

**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: 2020/62/94184/W

Site Address: Stonecroft, Daisy Lea Lane, Lindley, Huddersfield,
HD3 3LL

Description: Erection of car port (Within a Conservation Area)

Recommending Officer: Tom Hunt

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: 08-Mar-2021

Officer Report

Site Description

2020/94184 – Stonecroft, Daisy Lea Lane, Lindley, Huddersfield, HD3 3LL

Stonecroft is a large detached, two storey Arts and Crafts house set back from Daisy Lea Lane and situated in extensive grounds. Stone Croft has had 2 notable extensions to either side of the original dwelling. A first storey extension west of the house and a single storey extension to extend the existing garage to create a tandem garage and later a garden room. The front grounds are mainly hard surfaced with some landscaping, shrubbery and trees. To the rear, there is a large lawned area bounded by trees and hedging. In this section, the large detached houses along Daisy Lea Lane all vary in character and their distances from the front boundary facing the lane vary greatly. The property is within the Edgerton Conservation Area.

Description of Proposal

Erection of car port (Within a Conservation Area)

It is proposed to erect a car port which would be located directly behind the front boundary wall and hedging close to the entrance of the site, set towards the eastern boundary where the existing shrubs are located and at a lower level than the main house. Its dimensions are 6250mm width and 5000mm depth. The roof ridge height would be 3993mm and eaves at 2100mm.

Its construction materials are 150x150mm natural Oak posts on tapered stone potstones with shaped corner braces with red clay tiles on a hipped roof. With regards to the foundations, these are normally approximately 600x600mm separate pads set at a depth of 600mm, depending on the ground conditions. It is proposed that these be hand dug to ensure the adjacent trees are not impacted by the construction.

The roof would be 40 degree pitch and to the rear, going down past the main eaves, it would be 1268mm rear eaves height approximately and change its pitch to 37 degrees for that roof section. The car port would be open and not walled off.

History of negotiations/amendments received

The case officer considered the application on review and requested more details on some of the concerns raised by representations.

Relevant Planning History

2018/93929 – Proposal: Work to Trees in Conservation Area. Decision: G - GRANTED. Decision date: 11/12/2018.

2015/93928 – Proposal: Work to Tree(s) within a Conservation Area. Decision: G - GRANTED. Decision date: 28/01/2016.

2014/90115 – Proposal: Erection of single storey side and rear extension (within a Conservation Area). Decision: FC - CONDITIONAL FULL PERMISSION. Decision date: 04/04/2014.

95/91300 -- Proposal: ERECTION OF 2 STOREY EXTENSION. Decision: FC - CONDITIONAL FULL PERMISSION. Decision date: 13/06/1995.

Officer Note: The property had its Permitted Development Rights removed in 2014/90115 specifically:

4. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed in the external eastern wall of the extension at any time without the prior written approval of the Local Planning Authority. **Reason:** So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy BE14 of the Kirklees Unitary Development Plan. This proposal would not affect the PD rights in its current form.

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: 23/02/2021

Site Notice expired: 19/02/2021

Press publicity expired: 12/02/2021

Two representations have been received; a summary of the comments received is set out below:

- Does not meet or fill requirements by Kirklees Council 'Edgerton Conservation Area Appraisal', specifically:
 - Section 10 Setting of Houses are set back from highway and Stonecroft makes a positive contribution to the Conservation Area.

- Section 13.3 Trees importance to the appearance of the Conservation Area, loss of trees without replacement and should be kept viable
- Section 13.4 Infill development damaging character of the Conservation Area and should be kept to a minimum
- Section 13.6 “Extensions can be detrimental to the appearance of buildings either because of their location, size or design. Extensions (including porches and canopies) on the front or principal elevations of buildings should be avoided”

Officer Note: These would be addressed within the Assessment

- Stonecroft is more visible and more prominent or ‘bulky’ due to tree works in 2015/TNA/93928/W revealing it

Officer Note: This is an application for a car port and assessed on its own merits.

- Foundations damaging the shrubbery/trees

Officer Note: The foundations will be hand dug following communication with the agent and therefore will not damage

- Omission of impact of removal of green canopy

Officer Note: This has been addressed within the Heritage Statement and will be in the Assessment

- Insufficient mention of key features and misrepresentation of properties orientation to lane and potential views of 4m structure to be restricted by 1.5m wall obscuring wall

Officer Note: This will be addressed in the Assessment

- First structure to be built in front of the building

Officer Note: This will be addressed in the Assessment

- Visual amenity

Officer Note: This will be addressed in the Assessment

- Concerns over size and position of development

Officer Note: This will be addressed in the Assessment

Consultation Responses

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

- Trees: Edgerton Conservation Area protects all trees above a diameter of 75mm, when measured at 1.5m above ground level. The proposed car port would have only minimal impact on the roots of the adjacent laburnum trees and require the removal of garden shrubs of little consequence to the character of the conservation area. No objection to the proposals
- Conservation & Design: informal consultation, slight harm to the character of the conservation area due to location of car port which had been mitigated by design. The applicant should demonstrate public benefits to outweigh this harm, along with further measures such as reducing the height of the structure.

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 in the Edgerton Conservation Area on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1 – Achieving sustainable development**
- **LP 2 – Place shaping**
- **LP21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 30 – Biodiversity**
- **LP33 – Trees**
- **LP35 – Historic Environment**

Edgerton Conservation Area Appraisal

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 15 – Conserving and enhancing the natural environment
- Chapter 16 - Protecting and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity (including any heritage considerations)
- 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:

The site is located within the Edgerton Conservation Area on the Kirklees Local Plan. 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. Given that

the site is unallocated Policy LP1 of the KLP is relevant which 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. The principle of developing the site is considered to be acceptable subject to an assessed of visual amenity and heritage, residential amenity, highway safety and all other material planning considerations.

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. With respect to heritage Policy LP35 of the Local Plan and Chapter 16 of the NPPF are relevant. 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, if any is deemed to occur, will be assessed and discussed later in the report. The proposal has been assessed by the Conservation Officer to have slight harm and therefore requires Public Benefit to be considered when assessing the scheme.

Stonecroft is located within a residential area where the properties share a traditional style of construction and design; however, due to the variety of property types present, the extent of similarity within the streetscene is limited. In addition, other properties along Daisy Lea Road (not within the Conservation Area) have garages erected forward of the host dwelling, therefore, it can be concluded that the principle of development has previously been established within the streetscene.

With reference to the Conservation Area appraisal comments,

- Section 10 Setting of Houses are set back from highway and Stonecroft makes a positive contribution to the Conservation Area.
- Section 13.4 Infill development damaging character of the Conservation Area and should be kept to a minimum

The proposed development would be for a car port and it is considered that the car port may change the host property's setting bringing it to the fore. It is not 'infill' development but the comments have also been taken to consider development on open land . The open sides to the structure would still allow for views of the host dwelling from the highway and the structure is limited in size and scale to reduce its impact on setting. Whilst the roof of the structure

would be visible from Daisy Lea Lane, it would appear as a small and subservient feature when viewed with the host dwelling on rising land. It's open sides would prevent it being read as an extension to the main dwelling

- Section 13.3 Trees importance to the appearance of the Conservation Area, loss of trees without replacement and should be kept viable

The consultation from the Trees Officer assessed the trees as removing shrubbery of little consequence.

- Section 13.6 “Extensions can be detrimental to the appearance of buildings either because of their location, size or design. Extensions (including porches and canopies) on the front or principal elevations of buildings should be avoided”

The use of porches and canopies could be considered an obscuring architectural feature that ‘hides’ the properties original features on the principal elevation. It is reasoned that the car port being set forward at a lower ground level than the host dwelling does not lead to obscuration of architectural significance any more than the current dense hedging and trees found on that section of Daisy Lea Lane.

The proposed car port is of a single-storey height, open infrastructure and design, (no solid walls will be erected on the front, side or rear elevations) and be to the fore of the host dwelling. As such, the car port itself will not be overtly obtrusive, however it is in a prominent position within the setting of Stonecroft and the streetscene as acknowledged in the representations. This is partly mitigated by the substantial stone wall and that the car port would be at a lower ground level than the host property. The special character of Conservation Areas linked with the changing nature of urban morphology through development needs to be carefully considered. The visual permeability of the structure would seek to reduce its impact on the host dwelling and views and would introduce a subservient structure that is unlikely to lead to overdevelopment upon the driveway amenity space of Stonecroft. The roof materials would align with the prominent materials in this part of the Conservation Area. In addition, despite works done to minor trees and hedging the proposal would still retain a significant amount of soft landscaping with mature trees and hedges and would not affect the stone boundary wall. The use of traditional materials (red clay tiles) would be considered acceptable from a visual amenity perspective and in keeping with the traditional appearance of the dwellinghouse. It is considered that the introduction of a car port would not be viewed as being a new incongruous development - in this specific case – due to its overall relationship with the host dwelling.

In terms of the impact on the Edgerton Conservation area, the works are considered to have slight harm, principally from the siting of the structure whereby in this part of the conservation area the road frontages are principally undeveloped. This is considered to be outweighed by the public benefits of removing the external parking of vehicles at a higher level in front of the garage. This would better reveal the principal elevation of the host property from Daisy Lea Lane and relocate parking to a covered area at the lower ground level. For the reasons already described and the proposal is therefore considered to preserve the character of the Conservation Area. It can be considered that the proposed car port will harmonise with the dwellinghouse and existing features within its curtilage and be of a simple form that will not compete with the principal dwelling. The proposal would therefore accord with Policy Policies LP35 and LP24 of the Local Plan and Chapters 12 and 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 proposed extension and alterations are assessed upon whether they would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking and also in terms of its design, size and visual amenities.

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

Briar Close (east)

- With regard to the proposed development at Stonecroft, no overbearing or overshadowing will be caused due to the nature of the proposed development and the dwellings being within substantial plots and set back from the frontage. Furthermore, due to the nature of the development, no detriment will be caused with regard to the neighbour’s privacy.

Orchard House (south)

- With regard to the proposed development at Stonecroft, no overbearing or overshadowing will be caused due to the nature of the proposed development being at the front of Stonecroft. Furthermore, due to the nature of the development, no detriment will be caused with regard to the neighbour’s privacy.

58 (west) and 1 Southway (west)

- With regard to the proposed development at Stonecroft, no overbearing or overshadowing will be caused due to the nature of the proposed development and separation distances. Furthermore, due to the nature

of the development, no detriment will be caused with regard to the neighbour's privacy. or overlooking. These properties are not within the Conservation Area.

Bredon & Brooklands (north)

- With regard to the proposed development at Stonecroft, no overbearing or overshadowing will be caused due to the nature of the proposed development and the dwellings being within substantial plots and set back from the highway. Furthermore, due to the nature of the development, no detriment will be caused with regard to the neighbour's privacy.

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 and will not detrimentally alter the existing parking arrangements. Rather provide space for parking under cover. In addition, the proposed car port will not alter existing access to and from the property with regard to the adjoining highway. For these reasons, the proposal is considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan.

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.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

Biodiversity

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

Trees

This has been consulted on with the Officer and no objections raised.

6 – Representations:

Two representations had been received and reviewed within this report.

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: 2020/94184

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 preserve the appearance of the Edgerton Conservation Area and to accord Policies LP24 and LP35 of the Kirklees Local Plan.

NOTE: Due to its 'Bat Alert' location, a bat roost may be present on site. Bats are a European protected species under section 43 of the Conservation of Habitats and Species Regulations 2017. It is an offence for anyone to intentionally 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans - Grouped Plans and Elevations	846-03-SK-01-Mr M Greenwood- Proposed Oak frame open garage proposals 1-100 (A1)		07/12/2020
Plans - Grouped Plans and Elevations	M Greenwood 01-01 Planning Drawing		07/12/2020
Plans – Location Plan	846-03- LP-Mr M Greenwood- Proposed Oak frame open garage LP 1-1250 (A4)		07/12/2020
Supp Info – Conservation/Heritage Assessment	Heritage Statement		4/1/2021

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 case requested the applicant clarify certain points to ensure the scheme's representations were addressed.

Report Dated:

08/03/2021
