

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: 2020/62/91897/W

Site Address: 69, Town Gate, Hepworth, Holmfirth, HD9 1TE

Description: Demolition of existing extension and erection of two storey side extension, porch extension and replacement windows (within a Conservation Area)

Recommending Officer: Ellie Worth

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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 01-Sep-2020

Officer report

Site description

69 Town Gate, Hepworth is a detached dwelling constructed from stone with a tiled roof. The property benefits from a single storey timber clad extension, alongside amenity space to the front and side. The site also benefits from an area of hardstanding to the North East in which is available for parking. Boundary treatment consists of stone walling to the front, alongside timber fencing to the side.

The site is set within a wider residential area, whereby the properties vary in size and scale. Nonetheless, the architectural features remain the same, with natural stone being the common construction material. The site is situated within Hepworth Conservation Area and is within a close proximity to various listed buildings.

Description of development

The applicant is seeking permission for the erection of a front porch and a two-storey side extension and replacement windows. The measurements of the proposal are as follows:

Front porch:

- 2.6m in width
- 2.4m in height to the eaves; 3.1m in overall height
- 1.5m in projection

Two storey side extension:

- 2.1m in projection
- 3.7m in height to the eaves; 4.7m in maximum height
- 4.2m in length

The extensions will be constructed from natural stone to match the host property with stone slate tiled roofs. The proposed fenestration will be grey UPVC. Internally the extensions will provide a front porch and the additional living accommodation required.

A new first floor window will also be inserted into the rear elevation of the host property to serve an existing bathroom. Given that this element would be obscurely glazed and would not require planning permission, officers do not consider it necessary to include this addition in the description of development.

History of negotiations/amendments received

Concern was raised with the agent regarding the prominence of the proposed front porch and the design of the openings within the two-storey side extension. As such, final amended plans have been sought to reduce the overall size and scale of the front porch. These were received on the 19th August 2020.

Furthermore, justification was also provided by the agent regarding the elongated windows within the front elevation of the side extension, in which KC Conservation and Design considered to be acceptable.

Relevant Planning History

None at the application site.

Representations

The application has been advertised by site notice, neighbour notification letters and the press.

Final publicity expires: 7th August 2020

As a result of the above publicity, no representations have been received.

Holme Valley Parish Council: In support subject to conservation area approval.

In order to overcome the concerns raised by Conservation Officers, amended plans were sought. In this instance, the works proposed were to reduce the overall footprint of the front porch and therefore officers did not consider it necessary to re-advertise the application.

Consultation responses

KC Conservation and Design (informal): In support of the amended scheme.

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 within Hepworth Conservation Area on the Kirklees Local Plan.

Kirklees Local Plan

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping

- LP21 – Highway safety
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity
- 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 12 – Achieving well design 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 highways
5. Other matters
6. Representations
7. Conclusions

1.Principle of development

The site is located within Hepworth Conservation Area. Therefore, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area. This relates to Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

Furthermore, LP35 states “development proposals affecting a designated heritage asset...should preserve or enhance the significance of the 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 harm will be assessed and discussed later in the report.

Alongside this, LP1 of the KLP states 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. Policy LP24 of the KLP is also relevant and states that “good design should be at the core of all proposals in the district”.

In this case, the principle of extending the property is acceptable and shall be assessed against other material planning considerations below.

2. Impact on visual amenity and heritage

It has been considered that the proposed development would appear subservient to the host property, as the two-storey side extension would be set down from the eaves on the main property. This will allow the original dwelling to be read, as it would sit comfortably within its curtilage. The single storey front extension will also benefit from a lean-to roof, in order to ensure that it is read as a secondary feature. For these reasons, the proposal is not considered to result in the overdevelopment of the site, as an acceptable amount of amenity will be retained to the front of the host property. More specifically the proposed side extension will have a similar footprint to the single storey timber clad structure in which it will replace.

Front porch

The design of the extension has been considered acceptable from a visual perspective, as it would appear relatively small in size and scale. Furthermore, the plans show the lean to roof to sit comfortably under the cill of the first floor window. The extension will also be constructed from stone to match the host property.

In terms of fenestration, amendments have been sought to re-configure the design and size of the window proposed within the front elevation, in order to ensure that it would have a similar visual appearance to the openings in which exist on the front elevation of the host property. A door will also be inserted into the southern facing side elevation to allow access.

Given the above, officers are satisfied that the extension would have an acceptable visual finish, in accordance with Policy LP24 of the KLP.

Two storey side extension

The design of the side extension has been considered acceptable from a visual perspective, as it would follow the simple form of the original dwelling and would be set down from the eaves. The extension will also be constructed from natural stone to ensure that the visual aesthetics of the site, are retained. As the existing single storey timber clad extension will be demolished as part of this proposal.

Nonetheless, initial concern was raised with the agent regarding the design of the fenestration within the front elevation of the side extension, given that this element would be readily visible from public vantage points. However, justification has been provided by the agent regarding this matter, as the tall windows are required in order to keep the internal height as low as possible.

Having taken this into account, KC Conservation and Design have raised no objection, as the proposed fenestration will allow the extension to appear as a contemporary addition to the original dwellinghouse. The proposed bi-folding doors within the side elevation, will also allow flexible space for the occupants of the dwelling and therefore no concerns have been raised.

Whilst it is appreciated that the extension would increase the bulk and massing to the side of the host property, it is unlikely to result in an undesirable terracing effect as the works proposed would be significantly set down from the main property. Furthermore, the extension will be set in from the nearest boundary wall by approximately 2.1m. For these reasons, the proposed development is considered to comply with the aims of Policy LP24 of the KLP.

Replacement windows

As set out on the submitted plans, the applicant is also seeking permission for replacement windows, to include grey UPVC openings. These alterations have been considered acceptable, as there is evidence of UPVC on neighbouring properties. Furthermore, it has also been noted that the grey window frames will not appear overly prominent within the street scheme, as the windows will be set back in the reveals. As such, officers are satisfied that the proposed works would not unduly impact upon the amenity of the site.

Alongside the above, the application has been assessed by the impact in which it will have on the character and setting of Hepworth Conservation Area. In this instance, it has been considered that the additional development would appear subservient to the host property, with the materials proposed also being stone to match. For these reasons, officers are satisfied that there would be no significant impact upon the Conservation Area.

Furthermore, it has been noted that the public benefits to the scheme, would be that the host property could remain at its optimum use, as a dwelling, with the additional living accommodation required to meet the needs of the applicant. For these reasons, it has considered that the public benefits of the scheme are considered to outweigh the less than substantial harm.

In summary the proposed extensions would be of a satisfactory design and would be in keeping with the character of the area in accordance with Policies LP24 and LP35 of the KLP and Chapter 12 and 16 of the NPPF.

3. Impact on residential amenity

Corn Loft is the neighbouring property to the South East of the application site. It has been considered that there would be some impact upon these neighbours' amenity as a result of this proposal, as the applicant is seeking permission for a two storey side extension. However, it has been noted that the footprint of the proposed development is likely to be of a similar size to the existing flat roof structure.

Nonetheless, there would be some additional overbearing, from the bulk and massing contained within the extension, however, officers do not consider this to have an undue impact, as a separation distance of 2.2m will be retained from the shared boundary. More specifically, the plans show the extension to be set down from the eaves on the dwelling, in order to reduce its overall height. The host property is also located to the North of these neighbours and therefore any future overshadowing would be limited.

With regards to overlooking, officers have noted that bi-folding doors will be inserted into the side elevation, in which have the potential to overlook into these neighbour's garden. However, given that the existing side extension is predominantly glazed, it has been considered that any impact would not be over and above the existing situation, given the relationship already established. More importantly, the agent has provided a photograph from within the existing extension, showing the relationship with these neighbour's garden. In this instance, officers are satisfied that the existing boundary treatment will mitigate most of the impact and therefore any overlooking would not be detrimental.

There will also be no material impact upon these neighbour's amenity as a result of the proposed front porch, given its location, size and scale.

Edgeworth is the residential property to the North East of the application site. It has been noted that there would be a substantial separation distance retained between the application site and the nearest elevation at these neighbours and therefore any overbearing, overshadowing and overlooking from the bulk and massing contained within the front porch and side extension is not considered to be undue.

As a result, any impact upon these neighbours would be acceptable.

In summary the application is considered to have an acceptable impact on residential amenity and therefore complies with LP24 of the KLP from this perspective.

4. Impact on highway safety

It has been noted that the proposed development is unlikely to intensify the domestic use, nor will it alter the existing parking arrangements at the property. Therefore, any impact upon highway safety is considered to be acceptable, in accordance with Policies LP21 and LP22 of the KLP.

5. Other matters

Bats

The application site lies within the bat alert layer on the Council's GIS system. As such, careful attention was paid when assessing the photographs submitted by the agent to look for evidence of bat roost potential. In this instance, the property appeared well sealed around the eaves and roof area and it was judged unlikely to contain roosting bats.

Even so, as a cautionary measure, a note will be added to the decision notice stating that if bats are found development shall cease and the advice of a licenced bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

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 predates 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 case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures. Nonetheless, it has been noted that the extensions would be constructed from stone in which is considered to be a natural material that can be sourced locally. The use of large areas of glazing to habitable rooms will also help to reduce the use of artificial light and improve passive solar gain.

6. Representations

As a result of the above publicity, no representations have been 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 materials considerations. It is considered that the development would constitute to sustainable development and is therefore recommended for approval.

Recommendation Approve

Decision Authorisation - Delegated Powers

Application Number: 2020/91897

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 Policies LP1, LP2, LP21, LP22, LP24, LP30 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external walling and roofing materials of the extensions hereby approved shall in all respects match those used in the construction of the existing building, in accordance with the details shown on the approved plan.

Reason: In the interests of visual amenity to protect the character and appearance of the Hepworth Conservation Area and to accord with Policies

LP24 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours Mondays to Fridays 08.00 and 13.00hours , Saturdays With no working Sundays or Public Holidays In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

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. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule

Plan Type	Reference	Version	Date Received
Location plan and existing floor plans and elevations	(0-) 01	-	23 rd June 2020
Design, access and heritage statement	142	-	23 rd June 2020
Proposed floor plans and elevations	(0-)02	B	19 th August 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 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. In this instance, concern was raised with the agent regarding the prominence of the proposed front porch and the design of the openings within the two-storey side extension. As such, final amended plans were sought on the 19th August to overcome the concerns raised.

26 th August 2020

Report Dated: dsffsdf