

**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:	2020/62/94196/W
Site Address:	78, Wellhouse Green, Golcar, Huddersfield, HD7 4ET
Description:	Erection of single storey extension to side (Listed Building within a Conservation Area)
Recommending Officer:	Sam Jackman

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: 14-Jun-2023

Officer Report – Planning - 2020/94196

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2F94196>

Site Description

78 Wellhouse Green, Golcar is a semi-detached weaver's cottage, a Grade II Listed Building constructed from stone with a stone tiled roof and within Wellhouse Conservation Area.

To the north is an existing lean-to extension but it is unclear if this is original or built before or after 1948. However, given the stonework it looks to be a new extension built after 1948, but may have replaced an earlier lean-to outhouse looking at the existing gable wall with cleaner stonework to the upper half.

There is a garden to the front & side with the rear elevation backing up to the hillside. There is also a timber outbuilding to the north and boundary fence along the front; there is no record of consent for this development.

The property lies close to the highway, with the adjoining semi-detached dwelling to the south and terraced properties to the front and rear.

The listing description is as follows where the property is known as 78 Lower Wellhouse Road.

Late C18 to early C19. Two houses. Hammer dressed stone. Large quoins to east elevation. Pitched stone slate roof. Coped gables onto moulded footstones. 3 ashlar stacks. 2 storeys (ground floor back to earth). East elevation has: Ground floor; Entrance with stone surround. One 5-light stone mullioned windows; three 4-light stone mullioned windows. First floor; Two 4-light stone mullioned windows; Two 3-light stone mullioned windows (one has one light blocked). West elevation has: Two entrances with stone surrounds (one part blocked. North gable has: Ground floor; Small lean-to extension. First floor; One 3-light stone mullioned window (each side light blocked). Attic; Two single lights with stone surrounds (blocked

Description of Proposal

The application is for the extension to an existing single storey lean-to side extension, to create an additional bedroom with new entrance lobby.

The measurements of the proposal are as follows:

- 3.4m in projection from the gable
- 5.9m in depth with a 0.95m set back from the front elevation.
- 2.6m in height to the eaves; 3.55m in overall height

The proposed extension would be built from materials to match the host property using natural stone with a stone slate roof.

History of negotiations/amendments received.

Negotiations have taken place with the applicant/agent due to the application being unacceptable in its submitted format, given its size and that in 2009, a single storey side extension was proposed and refused.

Following delays with the applicant and family, amended plans have been received to show a single storey side extension to reflect comments from our Listed Building officer.

Further discussions with the applicant regarding window arrangements have taken place, with other examples been given.

Relevant Planning History

97/91684 - Listed building consent for external and internal alterations to convert two dwellings into one - consent granted.

2009/90504 - Demolition of existing single storey extension & erection of single storey extension (Listed Building within a Conservation Area) – Refused

The proposed extension by virtue of its design and materials of construction is considered to have a detrimental impact on this Grade II Listed Building and would neither preserve nor enhance the character or appearance of the Wellhouse Conservation Area. To approve the application would be contrary to policy BE5 of the Kirklees Unitary Development Plan and national planning advice in PPG15 (Planning and the Historic Environment)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2009%2F90504>

2009/90505 - Listed Building Consent for demolition of single storey extension & erection of single storey extension (within a Conservation Area) = Consent Refused

<<https://mapping.kirklees.gov.uk/connect/analyst/mobile/#/main?mapcfg=Planning%20-%20Development%20Management>>

2020/94197 Listed Building Consent single storey side extension - current.

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, which expired on the 19.2.21, whereby no representations have been received.

The amended plans have been received where a site notice has been posted on the 23rd March, along with a press advert on the 24th March 2023 where both expired by the 14th April 2023, whereby no representations have been received.

The changes to the fenestration details (window arrangement) were marginal changes to the proposals and as such were not publicised on the basis it was considered the plans as advertised adequately alerted the public to the nature of the proposed development.

Consultation Responses

K.C Conservation and Design - formally consulted on the allied application for listed building consent.

Policy

The site is unallocated on the Kirklees Local Plan a grade II Listed Building within Wellhouse Conservation Area and falls within an area with a known presence of bats.

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development.
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** - Biodiversity and geodiversity
- **LP 35** – Historic environment
- **LP 51** – Protection and Improvement of Local Air Quality

Supplementary Planning Documents:

- Highways Design Guide SPD
- House Extensions and Alterations SPD

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 21st July 2021, 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 2 – Achieving sustainable development.
- Chapter 4 – Decision-making
- Chapter 12 – Achieving well-designed places.
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment.
- Chapter 16 – Conserving and enhancing the historic environment.

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).

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity and Conservation Area/ Listed Building
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. 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.

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

The site is designated within Wellhouse Conservation Area and is a grade II Listed Building. Policy LP35 requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that the proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

In terms of national planning Policy Chapter 16 of the NPPF needs to be considered which in paragraph 199 states: *“When considering the impact of a proposed development on the significance of a designated heritage asset, in this case the Wellhouse Conservation Area, great weight should be given to the asset’s conservation...”*. Chapter 16 further details that an assessment has to be made in relation to the level of harm and any harm may be outweighed by public benefit.

Paragraph 200 requires that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 201 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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act requires that the Local Planning Authority shall pay special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area in discharging its planning functions. When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to ‘have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses’.

Within regards to the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – that “extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene.”
- Principle 2 – that “extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.”

With specific regard to the House Extensions and Alterations SPD the key design principles for consideration are:

- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact.
- Key design principle 7: Outdoor space
- Key design principle 9: Construction materials

With specific regard to the proposed development the SPD states that in terms of side extensions, the SPD states:

In Section 5.17 of the SPD refers to the general rules, where single storey side extension should:

- not extend more than two thirds of the width of the original house;
- not exceed a height of 4 metres;
- and be set back at least 500mm from the original building line to allow for a visual break.

The above listed policies and guidance within the House Extensions and Alteration SPD are taken into account within the ‘Impact on Visual Amenity’ and ‘Impact on Residential Amenity’ sections of this report. The scheme complies with the parameters for development set out in Section 5.17. On the basis the proposal is considered to be acceptable in terms of visual amenity, residential amenity and all other relevant matters it is considered the development could be concluded acceptable in principle.

An allied Listed Building application has been submitted under application 2020/94197, which specifically assess the impact of the development on the significance of the listed building.

2 – Impact on visual amenity, Conservation Area and Listed Building:

The property is a grade II Listed Building and within Wellhouse Conservation Area the impact of the development, in addition to the aforementioned local plan policies, will need to be assessed against national policy in Chapter 16 of the NPPF and the general duties in the Planning (Listed Buildings and Conservation Areas) Act 1990.

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

78 Wellhouse Green is grade II listed building along with the adjacent property 76 Wellhouse Green. It is a vernacular building dating from the late 18th to early 19th century. It is constructed of local hammer-dressed stone with quoin stones to the front corner. It has a stone slate roof and has coped gables with stone kneelers. There are stone surrounds to doors and stone surrounds and mullions to windows, indicative of the building's use for domestic weaving. 76 and 78 Wellhouse Green are good examples of vernacular dwellings of the late 18th or early 19th century. They illustrate the working arrangements of the textile industry prior to its full mechanisation in the mid-19th century. They make a positive contribution to the character and appearance of the Wellhouse Conservation Area.

The proposed development directly impacts the north elevation, which has a small lean-to extension to the ground floor, one 3 light stone mullioned window to the first floor (one light blocked) and two single lights with stone surrounds (blocked) to the attic.

In 2009 a similar application was submitted which in principle was considered to be acceptable. However, there were concerns regarding the detailed design which would obscure the quoins of the existing dwelling, fenestration detailing with a central door and 3 large rooflights. Furthermore, the materials of construction with artificial stone slate roof and with double glazed windows. It was considered that the extension would have had a detrimental impact on the character and appearance of the conservation area and Listed Building, contrary to policy BE5 at the time.

The application as amended is of a similar size to the 2009 application, however, the front elevation has been set back 0.9m to retain the quoins, the fenestration details reflect the existing extension with a single window to the right of the entrance and with only 1 roof light. Materials proposed are natural stone with a stone slate roof.

The extension is considered to relate well to the host building and have an acceptable impact on visual amenity in general. It is now a modest proposal in a quality design that would provide an organic addition to the host dwelling and improve on the appearance of the existing smaller side extension. The detailing would ensure that the overall impact would be neutral to the significance of the listed building and the Wellhouse Conservation Area.

Given the above, subject to conditions, it is considered that the proposal would comply with the requirements of policies LP1, LP2, LP24 and LP35 of the

Kirklees Local Plan, having regard to principles 1, 2, 7 and 9 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapters 12 and 16 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

No. 78 has one side neighbour; the attached neighbour no 76.

The properties to the front and rear are considered to be at a sufficient distance and given the extension is to the side, single storey and up against a high retaining wall, these properties will not be affected by the proposal.

Impact on No.76

This neighbour is attached and the extension is within the confines of the front & rear elevation of the host property and on the opposite elevation to this neighbour. It is considered the extension would have no impact on No 76 with regards overlooking, overbearing or overshadowing

Therefore, it is considered that the proposed extensions are acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The extension in this case would increase the amount of liveable space at ground floor to create an additional bedroom, where normally 2 spaces would be required for a 3-bedroom property however, given the current arrangements where there is no off-street parking it is not considered

necessary to require additional parking to be provided, given the constraints of the area.

As such it is concluded that there no significant highway issues arise as a result of the proposed development given the drive would not be affected by the proposal, whilst an additional bedroom is being created the property is within a cul-de-sac location where there is the availability for on street parking if required.

5 – Other matters:

Climate Change - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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 – Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the fact that the proposal is single storey where the existing building in this case appears to be well sealed and maintained with little opportunity for bats.

However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

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: 2020/94196

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 51 of the Planning and Compulsory Purchase Act 2004.

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, and to accord with Policies LP1, LP2, LP6, LP21, LP22, LP24 and LP35 of the

Kirklees Local Plan, principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 15 and 16 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapters 2, 4, 12, 15 and 16 of 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 and retained thereafter.

Reason: In the interests of visual amenity and to preserve the significance of designated heritage assets accord with Policies LP1, LP2, LP35 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the Council's adopted Supplementary Planning Document on House Extensions, and to accord with Policies within Chapters 12 and 16 of the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and 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 to 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 & proposed layout & elevations / location plan	20 J 41.01	E	8.6.23
Heritage Statement			12.6.23

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 Officer requested amended plans during the process of the application to seek an amendment which would reduce the impact of the development on the visual amenity and the impact on the grade II Listed Building

Report Dated: 13.6.223

Coal - none

