

**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: 2020/62/93817/W
Site Address: 13, Clough Lea, Marsden, Huddersfield, HD7 6DN
Description: Erection of single storey extension to side (within a Conservation Area)
Recommending Officer: Laura Yeadon

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: 25-Feb-2021

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f93817>

Site Description

13 Clough Lea is an end terraced 'L' shaped Victorian dwelling at the end of a terraced row of weavers cottages, some of which are listed buildings (including the attached property) and within the Marsden Conservation Area. The property is constructed from stone with a slate roof with timber windows and doors. The amenity area for the property is mainly to the side and incorporates an area of hardstanding and an area of lawn. Off-set to the front of the property is a detached garage. To the rear of the property is The Parochial Hall and parking area and St Bartholomew's Church to the south the church graveyard and to the north and west are residential properties. Vehicular access is off a private access off Clough Lea.

Description of Proposal

Permission is sought for the erection of a single storey extension which would be located to the side elevation of the property. The extension would be set back from the front elevation of the property by 0.05 metres and set in from the rear elevation by 0.05 metres, projecting to the side by 7 metres. The eaves height would be 2.3 metres rising to a total height of around 3 metres to the ridge of the pitched roof. It is also proposed that a chimney would be located within the front elevation of the roof slope. The extension would be constructed from stone with a slate roof. Openings are proposed within the front, side and rear of the extension.

History of negotiations/amendments received

Initially, amended plans were sought as the property is within Flood Zone 2 and therefore the floor level of the extension was required to be the same as existing and the proforma was completed. Following discussions with the Conservation and Design Officer it was requested that the cladding was to be removed from the side and rear elevations, alterations to front window and an alteration to the rear window were requested. Following correspondence with the applicant, amended plans were received on 9th February 2021 and subsequently 24th February 2021 which retains the horse chestnut tree and it is these plans which shall be assessed as part of this application.

Relevant Planning History

2018/91319 Works to Tree(s) within a Conservation Area
Granted

2018/93830 Works to trees in CA
Granted

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 7TH January 2021 – no representations received

Parish/Town Council comments – not applicable

The amended plans were not re-publicised as these did not fundamentally alter the development applied for.

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 comments – following the submission of amended plans , 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 Marsden Conservation Area and also attached to a Listed Building on the Kirklees Local Plan.

The listing description is as follows for No's 10, 11 and 12 Cough Lea:

Early C19. Part of terrace. Nos 10 and 11 are handed. Hammer dressed stone (bitumenised). Pitched stone slate roof. 2 storeys. West elevation has: ground floor; three doors with stone surround; three 4-light stone mullioned windows. First floor; two 4-light stone mullioned windows; one 6-light stone mullioned window.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 24** – Design
- **LP33** - Trees
- **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 following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity, Conservation Area and Listed Buildings
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Representations
- 7) Conclusion

1 – Principle of development:

Policy LP1 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 National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

In this case, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity and highway safety.

The site is within the Marsden Conservation Area. Section 72 of the Listed Buildings & Conservation Areas Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area. This is mirrored in Chapter 16 of the National Planning Policy Framework and also LP35 of the Kirklees Local Plan.

As stated above, the dwelling is attached to a Grade II Listed Building. Section 66 of the Planning (Listed Building & Conservation Areas) Act 1990 introduces a general duty in respect of listed buildings. In considering whether to grant planning permission for development which affects a listed building or its setting the Local Planning Authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. This is also reiterated within Policy LP35 of the Local Plan.

2 – Impact on visual amenity, Conservation Area and Listed Buildings

The property is the end dwelling in a terraced row. It is proposed to extend the property to the side by way of a single storey extension. Given the height of the existing building a single storey addition would be read as such and would be subservient to the host dwelling. The proposed construction materials have been amended to remove the proposed cladding and the fenestration details have been amended. The construction materials would now match the host property. Within the front elevation would be a mullioned window with the existing window in the dwelling being reinstated as a mullioned opening. It is considered that the size, scale and mass of the extension is considered to be acceptable and would not result in an overdevelopment of the site.

In terms of the impact on the setting of the Listed Buildings and also the Conservation Area, discussions have taken place and amendments sought. It is considered that the proposal would not result in harm to the setting of the listed building or the character and appearance of the conservation area. The extension would appear as an organic addition to this linear row, and would not compete for prominence with the existing structures. Policy LP35 requires proposals to maintain local distinctiveness and preserve and enhance the significance of heritage assets. It is considered that in this instance, modernising, extending and generally renovating the existing property to retain its future use as a dwelling meets this test.

It is therefore considered that the proposal would have an acceptable impact on visual amenity, the attached listed buildings and would preserve the appearance of the Marsden Conservation Area in accordance with Policies LP24 and LP35 of the Kirklees Local Plan.

3 – Impact on residential amenity:

In terms of residential amenity, there are no properties within close proximity that would be impacted on by the proposal. The extension would be at the end of an established terrace row with the Parochial Hall and car park to the rear. To the front of the dwelling is Albion Court which is separated and screened from the application site. There is a large opening proposed within the side elevation of the property however this would overlook the garden area of the property. The attached neighbouring property would not be impacted on due to the location of the extension.

4 – Impact on highway safety:

None

5 – 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. The extension would be constructed from stone with a slate roof which are considered to be sustainable materials which would be locally sourced and therefore provide acceptable mitigation measures.

Flood risk – the property lies within Flood Zone 2 on the Council's Gazetteer. As such, a proforma was requested to be completed by the Agent. In addition, amended plans were submitted which raised the floor height of the extension to match the existing floor height. This is considered to be acceptable to adequately mitigate against flood risk.

Trees – as submitted, the plans referred to a horse chestnut tree which was to be removed as part of the proposal. This contradicted information provided on the application form. As the property is within a Conservation Area, trees are protected and it is considered this tree, whilst not mature, has amenity value. The proposed development does not require the removal of this tree. Furthermore, the longer term viability of this tree would not be adversely impacted by the siting of the extension or the placement of windows. The plans have been amended and the tree shown to be retained. The development, as amended, is in accordance with Policy LP33 of the Local Plan.

6 – Representations:

None

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

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2020/93817

Officer Recommendation: Approve

Conditions

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 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 Marsden Conservation Area and attached listed buildings and to accord Policies LP24 and LP35 of the Kirklees Local Plan and advice within 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 in the interests of the significance of the Marsden Conservation Area and attached listed buildings and to accord Policies LP24 and LP35 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	P1065-01-01		10 th November 2020
Block plan	P1065-02		10 th November 2020
Existing elevations	P1065-10-01		9 th February 2021
Existing floor plan	P1065-11		10 th November 2020
Proposed elevations	P1065-13-04		9 th February 2021
Proposed floor plan	P1065-12-05		24 th February 2021
Flood Risk Assessment			9 th December 2020
Design and Heritage	P1065		10 th November

Plan Type	Reference	Version	Date Received
Statement			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. Amended plans were sought as the property is within Flood Zone 2 and therefore the floor of the extension was required to be the same as existing and the proforma was completed. It was also requested that the cladding was to be removed from the side and rear elevations, alteration to mullions and an alteration to the rear window were requested. Following correspondence with the applicant, amended plans were received on 9th February 2021 and, to confirm the retention of a tree on site, on 24th February 2021.

Report Dated: 25th February 2021

Coal - none