

**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: 2020/62/91969/W

Site Address: 10, Ponyfield Close, Birkby, Huddersfield, HD2 2BF

Description: Erection of single storey front extension and alterations to convert integral garage to extend living accommodation (within a Conservation Area)

Recommending Officer: Tom Hunt

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: 14-Oct-2020

Officer Report

Site Description

10, Ponyfield Close, Birkby, Huddersfield, HD2 2BF

10 Ponyfield Close is a two storey detached dwelling with an integral garage. It is cross gabled with a gable end facing out onto the close. The gable end has a small bay window projecting from it and a porch to its north. To the primary elevation, there is a dwarf stone wall curving around the dwelling and the dwelling is set back from the road with large lawned area and a tarmacked driveway sufficient for two cars to park in front of the garage.

Its construction materials are stone for dwelling walls, concrete tile roof and uPVC windows. 10 Ponyfield Close is situated within Birkby Conservation Area but is modern build (mid to late 90s). The housing development has a variety of housing configurations all retaining the same construction materials and is visually coherent.

Description of Proposal

Erection of single storey front extension and alterations to convert integral garage to extend living accommodation (within a Conservation Area)

The proposal seeks to add a single storey front extension to the gable end projection to replace the existing small bay window projection (approximately 1.6 metres width with a 0.5 metre depth). This would be a lean-to roofed extension measuring approximately 4.6 metres width by 1.5 metres depth. The roof ridge height would be approximately 3 metres and eaves height to be approximately 2 metres. The side elevations do not have windows, the front elevation has one triple paned window. This extension would extend the lounge floor space into the front garden.

The integral garage would retain the same dimensions (approximately 2.3 metres width by 5.2 metres depth) and create two rooms, a study to the front elevation and a utility room to the rear. The main external change is to replace the garage door to a large window (approximately 1.6 metres width).

All materials are to match the existing dwelling.

The front garden (to the west and primary elevation) would have additional hard surfacing to accommodate off road car parking.

History of negotiations/amendments received

No negotiations necessary.

Relevant Planning History

93/02004 – Erection of Residential Development (38 DWELLINGS)

Decision: FC - CONDITIONAL FULL PERMISSION. **Decision**

Date: 03/09/1993

88/00716 – Outline application for residential development. **Decision:** RF – REFUSED. **Decision date:** 12/12/1988

Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on: 21st August 2020

Site Notice expired: 25th August 2020

Press publicity expiry: 14th August 2020

No representations have been received.

Consultation Responses

No technical consultees required.

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 allocated as a Conservation Area on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP21 – Highways and access
- LP 24 – Design
- LP21 - Highway Safety
- 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, 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-designed places
- **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

1) Principle of Development

Policy LP1 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 National Planning Policy Framework. 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.”

As the site is within Birkby Conservation Area, the Council's duty under Section 72 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”.

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.

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

2) Visual amenity

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

The scale of the front extension is subservient and proportionate to the scale of the host dwelling. The nature of the extension would sit well within the housing development and would not be incongruous. Sufficient front garden space will be retained to prevent concerns of overdevelopment and would not be out of character for the housing development. The architectural features of the extension mimic those of the host building and other dwellings in the area, which is welcomed, and the materials – stone and concrete tiles – are to match the host building, securable via condition.

The conversion of the garage into a study would present a visually acceptable alteration creating the impression of a wholly residential dwelling. There are examples of dwellings who do not have integral garages so it would still be in keeping with the street scene.

It is considered the proposal would not detract from the overall street scene and townscape of the Birkby Conservation Area due to the subservient nature of the proposal and the varied styles in the immediate area.

The extension and the converted garage would cause no harm to the significance of the Conservation Area. In this the Council's duty under S72 of the Planning (Listed Buildings and Conservation Areas) Act has been taken into account.

The proposed development's visual impacts comply with the aims and objectives of LP24 and LP35 of the Local Plan.

3) Residential amenity

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to *"provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings."*

No.10 sits with its neighbouring properties angled to the curved road and the proposed front extension would not have windows facing the neighbouring boundaries. The host dwelling is further screened by large scrubs and trees either side and it is considered that privacy and overlooking would be safeguarded.

The extension would not impede upon either neighbours' enjoyment of their garden or driveway. The scale of the extension and position would not contribute to meaningful overshadowing or be considered overbearing.

The proposal would not cause material harm to the amenity of neighbouring residents, in accordance with LP24.

4) Highways

While increasing the size of the dwelling and converting the garage, the extension will not create additional bedrooms. There will be additional hard surfacing to the existing driveway to provide continued and sufficient parking for the dwelling's car parking needs.

The proposal will not harm the safe and efficient operation of the highway, in accordance with LP21.

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.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

6) Representations

No public representations were received.

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: 2020/91969

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 development hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans – Grouped Plans and Elevations	Existing and proposed side elevation		08/07/2020
Plans – Grouped Plans and Elevations			08/07/2020
Plans – Location Plan			08/07/2020
Supp Info – Conservation/Heritage Assessment			09/07/2020

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. The application as submitted was considered to be acceptable.

Report Dated: 9/10/2020

