

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 73

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO
CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING
CONDITIONS PREVIOUSLY ATTACHED**

Reference No: 2020/70/93412/W

Site Address: 146, Armitage Road, Milnsbridge, Huddersfield, HD3
4JY

Description: Variation of condition 3. (materials) on previous
permission no. 2017/92817 for erection of first floor
rear extension (within a Conservation Area)

Recommending Officer: Laura Yeadon

DECISION – Approve Variation of Conditions

**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: 29-Jan-2021

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f93412>

Site Description

The application relates to a mid-terrace property, constructed from natural stone and designed with a gable roof, finished in slate tiles. Located close to Milnsbridge town centre the area is characterised by high density housing although the considered property does benefit from modest front and rear private amenity space.

To the front of the dwelling a low-rise natural stone wall approximately 0.5m high delineates the front garden from the highway. To the rear, boundary features include a closed boarded timber fence approximately 1m high. The dwelling is well secured to the south east and west by other residential properties of a similar architectural style and construction materials while to the north the site is bounded by private land which appears to house garages and storage units.

Description of Proposal

Permission is sought to vary condition 3 on previous permission no. 2017/92817 for erection of first floor rear extension.

Condition 3 stated:

3. The external walls and roofing materials of the extensions hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity, to preserve the character and appearance of the Milnsbridge Conservation Area and to accord with Policies BE2, BE5 and BE13 of the Kirklees Unitary Development Plan, Policies PLP24 and PLP35 of the publication draft Local Plan and Chapters 7 and 12 of the National Planning Policy Framework.

The submitted details indicate that the building work is now complete and Building Control requested that the side elevations of the extension be rendered to achieve a better waterproof surface. In addition, the roofing material was intending to be matching slate with the intention of re-using the existing slates from the single storey roof. However, it was advised that due to the low roof pitch, the system would fail and within would blow rain both under the felt and the slates. As this was unfeasible, the use of a rubber membrane has been used.

Since the submission of this application, the Applicant has confirmed that Building Control have agreed that a waterproofing chemical method can be

used on the stone and therefore no rendering is required. As such, the only matter for consideration is the alteration to the roofing material.

History of negotiations/amendments received

Further information was requested in the form of a side elevation roof plan to evidence any changes from the approved to existing roof pitch. A plan was submitted on 10th December 2020.

Relevant Planning History

2017/92817 Erection of first floor rear extension (within a Conservation Area)
Conditional Full Permission

Representations

We are currently undertaking the legal 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, site notice and newspaper advertisement.

Final publicity date expired 24th November 2020 – no representations received

Parish/Town Council comments – not applicable

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

K.C. Conservation and Design – informal discussions – no objection

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 Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **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 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 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

The site is located in the Milnsbridge conservation area. Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 introduces a general duty in respect of conservation areas. Special attention shall therefore be paid to the desirability of preserving or enhancing the character or appearance of that area. This is mirrored within Policy LP35 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

The previous Officer Report cites that the first floor extension would be small in scale, located to the rear of the property considered to have a neutral impact on the visual amenity of the building and the setting of the Conservation Area. This application proposed to vary Condition 3 of the previous approval with specific regard to the roofing material due to the use of slate to match the existing being unfeasible due to the shallow pitch of the roof and the high potential for water egress under the tiles. As such, the only solution would be to use a rubber membrane for the roof.

Whilst in contrast to the host property it is considered that this solution is acceptable in terms of the visual amenity and the impact on the Conservation Area would not be detrimental. There is a slight alteration to the pitch of the roof however this is considered to be neutral and would have been acceptable should this solution be applied for as part of the previous permission.

As such, it is considered that the change of roofing material is considered to be acceptable and would comply with Policies LP24 and LP35 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

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. It is considered that due to the development already being complete, that no measures are required in this instance.

Representations:

None

Previous conditions

As part of the previous application, conditions were imposed which are now not necessary due to the works being complete and therefore no conditions are required for this application.

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: 2020/93412

Officer Recommendation: Approve

1. 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 Milnsbridge conservation area

and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Policies in the National Planning Policy Framework.

Plans and specifications schedule:-

<i>Plans and Information approved as part of application 2020/93412</i>			
Plan Type	Reference	Version	Date Received
Side elevation			10 th December 2020
Photographs			12 th October 2020
Covering Letter			12 th October 2020
<i>Plans Approved as part of application 2017/92817</i>			
Plan Type	Reference	Version	Date Received
Existing Rear Elevation	146 Armitage Road	-	24th August 2017
Rear Elevation Proposed	146 Armitage Road	-	24th August 2017
Proposed Floor Plan	146 Armitage Road	-	24th August 2017
Location Plan	-	-	14th August 2017

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. Further information was requested in the form of a side elevation roof plan to evidence any changes from the approved to existing roof pitch. A plan was submitted on 10th December 2020.

Report Dated:

29th January 2020