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:	2020/62/91239/E
Site Address:	5, Riley Lane, Kirkburton, Huddersfield, HD8 0RX
Description:	addition of windows at ground and first floor and bi fold doors to ground floor.
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: 16-Jul-2020

Application: 2020/62/91239/E

Site: 5, Riley Lane, Kirkburton, Huddersfield, HD8 0RX

Proposal: addition of windows at ground and first floor and bi fold doors to ground floor.

Site Description

5 Riley Lane is a detached three storey property constructed from stone with brown UPVC framed double glazed windows with stone mullions. The dwelling has a small garden to the north side of the property, with off-road parking in front of the property.

The application property backs onto a business and fronts onto Low Town Road. There are neighbouring properties to either side of the property, one of which is in commercial use as a chiropractors. Riley Lane and the application site are located within the Kirkburton conservation area.

Description of Proposal

The applicant is seeking permission for 4 new windows, 1 at ground level and 2 at first floor level, and a bi-fold door to the garden on the north side elevation. The proposed new windows will face onto the garden of 5 Riley Lane.

The materials proposed are to match the existing windows and would have stone heads and cills along with stone mullions.

History of negotiations/amendments received

No negotiations required.

Relevant Planning History

Application Site:

2007/93355: Demolition of existing house and erection of one detached dwelling with integral garage (within a conservation area) – Granted Conditional Full Permission

2007/90048: Demolition of existing house and erection of one detached dwelling with integral garage (within a conservation area) – Granted Conditional Full Permission

2008/91617: Demolition of bungalow and erection of detached dwellings (modified proposal) – Granted Conditional Full permission.

Surrounding sites:

None.

Representations

The application was advertised by site notices, press notice and neighbour letters.

Final publicity date expired: 26.06.2020

No public representations were received.

Kirkburton Parish Council has been consulted although no comments have been made.

Consultation Responses

Formal consultation responses were received from KC Conservation and Design, who have considered the proposals and assessed that there would be no harm from the proposed development on heritage grounds.

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 located in the Kirkburton Conservation Area.

Kirklees Local Plan (KLP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP21** – Highway Safety
- **LP22** - Parking
- **LP24** – Design
- **LP30** – Biodiversity and geodiversity
- **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 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- 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) Design
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters
6) Representations
7) Conclusion

1 – Principle of development:

Policies LP1 and LP2 of the Local Plan state 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.

The site is located within the Kirkburton Conservation Area. Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 introduces a general duty in respect of conservation areas. Special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Additionally, LP35 and NPPF Chapter 16 outline the principle of development and restrictions for development in Conservation Areas.

The application site consists of an infill residential development to the conservation area. Whilst constructed in stone to match the surrounding buildings, it appears notably different in scale, layout design and appearance from these buildings. The site occupies a relatively prominent location being on a main road into the conservation area. The building on site has a direct and close relationship with the road, which contributes to the townscape of Kirkburton. Acknowledging these factors, officers consider that the exiting building makes a modestly positive contribution to the significance and character of the Kirkburton Conservation Area.

The proposed window and door openings would be set to the side elevation of the dwelling. They are small in scale and match the existing materials which harmonises well with the appearance of the host building. Giving due regard to the listed policies and S72, officers are satisfied that the proposal would not harm the significance and character of the Kirkburton Conservation Area. Consequently, no public benefits would need to be demonstrated in this case

for it to be acceptable from a heritage conservation perspective in respect of paragraph 196 of the NPPF.

In this case, the principle of development on the application site is acceptable and shall be assessed against all other material planning considerations below.

2 – Design

General design considerations are set out in Policy LP24 of the Local Plan, which seeks to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity. This is further supported by Chapter 12 of the NPPF.

The proposed windows would be located to the side elevation reducing the visual impact to the streetscene. The window sizes would be in proportion with the host building to appear incongruous within the streetscene. The architectural features of the windows mimic those of the host building, which is welcomed, and the materials are to match the host building, securable via condition.

The proposed development's visual impacts comply with the aims and objectives of Policy LP24 of the KLP.

3 – Impact on residential amenity:

With regard to residential amenity, Policy LP24 of the Local Plan advises that proposal should ensure that a high standard of amenity is achieved for future and neighbouring occupiers. This is also supported by Chapter 12 of the NPPF.

The proposed windows are located on the side elevation facing No.3 Riley Lane. There is one window in the adjacent building to the first floor, which is not considered a habitable room. The distance between the two windows would be approximately 4 metres. Therefore, considering the room's use, Officers are satisfied that there would not be harm to the residential amenity of No.3 Riley Lane, through overlooking.

The proposals will not harm the residential amenity of neighbouring properties, in accordance with Policy LP24 of the KLP.

4 – Impact on highway safety:

Turning to highway safety Policies LP21 and 22 of the Local Plan are relevant which seeks to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking.

Officers are satisfied that the proposed windows will not harm the safe and efficient operation of the highway given the nature of the development, in accordance 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.

In this instance the development concerned shall be built to modern building regulation standards. Due to the small scale of the development being considered, officers are satisfied that this is sufficient to demonstrate that the proposal would not harm the climate change agenda.

Ecology

The site is located within a bat alert layer as identified on the Council's GIS mapping system. Based on the site photos, the building appeared to be well sealed and there was no evidence of bat roosts or bat roost potential was found. Besides, the proposal would not alter the roof of the existing building.

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.

6 – Representations:

No public representations were 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 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: 2020/91239
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, to ensure the satisfactory appearance of the development on completion and to preserve and enhance the significance and character of the Kirkburton 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.

3. The windows and bifold doors hereby approved shall in all respects match those used in the construction of the existing building in accordance with the approved details and thereafter be retained.
Reason: In the interests of visual amenity and to sustain the character and significance of the Kirkburton Conservation Area and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and the aims of 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed elevations	2020-015-(20)004		21-May-2020
Existing floor plans and location plan	2020-015-(20)001		21-May-2020
Proposed floor plans	2020-015-(20)003		21-May-2020
Existing elevations	2020-015-(20)002		21-May-2020
Heritage statement			21-May-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. No negotiations were required as the plans as originally submitted were deemed acceptable.

Report Dated: 14-Jul-2020