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:	2020/62/92860/W
Site Address:	57, Hall Lee Fold, Lindley, Huddersfield, HD3 3NX
Description:	Demolition of existing conservatory, erection of single storey rear extension and alterations to access (Within a Conservation Area)
Recommending Officer:	Lucy Taylor

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: 08-Jan-2021

Officer Report.

Reference: 2020/92860

Location: 57 Hall Lee Fold, Lindley, Huddersfield, HD3 3NX

Proposal: Demolition of existing conservatory, erection of single storey rear extension with alterations to access and alterations to existing driveway.

Site Description.

57 Hall Lee Fold is a two storey detached property located in Lindley, Huddersfield. The dwelling is constructed from stone and has a gable roof. The site is located within a residential area, with properties sharing similar traditional designs. This predominant style is of detached stone properties with gable roofs. The erection of extensions is uncommon amongst properties in this area. To the rear of the property (south) are a collection of protected trees.

Description of Proposal.

Single storey rear extension and alterations to existing driveway.

Erection of Single Storey Extension:
The proposed extension is to be located to the rear of the property and is to replace the existing conservatory. The extension is to project 4 metres from the rear of the property with a height of 4.28 metres. However, the extension proposes the inclusion of raised roof lights, increasing the maximum height from external ground level to 4.85 metres. The materials used in the construction of the extension will match those of the dwelling.

Access to the property will be altered through the erection of the proposed rear extension. A glazed door will be installed with a total height of 2.08 metres and width of 2.96 metres. A small staircase will enable external access to the door.

The proposal suggests two windows on the extension, one of the side and one on the rear. The proposed materials and finishes of both windows will match the dwelling.

Alterations to driveway:
The proposed new drive at 57 Hall Lee Fold will create an additional two parking spaces at the property at the front of the property. The parking spaces will be created through the infilling of the front garden with tarmac.

History of Negotiations.

Amended plans and further information in relation to the adjacent protected trees, were sought and submitted regrading the proposed development at 57 Hall Lee Fold.

Relevant Planning History.

No relevant planning history.

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 16th October 2020. The application was also advertised through a press notice and a site notice which collectively expired on 10th November 2020 - No representations were received.

An amended plan has been received from the agent to alter the proposed new driveway. This was in regard to the removal of a gate previously proposed at the entrance of the driveway. However, it was not considered necessary to re-advertise the proposal as the changes to the development were minor and the amended plans were more suitable in regard the streetscene of Hall Lee Fold than those previously proposed.

Consultation Responses.

KC Trees - no objection after the submission of further information which should be conditioned.

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 Lindley Conservation Area.

Kirklees Local Plan:

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP24** – Design
- **LP33** - Trees
- **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

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 Lindley Conservation Area. Therefore, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities pay special attention to the preservation or enhancement of the character and setting of buildings or land within a Conservation Area. Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework are also relevant given this context in the historic environment.

Policy 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”.

1. **Impact on Visual Amenity and Heritage:**

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 seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.

57 Hall Lee Fold is located within a residential area, with surrounding properties sharing a similar style of design and construction. This predominant style is of detached properties faced with stone. Therefore, there is strong similarity within the street scene on Hall Lee Fold, Lindley. The site whilst located within a conservation area is a small new build development of similarly designed properties.

The proposal refers to the erection of a single storey extension at the rear of the property. As the extension is single storey in height it is subservient when viewed against the two storey property and is not of an obtrusive height therefore, does not dominate the rear of the dwelling. In addition, the proposed construction materials and fenestration details of the rear extension are considered to be acceptable and in keeping with the host property and would not detract from the architectural style of the main dwelling. In regards to the proposed altered access to the property through the rear extension, the glazed door and external stair case are projected to face the rear boundary of the application site. Therefore, the erection of both the glazed door and stairs will not disrupt the overall visual setting of the streetscene on Hall Lee Fold. Furthermore the design is also considered appropriate for the sites location within the conservation area and it is considered it would preserve its overall character and appearance.

Alterations to the existing driveway will create an addition two parking spaces at the front elevation of the property, this will not disrupt the visual amenity of the streetscene.

Taking into account all of the above, it is considered that the proposed extension and alterations would comply with local, national and emerging policies in relation to design and heritage.

2. **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.

- *55 Hall Lee Fold* - This property is located to the East of the boundary site. Due to the detached nature of the properties within Hall Lee Fold there is significant separation distance between this neighbouring property and the application site. Therefore, the proposed rear extension will not result in any undue overbearing or overshadowing. In addition, there is shrubbery and vegetation present on the east boundary of the application site, in turn, mitigating any potential impacts on visual amenity from the proposed extension and reducing any impacts on privacy from the proposed glazing.

- *59 Hall Lee Fold* – This property is located to the West of the boundary site. Due to the detached nature of the properties within Hall Lee Fold there is significant separation distance between this neighbouring property and the application site. In addition, there is boundary treatment present in the form of a fence. This will aid in reducing any potential impacts on visual amenity from the proposed extension and reduce any impacts on privacy from the proposed glazing.

- *49 Hall Lee Fold* – This property is located to the North of the boundary, situated opposite the application site. Due to the proposed extension been erected at the rear of 57 Hall Lee Fold it would not negatively impact this neighbouring property. Furthermore, the additional parking spaces proposed alongside the extension are unlikely to negatively impact 49 Hall Lee Fold. This is because the need for on street parking for vehicles in conjunction with the application site will be reduced. In turn, benefitting neighbouring properties both visually and spatially.

- *Hope Garth, Halifax Road* – This property is located to the South of the boundary and adjoins the rear of the application site. There is a very large separation distance between this property and the application site. Therefore, the erection of the proposed extension at 57 Hall Lee Fold would not cause any undue overbearing or overshadowing. In addition, the presence of a stone wall and trees at the boundary between the two properties will mitigate any impacts from the proposed glazing on the rear extension.

3. Impact on Highway Safety:

It has been acknowledged that there would be no further impact upon highway safety from the proposed rear extension as it is unlikely to intensify the domestic use at the property. Furthermore, the proposed developments to the driveway can be considered to improve the level of on site parking, welcomed from a highways perspective. The driveway will be conditioned to be covered in a permeable surface. For these reasons, the proposal is considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan.

4. Other Matters

Trees
The proposed extension will be within the root protection area of the protected trees to the rear of the site covered by TPO - HU1/71/a6. Policies LP24 and LP33 are relevant which seeks to protect mature and protected trees, to ensure that they are incorporated new developments and that appropriate information is submitted. The application has been assessed by the Councils Arboriculturist and an Arboricultural Impact Assessment and Method Statement has been submitted at the request of Officers as the rear extension would be constructed within the root protection area of the protected trees and the drive would be in proximity to the protected trees to the front.

The submitted information is considered to be satisfactory detail to ensure that the trees would not be adversely impacted on, subject to the method statement being conditioned. The Councils Arboriculturist has advised that the trees should be protected from any significant or long term impacts and therefore the proposals do meet with our policies LP24i and LP33.

Bats
The application site lies within the bat alert layer on the Council's GIS system. As proposal will not impat on the main roof of the dwelling and extension to be replaced is a conservatory it is considered that the risk of bats being present is low. 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. However, it has been noted that the extension will be constructed from stone, in which is considered to be natural material, that can be sourced locally. In addition, the extension is replacing a conservatory at the rear and therefore, will be more energy efficient.

5. Representations:

No representations have been received.

6. Conclusions.

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: 2020/92860
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, to protect the character and appearance of the Lindley Conservation Area and to accord Policies LP24 and LP35 of the Kirklees Local Plan and Policies in the National Planning Policy Framework.

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 to protect the character and appearance of the Lindley Conservation Area and to accord Policies LP24 and LP35 of the Kirklees Local Plan.

4. The development hereby approved shall be constructed in accordance with all the methods, advice and directions (recommendations) contained in the Arboricultural Method Statement Report, by One World Arboriculture, Reference: OWA0166 AMS, dated 12th Dec 2020. These shall be implemented and maintained throughout the construction phase and retained thereafter as prescribed.
Reason: To ensure that the development has an acceptable impact on protected trees and in the interests of visual amenity and to accord with the requirements of Policies LP24 and LP33 of the Kirklees Local Plan and the aims 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. 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
Existing Elevations	8 Proposed – Sheet – HD-A-312-102 – Existing Elevations	1	1/9/20
Existing Floor Plans	HD-A-312-202 – Proposed Ground Floor Plan	1	1/9/20
Existing Floor Plans	8 Proposed – Sheet – HD-A-312-101 – Existing Floor Ground Floor Plan	1	1/9/20
Location Plan	8 Proposed – Sheet – HD-A-312-103 – Existing Site and Location Plan	1	1/9/20
Location Plan	HD-A-312-203 – Proposed Site Plan and Location Plan	1	1/9/20
Proposed Elevations	HD-A-312-201 – Proposed Elevations	1	1/9/20
Proposed Site Plan & Location Plan	HD-A-312-203-Proposed Site Plan & Location Plan_Rev 1	2	9/11/20
Arboricultural Method Statement Report	OWA0166 AMS 12th December 2020	1	16/12/20
Pre-development Arboricultural Report and Arboricultural Impact Assessment	OWA0166 PDR/AIA amended 8th December 2020	1	16/12/20
Design and Access and Heritage Statement	Ref: HD-A-886 Dated 28th August 2020	1	1/9/20

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. Amended plans and additional tree information was sought and submitted and therefore, active engagement was had with the applicant in dealing with this application.

Report Dated: 5.1.21