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:	2020/62/91985/W
Site Address:	108a, Market Street, Milnsbridge, Huddersfield, HD3 4HT
Description:	Rebuilding and extension of former outbuilding (within a Conservation Area)
Recommending Officer:	William Simcock

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: 30-Sep-2020

Officer Report 2020/91985

Site Description

The application site is a backland plot located off an unadopted track connecting Market Street with Dowker Street, which borders it to the north, providing vehicular access. To the south, and at a lower level, the site faces the rear gardens of 142-148 Armitage Road. The site is in a mostly residential area, with steep banking and the trans-Pennine railway line to the north.

It has had planning permission granted for residential development consisting of a two-storey detached dwelling to be built as an L-shaped block on the northern and eastern parts of the site. It is accessed off an unadopted private road connecting Market Street and Milnsbridge. The development has been implemented.

Site photographs from 2013 show a mainly brick, metal-roofed building in one corner of the site. The building appears to have been re-built, wholly or partially, in stone, but extended towards the house.

Description of Proposal

The proposal is for the partial rebuilding and extension of a detached building within the curtilage. It is in the same location as the former brick outbuilding but has been extended in an easterly direction. This is a largely retrospective application – the development was almost complete when the site visit was undertaken, although the doors had not been fitted.

The northern and eastern walls of the outbuilding are in coursed stone with the roof in blue slate matching the house, and with its main opening facing east. The brickwork has been retained on the less visible southern and western elevations. External dimensions are 7.9 by 4.4m. The length of the original building was 4.9m, so it represents an increase in size of 3.0m. The roof of the main part of the outbuilding is monopitch and 3.5m high at its greatest height, with the extended part double-pitched and 3.0m to the ridge.

History of negotiations/amendments received

None, except that the description (extension to outbuilding) was changed to reflect the works that were actually being applied for and had been built.

Relevant Planning History

2013/92336: Erection of detached dwelling and demolition of existing storage and garaging (within a Conservation Area). Approved

2015/93013: Variation of condition on above permission. Granted.

Representations

Final publicity date expires: 19-Aug-2020 (Publicity by neighbour letter, site notice and press advertisement; setting of Public Right of Way and within Conservation Area)

No representations were made.

Consultation Responses

No consultations were considered necessary on this occasion.

Conservation & Design – Considered acceptable.

Highways Development Management – Considered acceptable.

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 the Milnsbridge Conservation Area on the Local Plan.

Local Plan:

- **LP 21:** Highway safety and access
- **LP 22:** Parking
- **LP 24:** Design
- **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 24th July 2018, 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
1) Impact on visual amenity (including any heritage considerations)
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters – e.g. trees/ecology (e.g. bats)
5) Representations
6) Conclusion

1 – Principle of development: The site is in the Milnsbridge Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities shall pay special attention to the desirability of preserving or enhancing the appearance of buildings or land within a Conservation Area.

Chapter 16 of the NPPF states that harm to heritage assets (including Conservation Areas and buildings within them) should not be allowed without a proportionate justification based on public interest.

Turning to the Local Plan, LP35 states that development proposals must preserve or enhance the significance of designated heritage assets, maintain local distinctiveness whilst allowing innovative design where it would not harm heritage assets.

Also of relevance is Policy LP24 which requires that development respects and enhances the character of the townscape, 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. Any implications for highway safety will also be considered as required by Policies LP21-22.

2 –Impact on visual amenity: The outbuilding has a simple built form with a pitched roof in materials closely matching the dwelling. The extended part of the storage building has a lower roof line than the main building. It is noted that the site is in an elevated position compared to Armitage Road, but it is considered that the outbuilding as rebuilt and extended is not overly prominent or disproportionate to the size of the dwelling, and does not amount to overdevelopment of the site. Materials used closely match those used on

the host building, and the wider area. On this basis it is deemed to comply with the aims of Policy LP24(a) and LP35, and the NPPF Chapter 16.

No conditions on materials or design details are deemed necessary since the development is largely complete externally.

3 – Impact on residential amenity: It is considered that the development, owing to its scale, design, and position in relation to neighbouring properties, does not give rise to any adverse impacts on neighbouring dwellings or land. Subject to no windows being formed in southern elevation, which overlook neighbouring residential curtilages, it would accord with the aims of Policy LP24(b).

4 – Impact on highway safety: The dwelling has an existing access on to an unadopted track which joins the adopted highway network with a priority junction with Market Street.

The outbuilding is unlikely to result in any significant additional trip generation, on the basis that it is intended for uses incidental to the enjoyment of the dwelling house as such.

The original application was approved on the basis that there would be sufficient space within the cross-hatched area shown on the site plan to park two vehicles and turn within the site (with the removal of the old store). This was safeguarded by condition 10 on the original permission and the subsequent variation:

2013/92336:

> "All areas indicated to be used for access/parking/turning on the approved plan(s) shall have been laid out with a hardened and drained surface before the development is first brought into use. Any new or replacement hardstanding shall be formed in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for the use(s) specified on the submitted/listed plan(s) for the lifetime of the development.
> **Reason:** In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and in accordance with Unitary Development Plan Policy T10."

2015/93013:

> "All areas indicated to be used for access/parking/turning on the approved plan 2013/156/01 Rev E shall have been laid out with a hardened and drained surface before the development is first brought into use. Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for the uses specified on the submitted/listed plan.
Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and in accordance with Unitary Development Plan Policy T10".

The storage building as extended is partly within the area shown as being for the parking and manoeuvring of vehicles and would therefore contravene the above conditions. This has created a situation which is less than ideal in terms of highway safety since it is probably now impossible for vehicles to turn within the curtilage of the property. The submitted plans do not give details of parking or turning provision.

Vehicles can however turn by making use of the junction between the driveway and the shared track. Based on the amount of hardstanding available within the curtilage there is unlikely to be any difficulty in parking 2 vehicles within the curtilage, and the submitted statement says that the outbuilding is also to be used for garaging. A further space has been created at a higher level taking access direct from the unadopted track instead of the driveway. It is not clear how long the dwelling has been occupied, but from historic aerial photographs it appears that it has been substantially complete since at least 2018 and no safety problems associated with the access have been reported.

On balance it is considered that the development is unlikely to give rise to any material increase in highway safety problems or obstruction to the highway and is therefore deemed to accord with the aims of LP21 and LP22.

Public Right of Way (PROW) footpath Huddersfield 315 runs adjacent to the application site. It is considered that the development does not have any material impact upon the safety of footpath users or the setting of the PROW. The footpath must remain unobstructed, this should be added as a footnote.

5 – Other matters:

Biodiversity:
The site is in the bat alert layer but on the basis of an external viewing the outbuilding is unlikely to have had bat roost potential even before construction works started, and certainly will not now.

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 applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. As the proposal is for rebuilding and extension to a modest-sized outbuilding within an urban area it is considered however that that it would not contribute significantly to carbon emissions. It is considered that in the circumstances the applicant does not need to demonstrate further measures to combat climate change and the proposal is deemed to be in accordance with the aims set out above, and set out in NPPF Chapter 14.

6 – Representations: No representations have been made.

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 – CONDITIONAL FULL PERMISSION

Decision Authorisation - Delegated Powers

Application Number: **2020/91985**

Officer Recommendation: CONDITIONAL FULL PERMISSION

Conditions and Reasons

1. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed in the external southern wall of the building at any time.
Reason: So as not to detract from the amenities of adjoining properties by reason of loss of privacy and to accord with the aims of Policy LP24(b) & (c) of the Kirklees Local Plan.

Note: Public footpath Huddersfield 315 is adjacent to the development and must not be interfered with or obstructed, prior to, during or after development works. The Council's public rights of way unit may be contacted at Civic Centre 3, Huddersfield or by telephone 01484 221000 and ask for Sharon Huddleston

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			10-Jul-2020
Location plan			08-Jul-2020
Planning statement			08-Jul-2020
Photographs			02-Jul-2020
Proposed south elevation	1		10-Jul-2020
Proposed north elevation	5		10-Jul-2020
Proposed west elevation	9		10-Jul-2020
Proposed east elevation	3		10-Jul-2020
Proposed 3-D view			10-Jul-2020
Existing north elevation	4		10-Jul-2020
Existing west elevation	8		10-Jul-2020
Existing east elevation	2		10-Jul-2020
Existing floorplans	6		10-Jul-2020
Proposed floorplans	7		10-Jul-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 case officer did not undertake

negotiations with the applicant as no amended plans or additional information were considered necessary.

Report Dated: 24-Sep-2020