in these ways would harm the uniformed, symmetrical design of the terrace row and the character of the street scene. Hence, no amendments to the scale of development have been sought on this occasion.

As highlighted earlier in the site description section, the application site is within Farnley Tyas 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. Farnley Tyas Conservation Area does not have a conservation area appraisal.

Farnley Tyas is a stone-built village in a country setting. It has an identifiable core with public house, church and school, together with numerous farm groups and cottages. The application site is on Woodsome Road, which is a main road into to the historic core of the village. Dartmouth Terrace is one of

the few buildings within the conservation area, which are constructed in brick as opposed to stone. Since it is a later addition and constructed in different materials, it is of relatively limited value to the significance and character of the conservation area.

The development proposal is for few extensions to an existing residential property within the conservation area. These extensions would be sympathetic to all terraced properties on Woodsome Road in respect of scale, design and materials. Hence, they would have no greater impact on the significance and character of the conservation area compared to the current situation. There is also unlikely to be any adverse impact on the historic townscape of the village. In summary, officers do not find the development proposal harmful to Farnley Tyas Conservation Area.

To conclude, the development proposal would be of a satisfactory quality in terms of visual amenity and heritage conservation. It would not prejudice the appearance of the host property and those surrounding it nor would it detract from the historic townscape of Farnley Tyas. The significance and character of the conservation area would be preserved appropriately. Therefore, the proposal would conform to policies LP24 and LP35 of the KLP and chapters 12 and 16 of the NPPF.

3 – Impact on residential amenity:

The development proposal would significantly increase the size of the host property and close to the garden of no.2 Dartmouth Terrace and no.2a The Village. Therefore, it would have the potential of affecting the living conditions of these neighbouring occupiers. The impact of this proposal is addressed in the following.

No.2 Dartmouth Terrace is a two-storey mid-terraced property directly adjacent to the application site. It does not appear to have been extended before. Referring to the proposed site plan, the rear extension would be very close to the shared boundary. However, it would be single storey in height only and its depth would be limited to 2.7m. An extension of this scale could be permissible under Class A of Part 1 of Schedule 2 of the GPDO. Hence, the residential amenity impact of this element would not be unduly detrimental. The occupants of this neighbouring property would still enjoy an open outlook from their windows and garden. They would still benefit from a good amount of natural daylight and sunlight.

There would be no windows in the side elevation of the single storey rear extension. Hence, officers do not find there to be any harm to the privacy of these neighbours. To reduce the overlooking impact further, a condition would be inserted to the decision notice to remove the permitted development right for inserting new openings in the side (north) elevation of this extension. Concerning the rear dormer, it would have a view of the garden of this neighbouring property but would not give rise to significant privacy concerns. This is because few properties in the vicinity of the site have already had a roof extension of a similar or greater scale. Besides, the dormer concerned is

likely to be permitted under Class B of Part 1 of Schedule 2 of the GPDO. Supporting the development as proposed would not cause a significant adverse impact on the living conditions of these neighbours.

No.2a The Village is a two-storey stone-built detached property to the south of the application site. Directly adjacent the site boundary is a line of mature trees and a public footpath. The side extension as proposed would bring the host property closer to the site boundary. However, there would still be a reasonable separation distance between the two properties concerned. The side extension would be partly screened by the trees at the application site boundary. There would still be a relatively unobstructed view from the back of this property and its garden. As such, the proposal would preserve the residential amenity of these occupiers in line with policy LP24 of the KLP.

No other residential properties in the vicinity of the application site would be affected by the current proposal. In all, the proposed extensions and alterations would be appropriate from a residential amenity perspective, complying with policy LP24 of the KLP.

4 – Impact on highway safety:

The proposed extensions would intensify the residential use of the application property and affect the parking arrangement of the site as well. The proposed floor plan indicates that the property as extended would have 4 bedrooms in total. For a 4-bed dwelling, 3 off-street parking space would normally be expected to be provided to its occupants. In this case, there appears to be enough space with the site for parking two vehicles.

Whilst the shortfall is acknowledged, it would not give rise to a significant parking issue because most properties on Woodsome Road do have some off-street parking spaces. The application site is not situated on a classified road. Therefore, the under provision of one-off street parking space could be, on balance, acceptable in this instance. The proposed development would not conflict with policy LP22 of the KLP.

The property as extended would be occupied by one household as existing. Given that, there would not be a material increase in trip generation that would prejudice highway safety and efficiency. The proposal would be in line with policy LP21 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 policy LP30 of the KLP and chapter 15 of the NPPF.

Public footpath

The application site is directly adjacent to public footpath no. KIR/49/10. Thus, consideration need to be given to the impact on the footpath's setting. In this case, the proposed extensions would be set back from the site boundary and screened by a mix of hedges and trees at the boundary. The proposal would not encroach or obstruct the footpath nor would it harm its setting. No objections have been received from the PROW team. A footnote would be added to the decision notice to advice the applicant not to obstruct the footpath at all time. Subject to that, the proposed development would comply with policy LP23 of the KLP.

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

6 – Representations:

Following the statutory publicity, one written representation has been received from the occupant of a neighbouring property, who expressed the following concerns:

- The proposal would be built on the existing water pipe and possibly power cable

Response: This is not a material consideration in the assessment of the current application. However, this issue could be considered further in the building control process, which is separate from the planning process.

- The neighbours' right of access would be prejudiced by the proposed extensions

Response: The private right of access is not a material consideration for this application. The proposed drawing indicates that a new footpath would be created directly adjacent to the rear extension, giving access to the occupants of the adjoining terraced properties. All works associated with the footpath diversion may be carried out under Part 1 of Schedule 2 of the GPDO and they do not form part of the development proposal for which planning permission is sought. A footnote would be inserted to the decision notice to provide the applicant with further guidance on this matter.

- There could be an overshadowing impact on the neighbouring properties.

Response: This matter has already been considered in the residential amenity section in this report.

The above comments have been considered carefully while assessing the appropriateness of the current proposal. Officers consider on the basis of the submitted details and the site visit observations that the proposal could be acceptable. It is therefore 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: 2020/90386

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 preserve and enhance the significance and character of Farnley Tyas Conservation Area in accordance with Policies LP21, LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

3. The external walls of the two storey side extension hereby approved shall be faced with brickwork and pebble dash render and the roofing material shall be natural blue slate tiles to match those used in the construction of the existing building at the application site.

Reason: In the interests of visual amenity to preserve and enhance the significance and character of Farnley Tyas Conservation Area in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

4. The facing and roofing materials of the flat roof rear dormer hereby approved shall be grey coloured cladding and flat roof membrane.

Reason: In the interests of visual amenity to preserve and enhance the significance and character of Farnley Tyas Conservation Area in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

5. The single storey rear extension and canopy hereby approved shall be constructed with unpainted oak beams, brickwork and natural blue slate tiles to harmonise with the existing building at the application site.

Reason: In the interests of visual amenity to preserve and enhance the significance and character of Farnley Tyas Conservation Area in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

6. 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) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed

in the side (north) elevation of the single storey rear extension hereby approved at any time without the prior written approval of the local planning authority.

Reason: So as not to detract from the amenities of the occupants of the adjoining property, no.2 Dartmouth Terrace, by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification)) no buildings or extensions other than those expressly authorised by this permission shall be erected within the red line boundary of the application site as shown on the approved plans at any time.

Reason: In the interest of visual amenity, to avoid overdevelopment of the application site as well as and so as to preserve and enhance the significance and character of Farnley Tyas Conservation Area in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and 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.

NOTE: Public Footpath Kirkburton *KIR/49/10* is adjacent to the development and must not be interfered with or obstructed, prior to, during or after development works. The Council's public rights of way unit may be contacted at Civic Centre 3, Huddersfield or by telephone 01484 221000 and ask for Sharon Huddleston.

NOTE: Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	019023_100		06-Feb-2020
Proposed plans and elevations	019023_201	A	24-Apr-2020
Existing plans and elevations	019023_200		06-Feb-2020
Proposed site plan	019023_102	A	06-May-2020
Existing site plan	019023_101		06-Feb-2020

Plan Type	Reference	Version	Date Received
Heritage and design and access statement			06-Feb-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, officers suggested a minor change to the facing materials as the proposed off-white/ cream coloured render was considered to have an adverse impact on visual amenity. The agent was also advised to amend the site plan to make room for parking two vehicles. The amended drawings were received 24-Apr-2020 and 05-May-2020 and no further amendment were sought afterward.

Report Dated: 13-May-2020