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:	2020/62/92813/W
Site Address:	102, Birkby Hall Road, Birkby, Huddersfield, HD2 2TN
Description:	Erection of pitched roof to existing rear extension (within a Conservation Area)
Recommending Officer:	Lucy Taylor

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: 13-Nov-2020

Officer Report.

Reference: 2020/92813

Location: 102, Birkby Hall Road, Birkby, Huddersfield, HD2 2TN

Proposal: Erection of lean-to roof to existing rear extension.

Site Description.

102 Birkby Hall Road is a two-storey stone terrace property located in Birkby, Huddersfield. The dwelling is constructed principally from stone with a tiled gable roof. The site is located within a residential area, with properties sharing similar traditional designs. This predominant style is of terraced properties with gable roofs, constructed of render and stone. The erection of extensions and exterior alterations is not uncommon amongst properties in this area.

Description of Proposal.

Replacement of flat roof to lean-to roof on existing rear extension.

Replacement of Flat Roof to Lean-to Roof:
The applicant is seeking permission for alterations to the existing flat roof of the small rear extension. This includes heightening the walls of the extension to a maximum of 5 metres from external ground level, previously measuring 4 metres in height with a flat roof. The replacement lean-to roof will be infilled with rendered block work to match the existing render on the main dwelling. The roof would be blue slate.

History of Negotiations.

No negotiations have taken place and no amended plans have been sought. Amended plans were submitted by the applicant to change the roof form from a hipped roof design to a gabled roof design.

Relevant Planning History.

- **87/62/00618/B2** – *102, Birkby Hall Road* – Erection of shower room/toilet extension. *Granted in 1987.*

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 19th October 2020. In addition, the application was advertised through a Press Notice and Site Notice which expired on 10th November 2020 – no representations were received.

An amended plan has been received by the agent to alter the proposed roof pitch/style of roof. The amended plans were re-publicised by neighbour notification letters but no representations were received.

Consultation Responses.

No consultations were deemed necessary for this proposal.

Policy/Legislation.

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 not specifically allocated on the Kirklees Local Plan however, it is within the Birkby Conservation Area.

Kirklees Local Plan:

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP24** - Design
- **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 February 2019, together with Circulars, Parliamentary 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 15** – Protecting and enhancing the natural environment
- **Chapter 16 -** Protecting and enhancing the historic environment

Assessment.

The Following matters that will be considered as part of the assessment of the proposal are set below. These considerations will be looked at in detail individually:

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:**

The site is located within the Birkby Conservation Area. Therefore, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities pay special attention to preserving or enhancing the character and appearance/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, if any is deemed to occur, 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”.

2. **Impact on Visual Amenity:**

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

The alterations proposed to heighten the existing flat roof of the rear extension, to form a lean-to roof, have been considered acceptable from a visual perspective. Whilst there would be some additional bulk and massing, officers have noted that the simple form would harmonise with the host property and wider character and appearance of the area. In addition, the proposed construction materials for the lean-to roof match the existing materials of the extension and therefore, its erection would not detract from the architectural style of the dominant dwellinghouse.

It should also be noted that, the submitted plans show no alterations to the existing footprint of the extension and therefore, there will be no additional amenity space developed as part of this proposal.

The existing extension has a flat roof and does not form a positive feature within the Conservation Area. The replacement roof would better harmonise with the host dwelling and is of a simple form which would not compete with the principal dwelling. As a result, the proposed works at 102 Birkby Hall Road would adhere to the aesthetic appearance of the surrounding area both spatially and visually. Resultantly, the development would enhance the appearance of the Birkby Conservation Area and would accord with Policies LP35 and LP24 of the Local Plan and Chapter 16 of the NPPF.

3. **Impact on 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.*"

The impact of the development on each of the surrounding properties will be assessed in turn.

- *100 Birkby Hall Road* – This property is located to the East of the boundary site. There would be limited impact upon these neighbours' amenity in terms of overbearing and overshadowing as the footprint of the existing extension will be retained as part of this application and the height of the roof will only increase slightly, by one metre. As such, any additional bulk and massing is unlikely to be undue. Furthermore, there is boundary treatment in place between the two properties, this may aid in the mitigation of any potential impacts. This boundary treatment is in the form wooden fencing and intensive shrubbery.

- *104 Birkby Hall Road* – This property is located to the West of the boundary site. There would be limited impact upon these neighbour's amenity as a result of heightening the roof over the existing single storey extension. Any additional bulk and massing will not cause undue overbearing or overshadowing. In addition, intensive tall shrubbery is present between the two properties and will aid in mitigating any potential impacts.

- *1 and 7 Arnold Avenue* – These properties are located to the North East of the application site and therefore, overlook the rear of the dwelling. However, due to the limited increase in size of the lean-to roof and the keeping within the street scene, the proposed plans will not impact negatively upon these neighbours. Furthermore, there is significant separation distance between these properties and 102 Birkby Hall Road.

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

4. **Impact on Highway Safety:**

It has been acknowledged that there would be no further impact upon highway safety as the proposal would not intensify the domestic use at the property nor will it alter the existing parking arrangements. For these reasons, the proposal is considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan.

5. Other Matters

Bats
The application site lies within the bat alert layer on the Council's GIS system. As such, careful attention has been paid when looking 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. The flat roof of the existing extension would not provide bat roost potential due to its height and form. 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 licensed bat worked 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 it is not considered reasonable to require the applicant to put forward any specific resilience measures. The incorporation of a pitched roof is, however, likely to improve the insulation envelope of the building.

6. Representations:

The application received no representations.

7. <u>Conclusions.</u>

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: **2020/92813**
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, in the interests of the significance of the Birkby Conservation Area and to accord Policies LP24 and LP35 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 existing building.
Reason: In the interests of visual amenity and in the interests of the significance of the Birkby Conservation Area and to accord Policies LP24 and LP35 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 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
Grouped Plans and Elevations	2020/244/01 – Existing Plans and Elevations	1	7/9/20
Location Plan	Location Plan	1	7/9/20
Proposed Elevations	Proposed Rear Elevation 2020/244/02	2	13/10/20
Proposed Elevations	Proposed Side Elevations 2020/244/03	2	13/10/20
Proposed Floor Plans (not roof plan)	2020/244/04 – Proposed floor and roof plan	1	7/9/20

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 applicant submitted amended plans altering the roof form proposed. The application has been determined on the basis of the amended plans.

Report Dated: 12/11/20