

**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: 2020/62/91639/E

Site Address: 37A, Birkdale Road, Dewsbury, WF13 4HG

Description: Demolition of existing conservatory, erection of single storey side and rear extension and exterior alterations

Recommending Officer: Josh Kwok

DECISION – Full Conditional 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.

Paul Dowd

AUTHORISED OFFICER

Date: 07-Aug-2020

Officer Report

Site Description

This application relates to no.37A Birkdale Road, Dewsbury. It consists of a two-storey stone built detached property, a porch to the front, a hardstanding area and garden to the side and a conservatory to the rear. The boundary treatments comprise mature trees to the western aspect and timber fencing to the northern aspect. The application property is set at the back of no.37B Birkdale Road, accessible through a shared driveway.

The site and its surroundings are purely residential characterised by properties of various form, scale, design and materials. The application property and those surrounding it fall within Northfields Conservation Area and the bat alert layer.

Description of Proposal

Planning permission is sought for demolition of the existing conservatory and erection of a single storey side and rear extension and external alterations. Details of the proposal are outlined in the following.

- 6.2m wide x 6.7m deep x 3.0m high
- Facing and roofing materials would be stone and EPDM rubber

History of negotiations/amendments received

No amendments have been made during the course of this application.

Relevant Planning History

None directly related to the development concerned.

Representations

This application was publicised by site notice, neighbour letter and news advert, which expired on 30-Jul-2020. As a result of this publicity, no representations have been received from occupants of the neighbouring residential properties.

Consultation Responses

KC Conservation & Design Team – no concerns about the 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 within Northfields 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 24** – Design
- **LP 30** – Biodiversity and geodiversity
- **LP 35** – Historic environment
- **LP 53** – Contamination and unstable land

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 located within Northfields Conservation Area. Therefore, the development proposal needs to be assessed against 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.

Northfields is a late nineteenth century residential suburb of Dewsbury with many fine Victorian villas and terrace houses grouped along tree lined streets. Spire of St Marks Church is a focal point. Referring to the historic maps, it appears the application site was once part of the garden of a semidetached property known as no.41 Birkdale Road. It was granted permission in 2001 for the erection of one detached dwelling. Since the application property is a later addition to the conservation area, it is considered to be of limited contribution to the significance and character of the area.

The proposal is for demolition of the existing conservatory and erection of a single storey wraparound extension. In terms of removal of the existing conservatory, this would have no effect on the surrounding historic environment. The wraparound extension would be larger in size than the conservatory but would be constructed in more sympathetic materials. The built form of this extension would appear fairly similar to that of the existing conservatory. As such, officers are satisfied that it would preserve the visual appearance of the in the application property and those surrounding it. There would be no harm to the significance and character of Northfields Conservation Area. KC Conservation and Design Team has no concerns about the proposed development on heritage grounds. To ensure a satisfactory appearance of development on completion, a condition would be imposed to stipulate the construction materials of the wraparound extension.

Subject to the condition recommended above, the development concerned would be acceptable from a heritage conservation perspective. It would accord with policy LP35 of the KLP and chapter 16 of the NPPF.

2 –Impact on visual amenity:

The extension would be slightly larger than the conservatory it seeks to replace but would still be proportionate to the host property and land associated with it. It would appear subservient to the existing two storey detached property on site. Consequently, the scale of development as proposed could be supported from a visual amenity perspective.

The materials of construction would be stone and rubber roofing membrane. It would be more in keeping with the host building, which is constructed in regular coursed natural stone. Hence, no visual amenity concerns would arise from this proposed development. The wraparound extension would have a flat

roof design, which would be different from the existing property. However, given it is to be set at the rear of the application property and screened entirely from Birkdale Road, it is considered that the proposed design could be, on balance, acceptable in this instance. The use of matching materials would further alleviate the impact on the overall appearance of the application property and those nearby.

For the reasons provided above, it is concluded that the development under consideration would be of a satisfactory design quality, which would harmonise with the application property and in keeping with the local character. The impact on local street scene would be minimal when considering the spatial relationship between the development proposed and Birkdale Road. In short, the proposal would conform to the aims of policy LP24 of the KLP and chapter 12 of the NPPF.

3 – Impact on residential amenity:

The proposed extension would not give rise to any residential amenity issues as it would be an appropriate distance from all other properties nearby and would be screened from the view of their occupants by the existing boundary treatments on site. Besides, the application site is set at a considerably lower land level than the adjoining sites to the southern and western aspects. This would further reduce the impact on residential amenity by virtue of overlooking, overshadowing and an overbearing impact. Hence, the proposal could be supported in terms of residential amenity, complying with policy LP24(c) of the KLP.

4 – Impact on highway safety:

The development concerned would not intensify the residential use of the application property nor would it affect the parking arrangement of the site. Therefore, no highway and parking issues would arise from this proposal. It would conform to policies LP21 and LP22 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.

Ground condition

The site is located in a “Development High Risk Area” identified by the Coal Authority. However, it is not necessary to request a Coal Mining Risk Assessment in this instance as the development is for a domestic extension, which is one of the few exceptions highlighted in the Coal Authority’s Exemption List. To comply with policy LP53 of the KLP and chapter 15 of the NPPF, a footnote would be inserted to advise the applicant further on this matter.

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

6 – Representations:

No representations received following the statutory publicity.

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: 2020/91639

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 the significance and character of Northfields 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 single storey side and rear extension hereby approved shall be faced with regular coursed natural stone to match the existing building at the application site and the roofing shall be covered with EPDM rubber in accordance with the approved details.

Reason: In the interests of visual amenity and to preserve the significance and character of Northfields 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.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Proposed section	2020/223/06		15-Jun-2020
Proposed ground floor plan	2020/223/02		15-Jun-2020
Proposed front elevation	2020/223/03		15-Jun-2020
Proposed left side elevation	2020/223/04		15-Jun-2020
Proposed rear elevation	2020/223/05		15-Jun-2020
Location plan			15-Jun-2020
Existing plans and	2020/223/01		15-Jun-2020

Plan Type	Reference	Version	Date Received
elevations			
Heritage, design and access statement			15-Jun-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 amendments are sought on this occasion as the development is considered acceptable in its submitted form.

Report Dated: 05-Aug-2020