

**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: 2020/62/93746/W

Site Address: Holmdene, Oastler Grove, Mirfield, WF14 0JB

Description: Erection of single storey extension to outbuilding with associated works to create dwelling forming annex accommodation associated with Holmdene, Oastler Grove, Mirfield, WF14 0JB (Listed Building)

Recommending Officer: Josh Kwok

DECISION – REFUSED

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Paul Dowd

AUTHORISED OFFICER

Date: 09-Apr-2021

Officer Report

Site Description

Holmdene, Oastler Grove, Mirfield is a detached stone-built Grade II listed dwelling set within enclosed garden space to all elevations. The principal elevation of the dwelling faces south, which is directly adjacent to a parking area, with the driveway sweeping round to the east. There is an existing outbuilding to the north. The property has a conservatory extension to the north-west.

The site is set within a predominantly residential area. Access to the site is from Lee Green, via a long driveway.

Description of Proposal

Permission is sought for the erection of single storey extensions to the outbuilding, with associated works, to create a dwelling forming an annex accommodation associated with Holmdene, Oastler Grove, Mirfield. Details of this development are set out as follows.

- 8.2m wide x 6.5m deep x 3.2m high (flat roof extension)
- 16.8m wide x 8.8m deep x 3.6m high (dual pitched roof extension)
- Facing and roofing materials to be matching stone and tiles
- Annex to comprise two bedrooms, living and dining rooms and one bathroom

History of negotiations/amendments received

Some amendments to the scheme were received on 28-Jan-2020. No further information or changes were sought thereafter.

Relevant Planning History

2018/91611 – Demolition of greenhouse, porch and outbuilding, erection of porch and outside shelter, installation of replacement windows on western elevation (listed building) (Holmdene, 48 Lee Green) – Approved

2018/91612 – Listed building consent for demolition of greenhouse, porch and outbuilding, erection of porch and outside shelter, installation of replacement windows on western elevation (listed building) (Holmdene, 48 Lee Green) – Consent Granted

2009/91487	Listed building consent for erection of conservatory and alterations
	Consent Granted

2009/90412	Erection of conservatory (listed building)
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	Conditional full permission
2009/93191 building)	Erection of conservatory (modified proposal) (Listed building) Conditional full permission
2009/93190 (modified proposal)	Listed building consent for erection of conservatory Consent granted

Representations

This application was publicised by site notice, neighbour letter and news advert, which expired on 24-Dec-2020. Following this publicity, one written representation was received from the occupant of an adjoining house, who raised the issues below.

- The proposal could result in an overbearing impact on the garden of a neighbouring house.

Mirfield Town Council – No comment received.

Consultation Responses

KC Conservation and Design Team – Unable to support this application in its current form.

KC Highways DM Team – The principle of development can be supported subject to the recommended conditions.

KC Environmental Health Service – No objection.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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).

This application relates to a Grade II listed building within unallocated land on the Kirklees Local Plan.

Kirklees Local Plan (KLP):

- **LP 01** – Achieving sustainable development
- **LP 02** – Place shaping
- **LP 21** – Highway safety
- **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 27th March 2012, 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 2** – Achieving sustainable development
- **Chapter 12** – Achieving well-designed places
- **Chapter 16** – Conserving and enhancing the historic environment

Assessment

1- Principle of Development

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan (KLP). This policy stipulates that proposals that accord with policies in the KLP will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

Since the proposal relates to a Grade II listed building, careful consideration must be given to policy LP35 of the KLP and chapter 16 of the NPPF to ensure that it preserves and, where possible, enhance the significance of this building. The impact on the listed building is assessed as follows.

2- Impact on visual amenity and the character and appearance of the host and curtilage listed buildings

The proposal is for the erection of extensions to the outbuilding to create a residential annex and other associated works. The outbuilding concerned is within the curtilage of Holmdene. Hence it falls to be considered a curtilage listed building. Alterations and extensions to this building must be carried out in such a manner that they respect the original form, appearance, and character of this building and preserve its special architectural features.

In this case, the applicant seeks to demolish the stores on either side of the outbuilding and to erect a flat roof extension to the west and a dual pitched roof “L” shaped extension to the east. In addition, the double garage would be enlarged with the two garage doors replaced by one larger garage door. The

scale of development is not acceptable from visual amenity and heritage conservation perspectives.

As a curtilage listed building that historically served Holmdene and still serves it to the present day, this building contributes to the significance of the site by showing how the occupants lived, the status of the main house, and the architectural interest of the outbuilding itself. The proposal, if permitted, would introduce a hipped roof projecting element with a large garage door prominently visible in the front elevation of the curtilage listed building. It would relate poorly to the traditionally designed frontage of the building and would result in the loss of the existing detailing and stone door surrounds.

In addition, the erection of substantial extensions on both sides of the building would change its built form to an extent that it would no longer appear as being subservient and sympathetic to the host listed building and the curtilage listed building. The visual balance of the outbuilding would be also distorted. In view of these considerations, officers consider the proposed demolition, alteration, and extension would give rise to less than substantial harm to the significance of the designated heritage asset.

Paragraph 196 of the NPPF states that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”. On this occasion, the applicant has not provided clear and convincing justification for the extent of demolition of this curtilage listed building, for the extensive alterations to the remaining building or for the impact of the proposed extensions on this building or the main house.

Indeed, the residential annex would be accommodated entirely by the “L” shaped dual pitched roof extension rather than the existing curtilage building. As such, the development in question does not, in any way, assist in securing an optimum viable use for this building. Based on the information provided in this application, officers find there are no public benefits that can outweigh the less than harm arising from this development. Consequently, the proposal could not be supported in relation to policy LP35 of the KLP and chapter 16 of the NPPF. Further to the heritage considerations, there are also significant concerns about the scale and design of this development and its resultant impact on visual amenity and the local character.

For the reasons given earlier, this development is inappropriate from visual amenity and heritage conservation perspectives. To permit this development in its current form could give rise to significant conflicts with policies LP24 and LP35 of the KLP and chapters 12 and 16 of the NPPF.

3- Impact on Residential amenity

The proposal, if permitted, would enlarge the current outbuilding substantially. Given its proximity to the adjoining sites, there could be an impact on the

living conditions of the occupants of the houses nearby. The residential amenity impact of this development is addressed as follows.

40a and 42 Lee Green are a detached bungalow and a two-storey detached house, respectively. Both are set within spacious plots of land to the north of the application site. The existing outbuilding is directly adjacent to the boundary of no.40a. The proposal for a single-storey flat roof extension to this building would not harm the residential amenity of these neighbours because it would not be as high as the existing building. In addition, there is a separation distance of approximately 42.6m between this extension and no.40a. This is considered adequate to reduce the potential of overshadowing and overbearing impacts upon the residents concerned. If this development is recommended for approval, a condition could be imposed to restrict new openings being created in the rear elevation of the extension. This would assist in protecting the privacy of the neighbours.

The “L” shape extension would be next to the southern boundary of 42 Lee Green. This extension would be no higher than the existing outbuilding. Whilst the potential of impact resulting from the siting of this extension is noted, officers consider, for the reasons given in relation to no.40a, that there is unlikely to be substantial harm to the living conditions of the occupiers of no.42.

To the east of the application site is a two-storey detached house, known as 3 Oastler Grove. This house already has a substantial outbuilding adjacent to the site boundary. As such, although the development proposed would be very close to the shared boundary, it would not unduly prejudice the living conditions of the occupiers of this adjoining house. The residents concerned would continue to enjoy an open outlook from their rear facing windows and gardens. They would still benefit from appropriate levels of daylight and sunlight.

The proposal would bring the curtilage building closer to the boundary of 3 Redwing Park, through the erection of a flat roof extension. Since the extension would be limited to single storey in height, it would not appear overly imposing from the windows and gardens of this adjoining house. In addition, there would be appropriate spacing between this house and the extension, to avoid harm to residential amenity.

No other houses in the vicinity of the application site would be adversely affected by this development. In terms of the future occupiers, as the development is intended to be used as a residential annex as opposed to a separate dwelling, it is considered that the level of amenity space available is proportionate to such an ancillary use. Hence, the development would provide the future occupants a satisfactory standard of private amenity in accordance with the relevant policy in the KLP.

In conclusion, subject to the recommended condition, officers are satisfied that the proposal, despite its close spatial relationship with the adjoining sites, would not unduly harm the living conditions of the neighbouring occupants

that it would comply with policy LP24(c) of the KLP. The current scheme is acceptable from a residential amenity perspective.

4- Impact on highway safety

This development comprises several extensions and other alterations to create a residential annex. The access arrangements are the same as existing. They are suitable to serve the proposed development.

The servicing and waste collection arrangements would remain as existing. It is considered the development proposed would have no adverse impact on these arrangements. The level of parking provision is acceptable in relation to the relevant guidance set out in the KC Highway Design Guide SPD.

Since the development is to be occupied as a residential annex, it is anticipated there would be no significant increase in traffic generation, that would prejudice highway safety. However, the situation would be different if, and when, the development is subsequently used as a separate dwelling. For this reason, it is necessary, if this development is to be permitted, to impose a condition restricting the use of this development to the owner of the main house only.

With this condition imposed, the proposal is consistent with policies LP21 and LP22 of the KLP and, hence, could be supported in terms of highway safety and parking.

5- Other matters

Climate emergency

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.

The proposal is a small-scale domestic development to an existing dwelling. As such, no specific measures are required in terms of this development, with regards to carbon emissions. However, there are controls in place in terms of Building Regulations, which will need to be adhered to as part of the subsequent construction process and which will require compliance with national standards.

There are no other matters considered relevant to the determination of this application.

6- Representations

One written representation was received from the occupant of an adjoining house following the statutory publicity. The issue below was raised in this representation.

- The proposal could result in an overbearing impact on the garden of a neighbouring house.

Response: This issue has been addressed in the residential amenity section.

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 proposals do not accord with the development plan and the adverse impact of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material considerations.

Recommendation - Refuse

Decision Authorisation - Delegated Powers

Application Number: 2020/93746

Officer Recommendation: REFUSE

Reason for refusal

1. The proposed development by reason of its scale, design and appearance would fail to preserve the traditionally designed frontage of the curtilage listed building, resulting in the creation of an incongruous built form that would be out of keeping with the host and curtilage listed buildings and would fail to establish a subservient relationship with these buildings. In addition, there are no public benefits to outweigh the less than substantial harm arising from this development. Therefore, to permit the development in its current form would give rise to significant conflicts with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Window details	(72)002		28-Jan-2021
Existing plans and elevations	(EX)001		28-Jan-2021
Proposed plans and elevations	(20)001		28-Jan-2021
Proposed site plan	(20)002		13-Nov-2020
Location plan	(EX)002		13-Nov-2020
Design and access statement			28-Jan-2021
Heritage statement			13-Nov-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 has, 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.

In this case, the agent was given the opportunity to revise the original submission but failed to adequately address the concerns raised by the Conservation and Design Team in the initial consultation response. As such, no further amendments were invited to the proposal thereafter.

Report Dated: 09-Apr-2021

