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:	2020/62/90579/W
Site Address:	Rose Hill Cottage, 167, Birkby Hall Road, Birkby, Huddersfield, HD2 2BS
Description:	Erection of single storey attached garage/workroom with associated external alterations (within a Conservation Area)
Recommending Officer:	Sam Jackman

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.

Emma Thompson

AUTHORISED OFFICER

Date: 19-Jun-2020

SITE DESCRIPTION - 2020/90579

Rose Hill 167, Birkby Hall Road, Birkby, is a detached stone dwelling located within the grounds of 161 Birkby Hall Road a grade II* listed property along with the Stables at Rose Hill being grade II – No's 163 & 165 Birkby Hall Road.

The property is close to the entrance to the grounds and sits up to the pavement with access to the property from within the grounds of No.161. There is a small garden to the property within grounds and parking to the side for 2 cars. The property is linked to the adjacent stables by a high stone boundary wall topped with saddleback coping stones.

The property would originally have been a one up one down where the property now benefits from a 2-storey side extension and first floor side extension, to create a 3-bedroom dwelling. The extension to the west is large resulting in the extension projecting forward of the front elevation and the extension on the east elevation is set back from the front elevation covering only half the depth of the property.

The property has 2 existing timber detached sheds that will be removed.

DESCRIPTION OF PROPOSAL

The proposal is for the erection of an attached garage and workroom attached to the east facing elevation.

The garage would project 5m almost in line with the front elevation of the property and set inside the high retaining boundary wall along the road frontage. The garage would be 7.6m wide starting from the side extension with a 1-meter gap to the gable of the adjacent Listed Building. The roof would be hipped with an overall height of 4.2m. There would be access from the garage into the utility.

The extension would be built from materials to match the host property

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f90579

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

Amended plans have been requested to set the garage off the rear boundary wall, set in 1m from the adjacent listed garage and remove the link entrance. These plans have been received, however it was made clear that Conservation Area officers comments had not been received and further amendments may be required.

Further requests have been made following Conservation Area comments,

- the size is reduced to a single garage
- it is a freestanding structure separate from the boundary wall
- the roof is kept as low as possible, the roof of the adjacent garages should be considered as suitable height and pitch
- separation is maintained between no.167 and the garages of the neighbouring property of approximately 4 metres

However, the applicant has declined to submit further amendments and wishes the application to be determined on the amended drawings.

RELEVANT HISTORY

2003/90551 Erection of 2-storey and first floor extensions (within a conservation area) – *Granted conditionally*

2019/91698 - Work to tree in Conservation Area – granted
https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f91698+

PUBLIC/MEMBERS RESPONSE

This application has been published via neighbour notification letters, site notice and press advert which expired on the 3.4.20, whereby no representations have been received.

The amended plans were considered to have a reduced impact on neighbours than the original submission and as such were not publicised.

CONSULTATION RESPONSES

K.C. Conservation Area: - object to the proposals on heritage and design grounds, particularly with regards to Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies LP24 and LP35 of the Local Plan and paragraphs 190, 193 and 196 of the NPPF.

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 27th February 2019).

The site is unallocated on the Kirklees Local Plan, however the property is within the grounds of a grade ll* listed building and within Edgerton Conservation Area.

The following is the listing description for 161 Birkby Hall Road

> *161 BIRKBY HALL ROAD 1. 5113 (South Side) Rose Hill SE 1318 21/189 II* 2. Late C19, included on account of some east rooms which were redecorated by the Manchester architects Edgar Wood and J Henry Sellers in 1909. Of this all that is visible externally is on east front. Long canted bay, parapetted, with idiosyncratic moulded pattern. Flush mullions and transoms of square section, with slightly raised fillet in typical Wood/Sellers shape all round. Other ground floor window on east front also mullioned and transomed, has this same shaped fillet. Interior. Most of the rooms have very elaborate late C19 Jacobethan joinery. The Wood/Sellers rooms are in the north-east and south-east corners. North-east room has diagonally panelled plaster ceiling of a very unusual design, and walnut wainscotting inlaid with other woods: very high quality, especially over chimney-piece, which has an unusual geometrically patterned cornice. Fireplace of brilliantly coloured veined marble arranged in rectilinear patterns. South-east room has panelled plaster ceiling of rectilinear design: corner cupboards in 4 corners, each with a semi-circular recess over, necessitating the top of each cupboard to end in a segmental dip. Low lobby between the 2 rooms, wainscotted with plaster domical vault above. Bedroom above has very fine joinery: oak cupboards inlaid with walnut and sycamore in rectilinear patterns. Pink marble fireplace. The joinery (executed by Taylor and Hobson of Huddersfield), together with the furniture (which still remains in situ), the marble chimneypieces and plaster ceilings, combine to make these interiors among the most adventurous in Europe for their date. They compare well with the Kartner Bar in Vienna (Loos: 1907), or the Palais Stoclet in Brussells (Eoffmann: 1905).*

The adjacent stables listing

> *BIRKBY HALL ROAD 1. 5113 (South Side) Stables at Rose Hill SE 1318 21/190 II 2. C18 or early C19. Rendered. Pitched stone slate roof. Coped gables. 2 storeys. Irregular plan, but side facing Rose Hill follows Palladian church front formula, with 2 flanking wings, each of one window: window to east is contemporary and retains hoodmould, but west one is a modern neo-Georgian bay: centre has 2 windows flanking doors, with continuous hoodmould, and 2 semi-circular windows with square hoodmoulds on 1st*

floor: clock in gable. Roadside has irregular fenestration which includes two 3-light stone mullioned sashes with glazing bars, all with hoodmoulds. Door with 6 fielded panels.

Kirklees Local Plan (LP):
LP 1– Achieving sustainable development
LP 2 – Place shaping
LP 22 - Parking
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, 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 without notation on the Kirklees Local Plan. Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is enshrined in policy LP1 of the Kirklees Local Plan. LP1 goes on further to stating that:

"The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy LP 35 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.

Policy LP 24 requires that the form, scale, layout and details of all development "respects and enhances the character of the townscape, heritage assets and landscape…"

In terms of national planning Policy Chapter 16 of the NPPF needs to be considered which in paragraph 193 states: "*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation…".* Chapter 16 further details that an assessment has to be made in relation to the level of harm and any harm may be outweighed by public benefit.

Section 16(2) 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.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 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. This is echoed by the requirement of paragraph 193 of the NPPF

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

Impact on visual amenity and heritage asset:

In terms of visual amenity and the impact on the adjacent listed building, the proposed garage/workshop would be located on the side elevation of the property and would be a fairly sizeable structure. The structure would have an eaves height above the adjacent boundary wall and the adjacent listed converted stables along with the height of the garage being greater than it need be. The adjacent neighbour's garage has a notably lower right height and pitch. The complex form and volume of additions cumulatively to the original building would result in a development that cannot be considered subservient.

The Council's Conservation and Design Team have been formally consulted regarding the proposed development with the final comments retaining concerns due to the impact of the proposal on the setting of Rose Hill and stables. The comments cite that the addition of the garage with workroom would result in the loss of any meaningful separation between the former cottage and stable range, diminishing the legibility of their historically separate use. It would create a near continuous range of buildings approximately 40 metres long, where currently there is a clear break and glimpsed views from the street through to Rose Hill House.

In accordance with paragraph 196 of the NPPF requires that where a development proposal will lead to less than substantial harm to the

significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The proposed development is for a private garage, no public benefits would result from it.

The proposed development would also not respect or enhance the character of the heritage assets. The original building (pre 1948 cottage) has been extended considerably in the early 21st century, further extension would result in the original building being dominated by later extensions. A cottage is ‘a small simple house’ (Oxford England Dictionary). It would no longer have a simple form, the volume of additions would appear to exceed those of the original building.

Furthermore, the Edgerton Conservation Area Appraisal refers to Rose Hill in character Area 2, which clearly identifies Rose Hill and its associated outbuildings was designed as a detached property set in substantial grounds and is Identified as Listed Buildings which make a positive contribution to the Conservation Area. The characteristics identified in this particular area is its distinctive for its large amount of open space and the limited number of buildings.

The extension will be constructed of materials to match those of the existing building, reflecting its roof styles and detailing which would match the host property which are considered to be acceptable.

Taking all the above into consideration, the overall size and position of the garage/workshop would result in an almost continuous line of buildings along the road frontage which would be out of character of the building context in relation to Rose Hill. In addition, the proposed development would affect the setting of Rose Hill which is a significant heritage asset being Grade II* listed. The proposal would fail to comply with Policy LP24(a) and (c) and Policy LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

Impact on residential amenity:

The proposal is a single storey side extension to create a garage with workroom. The nearest property would be Rose Hill Cottage where their garage abuts the proposal, given that there would be no windows in the side elevation facing the neighbour’s property,
Therefore, it is considered that the extension wouldn’t create any overlooking of its neighbours.

With regards being overbearing and or overshadowing the proposal is single storey albeit slightly higher than its neighbours’ garage, it is considered there would be no overbearing or overshadowing in this case. No other properties would be affected by the proposal.

Therefore, it is considered there will be no impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking as the proposal is small in scale and single storey with no overlooking windows.

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 rear extension is 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 albeit the garage extension would not meet the required internal measurements the remaining drive is not being affected by the proposal, and can accommodate 2 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:

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. However, the building, would be constructed from stone which would be locally sourced and considered to be a sustainable material.

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 the extension would have no impact on the existing roof structure of the host property, as the proposal is single storey.

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.

Representations:

No letters of representation have been received.

The amended plans were considered to have a reduced impact on neighbours than the original submission and as such were not publicised.

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 application of policies in the NPPF that protect areas or assets of particular importance provide clear reason for refusing the development proposed.

Decision Authorisation - Delegated Powers

Application Number: 2020/90579

Reasons for Refusal

The proposed garage/workshop by reason of the size, scale and position cannot be considered subservient to the original building and would result in the loss of any meaningful separation between the former cottage and stable range. This would diminish the legibility of their historically separate use forming an almost continuous line of buildings along the road frontage and furthermore obscure views to the Grade II* Listed Building Rose Hill House and affect its setting. The proposal would therefore fail to comply with Policy LP24 (a) and (c) and Policy LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan 1:1250	001		2.3.20
Block Plan 1:250	002		2.3.20
Existing layout & elevations	003		2.3.20
Proposed layout & elevations	004	B	30.4.20

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 requested amended plans during the process of the application which would reduce the impact of the development on the adjacent listed buildings. However, the amended plans were unacceptable and the applicant declined to submit further amendments.

Recommendation and Authorisation Box

Report Dated:	12.6.20

Coal – low risk