

**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: 2020/62/91432/W

Site Address: 19, Hillcrest View, Golcar, Huddersfield, HD7 4FD

Description: Erection of single storey side extension (within a Conservation Area)

Recommending Officer: Katie Chew

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: 21-Aug-2020

Officer Report

Site Description

19, Hillcrest View, Golcar, Huddersfield, HD7 4FD

The application site is located between Carr Top Lane and Brook Lane, Golcar. It is a sloping piece of land currently in the early stages of development. The plot in which this application relates is a two storey 3 bed detached dwelling which has been substantially completed.

Description of Proposal

The applicant is seeking permission for a single storey side extension (within a Conservation Area).

The proposed extension will measure approximately 4.9m x 2.3m, with a ridge height of 3.4m. The extension is to match the materials which were previously approved for plot 16 and include stone, slate roof tiles and grey UPVC windows and doors.

The proposed materials are to match the host dwelling and include stone, slate roof tiles, timber boundary treatments and grey PVCU windows and doors.

History of negotiations/amendments received

The original application was submitted as a full planning application for the modification to previously approved plot 16 (application reference: 2018/92848) to allow for a single storey side extension. As the host dwelling is considered to be 'substantially complete' it is considered that the proposals could be dealt with as a simple extension to an existing dwellinghouse and therefore the submission was reverted back to a householder application (as the very original submission).

Relevant Planning History

2018/92044 – Removal of Condition 5 (public open space) and 6 (affordable housing) on previous permission 2015/90507 for outline application for

residential development (within a Conservation Area). Refused 30th April 2019.

2018/90527 – Discharge of conditions 2, 3, 5, 6, 7, 9, 10, 11 on previous permission 2017/91173 for reserved matters application for erection of 16 dwellings pursuant to outline permission 2015/90507 for residential development (within a Conservation Area). Split Decision 17th April 2019.

2018/90528 – Discharge conditions 7, 8, 9, 12, 13, 14, 15, 18, 19, 20, 23 on previous planning permission 2015/90507 for outline application for residential development (within a Conservation Area). Split Decision 17th April 2019.

2018/92848 – Reserved matters application for erection of 19 dwellings pursuant to outline permission 2015/90507 for outline application for residential development (within a Conservation Area). Refused 30th November 2018. Appeal allowed 14th November 2019.

2017/91173 – Reserved matters application for erection of 16 dwellings pursuant to outline permission 2015/90507 for outline application for residential development (within a Conservation Area). Approved 15th September 2017.

2015/90507 – Outline application for residential development (within a Conservation Area). Conditional Outline Permission 9th September 2015.

95/90502 – Outline application for residential development (10 dwellings). Refused 31st March 1995.

95/90501 – Outline application for residential development (approx. 23 dwellings). Refused 31st March 1995.

94/93595 – Outline application for residential development (approx.. 23 dwellings). Refused 10th January 1995.

94/93596 – Outline application for residential development (10 dwellings). Refused 10th January 1995.

89/05629 – Outline application for erection of 31 no. dwellings and garages. Refused 2nd January 1990.

Representations

Final publicity date expires:

Neighbour Letters – Expired 3rd July 2020.

Press Notice – Expired 3rd July 2020.

Site Notice – Expired 22nd July 2020.

No representations have been received to date.

Officer note: Whilst it is acknowledged that the new 'householder application' has not been re-advertised as such, it is noted that the original application in which it was clear to see within the plans that the proposals were seeking permission for the new single storey extension and not approval for a new dwellinghouse was advertised, and therefore re-advertising was not considered to be necessary in this instance. Additionally, no comments were received from any neighbouring properties.

Consultation Responses

No technical consultees required.

Planning Policy Background

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 application site is allocated as a Housing Allocation in the Kirklees Local Plan which is currently under development, the site is also located within a bat alert area, and a Conservation Area.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP21 – Highways and Access**
- **LP22 - Parking**
- **LP24 – Design**
- **LP30 – Biodiversity & 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) updated 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. In this instance the chapters of most relevance include:

- 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

Summary of Principal Planning Issues

The following matters are considered in the assessment below -

- 1) Principle of development
- 2) Scale, design and visual impact of the proposed development
- 3) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 4) Other matters

Principle of Development:

Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption is favour of sustainable development contained in the NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered to be acceptable and the proposals shall now be assessed against all other material planning considerations, including visual and residential amenity.

These issues along with other policy considerations will be addressed below.

Impact on Visual Amenity:

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy 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’.

Kirklees Local Plan Policy LP35 relates to the historic environment. It states that development proposals which would affect a designated heritage asset should preserve or enhance the significance of that asset. In cases likely to result in substantial harm or loss, development will only be permitted where it

can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm, this is supported by guidance contained within Chapter 16 of the National Planning Policy Framework. As the site is within Golcar Conservation Area the Council's duty under S72 of the Listed Building and Conservation Areas Act 1990 also need to be acknowledged. This states that "in the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

The property is to be located on a residential street surrounded by dwellings that are of the same age and of a similar design and style. Whilst there no extensions or alterations have taken places as of yet to any of these new dwellings it is considered that dependent on design, scale and detailing, it may be acceptable to extend the host property in some way.

Officer note: It is important to note that within application 2018/92848 the Council did raise some concerns in respect to plot 16 (subject to this application), and plots 17,18 and 19 and their potential impact on the Conservation Area. The application was refused and taken to appeal in which the inspector did not share the same view as the Council and believed that plots 16-19 form part of a bigger development and in long views they would be experienced as part of the broader layout and that due to the organic grain of the Conservation Area they would comfortably assimilate with its prevailing character and appearance. It therefore seems to be reasonable to assume that the addition of a single storey side extension would not significantly impact on these broader views or on the character and appearance of the Conservation Area.

Plot 16 and its associated curtilage appear to be of a sufficient size to support the proposed single storey side extension, there would also be a reasonably sized amenity space retained for the occupants. It is therefore considered that the proposals would not amount to overdevelopment and would be of an acceptable size and scale in this instance.

In terms of visual amenity, including the character and appearance of the conservation area, the proposed extension is to be small in scale and size and is to be in matching materials to what was previously approved for the host dwelling (plot 16). There are therefore no concerns in respect of this element of the proposal on the character and appearance of the area, and they are therefore considered to be appropriate in this location.

In conclusion, the proposals are considered to be appropriate in size, scale and design in this location, and that they would not appear incongruous or overly dominant in the general context of this site. The proposals therefore accord with LP24 and LP57 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Impact on Residential Amenity:

The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is echoed within Kirklees Local Plan Policy LP24 which states that: -

'Proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary'.

Impact on no. Plot 17

This neighbouring property is to be located to the north of the application site. It is noted that there are no windows proposed within the northern elevation of the single storey extension, therefore there are no concerns in respect to overlooking or loss of privacy. In terms of overshadowing given the location and orientation of the dwellings at this site and the proposed extension, it is considered that any overshadowing would principally occur within the garden of Plot 17. In addition, it is considered that given the proposed scale and size of the single storey extension it would not amount to a proposal which is unduly overbearing in nature in this instance or which would unduly overshadow the rear windows at plot 17, and therefore there are no concerns in respect to neighbouring residential amenity.

Given the above, it has been considered that the proposal would not have an unacceptable impact on residential amenity and therefore would be in accordance with Policies LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Other Matters:

Biodiversity

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are simply for a single storey side extension on a new dwellinghouse. It is therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

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 for a small-scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls 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.

There are no other matters for consideration.

Conclusion:

Paragraph 11 of the NPPF advises that Local Planning Authorities should be approving development proposals that accord with an up-to-date development plan without delay. On balance, it is considered that there are no adverse impacts arising from the proposal that would significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 11 of the NPPF, and therefore planning permission should be granted.

Recommendation:

Approve with conditions.

Decision Authorisation - Delegated Powers

Application Number: 2020/91432

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 accord Policy LP24 of the Kirklees Local Plan.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the host dwelling.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.

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 to intentionally 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	Web ID	Date Received
Layout – Location and Site Plan	001	A	21/05/2020
Layout - Proposed Plans	02	A	21/05/2020

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Contact was not made with the applicant, once the application was considered as a householder development, as the proposals were deemed to be acceptable.

Report Dated:

21/08/2020