

**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: 2020/62/94299/W

Site Address: 16, Armitage Road, Armitage Bridge, Huddersfield,
HD4 7PG

Description: Formation of hardstanding for off road parking for one
vehicle including new step approach and rebuild part
of existing retaining walls (within a Conservation Area)

Recommending Officer: Katie Chew

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.**

Emma Thompson

AUTHORISED OFFICER

Date: 30-Mar-2021

Officer Report

Site Description

16 Armitage Road, Armitage Bridge, Huddersfield, HD4 7PG

The application site relates to a two-storey detached dwelling constructed from stone. The property benefits from garden/amenity areas to the front, side and rear of the dwelling, but the property does not benefit from any off-street car parking provision.

The site is located to the south of Armitage Road which is an adopted road. The site is within Armitage Bridge Conservation Area but there are no Listed Buildings within close proximity to the site.

Description of Proposal

The application seeks planning permission for the formation of hardstanding for off road parking for one vehicle including new step approach and rebuild part of existing retaining walls.

Officer note: Following amendments to the scheme requested by both Highways Development Management and the case officer based on the potential impact on the Conservation Area, the design has been amended to remove the new stairway and maintain the stone boundary wall at 1m in height. The proposals will also provide a new footpath within the site ownership for around 7 metres which will provide a refuge for pedestrians.

Within the submitted Heritage and Design & Access Statement it is highlighted that the existing retaining wall is currently suffering from some structural problems of which the wall is cracked and displaced to the north-eastern corner of the site. There is also another large crack further up the wall fronting the highway. This wall is therefore to be removed and re-built to also provide a new car parking area to the north east. The walls are to be rebuilt to match the former stone walls and the existing stonework is to be utilised. The new set back retaining wall is to be of a drystone wall effect with an engineered rear wall.

The new parking area will measure approximately 6m x 3.5m and will require a significant amount of excavation to take place. The existing timber palin fence is to be re-sited and the existing wall running along Armitage Road is to be marginally reduced to below 1m in height.

History of negotiations/amendments received

No amendments have been sought in this instance.

Relevant Planning History

2017/91194 – Work to tree(s) within a Conservation Area. Approved 28th April 2017.

2014/92684 – Works to TPO(s) HU1/49 within a Conservation Area. Approved 7th October 2014.

2009/90434 – Change of use of green belt land to form off road parking (within a Conservation Area). Approved 27th April 2009.

2008/93098 – Change of use of vacant land to form off road parking with fence and electric gates (within a Conservation Area). Refused 6th November 2008. This application was refused as:

1. *The proposed off-road parking area and associated boundary treatment would significantly change the historical and natural character of this section of the Armitage Bridge Conservation Area. The proposals would result in the domesticated appearance of this natural buffer along Armitage Road and as such, would not preserve the Armitage Bridge Conservation Area and would furthermore be detrimental to the character of the Green Belt. This would be contrary to Policy BE5 of the Kirklees Unitary Development Plan as well as national guidance in the PPG15 (Planning and the Historic Environment (1994)) and PPG2 (Green Belts (1995)).*
2. *Insufficient information has been submitted relating to impact the surfacing of the off-road parking area would have on the root system of the mature trees that are to be retained within the site. As such, it has not been demonstrated that satisfactory precautions have been taken to ensure the continued viability of these trees, contrary to Policy NE9 of the Kirklees Unitary Development Plan.*

2001/90877 – Erection of conservatory (within a Conservation Area). Approved 21st May 2001.

96/92194 – Erection of two-storey extension (within Conservation Area). Approved 3rd September 1996.

Representations

Final publicity date expires:

Neighbour Letters – Expired 15th February 2021.

Site Notice -Expired 19th February 2021.

Press Notice – Expired 5th February 2021.

1 representation has been received in support of the proposals. Details are provided below.

- We would be very glad for our neighbours to be able to go ahead with the plans, the wall definitely needs seeing to and a bit of off road parking will free up some space on the road.

Officer note: Whilst amended plans were received, re-consultation was not undertaken as these alterations sought to reduce the overall size and scale of the proposals and therefore it was not considered that these amendments would impact significantly on neighbouring properties in this instance.

Consultation Responses

KC Highways Development Management – Comments received 22nd January 2021. Highways have no objections to the proposals subject to a condition relating to areas to be surfaced and drained. Two footnotes are also recommended which relate to highway structures and the changes to the access being constructed under a Section 184 agreement of the 1980 Highways Act.

Officer note: Re-consultation was undertaken due to concerns over the potential impact the proposed railings would have on the character and appearance of the Conservation Area. The railings were proposed to be replaced by a stone wall similar to what exists at the site and within the streetscene. Highways then raised concerns over visibility. It was requested that visibility would need to be improved by moving or setting back the proposed steps.

Officer note: Following receipt of an amended plan which removed the proposed stairway and provides a new footpath for pedestrians, highways have stated that although the available visibility is still below the recommended for a 30mph road, it is apparent that actual driving speeds are likely to be below this given the proximity to the junction. Highways conclude that on balance, they are able to support this application.

Planning Policy Background

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 application site is located within the Green Belt, Armitage Bridge Conservation Area, and the Strategic Green Infrastructure Network on the Kirklees Local Plan. The site is also located within a Bat Alert Area and Newsome Neighbourhood Plan Area, it is also adjacent to the Wildlife Habitat Network (to the north, east and south).

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP21 – Highways and access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP30 – Biodiversity & Geodiversity**
- **LP31 – Strategic Green Infrastructure Network**
- **LP57 – The Extension, Alteration or Replacement of Existing Buildings**
- **LP35 – 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) updated 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt Land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Summary of Principal Planning Issues

The following matters are considered in the assessment below -

- 1) Principle of development
- 2) Scale, design and visual impact of the proposed development
- 3) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 4) Impact on highway safety
- 5) Other matters

6) Conclusion

Principle of Development:

The site is located within the Green Belt in the Kirklees Local Plan (KLP). As such the proposal will be assessed having regard to NPPF Chapter 13 paragraph 144 which advises that planning authorities should ensure that “substantial weight” is given to any harm to the Green Belt and that inappropriate development should not be approved unless very special circumstances can be demonstrated. Under paragraph 145 there are number of exceptions to this none of which apply in this instance. Under paragraph 146 there are a number of other forms of development that can be deemed as being appropriate in the Green Belt as long as they do not impact on its openness or conflict with the five purposes of including land within it. These include engineering operations which is relevant to this application. Engineering works are required to excavate out the existing garden to the front to allow room for a new driveway to accommodate 1 vehicle. The proposals also seek to remove and reinstate the existing retaining dry stone wall, re-site the existing timber Palin fence, and construct two new sets of stone-built steps to provide access from the new driveway up to the front door of the dwellinghouse. It is therefore considered that the proposals could be acceptable in principle subject to their impact on the openness of the Green Belt and the purposes of including land within it.

Engineering Works

Engineering operations cover any construction work which does not involve the construction of a building. this would include excavation works required for this proposal, and the erection and alteration of the existing walls and fences and the proposed new stairways as discussed above.

Paragraph 134 of the NPPF states the five purposes that the Green Belt serves. The most relevant in this instance is to check the unrestricted sprawl of large built-up areas, and to assist in safeguarding the countryside from encroachment. In this instance the application site appears to be currently bounded by a number of retaining walls, with the ground level of the site being significantly higher than that of Armitage Road. Given the location of the dwellinghouse the site is not considered to bear a resemblance to open countryside given its stepped appearance, and that it is adjacent to a number of other similar residential properties. It is therefore considered that encroachment into the countryside would not be a concern in this instance. In addition to this, as the site is topographically constrained there is no risk of sprawl. It is therefore concluded that the proposals are unlikely to have any material impact on the openness of the Green Belt and therefore would accord with paragraph 146 of the National Planning Policy Framework.

Impact on Visual Amenity:

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work

and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24 states that all proposals should promote good design by ensuring the following:

'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape' and that 'extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers'.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area. This development falls within Armitage Bridge Conservation Area and the impact on this will be assessed below.

Furthermore, this relates to Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

LP35 states that:

'Development proposals affecting a designated heritage assets...should preserve or enhance the significance of this 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'.

Regarding visual amenity and the impact on the setting of the Conservation Area, whilst it is acknowledged that the proposals will alter the overall appearance of the dwelling within the streetscene it is considered that by removing the originally proposed stairway and metal railings, this has allowed the property to retain more of a traditional and sympathetic appearance, more in line with adjacent neighbouring properties. Furthermore, the proposals seek to utilise a design and materials which are reflective of what currently exists at the site, and whilst some harm to the Conservation Area is considered to arise from the proposed amendments, it is considered that the new footpath which is to be provided within the site ownership, (measuring around 7m in length), will provide a refuge area for pedestrians wanting to walk on the southern side of Armitage Road safely, and will amount to a public benefit that would, in officers opinion outweigh the harm to the Conservation Area.

Finally, it is also noted that the associated curtilage for the property is of a sufficient size to support the alterations without amounting to overdevelopment, and that a reasonable amenity space would be retained for the occupiers of no. 16 Armitage Road.

For the reasons outlined above, the proposed alterations are considered to be appropriate in scale, size and design and that they would not appear incongruous or detract from the character and appearance of the Armitage Bridge Conservation Area. The proposals are therefore in accordance with Local Plan Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

Impact on Residential Amenity:

The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is echoed within Kirklees Local Plan Policy LP24 which states that: -

'proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary'.

Impact on no. 14 Armitage Road

This neighbouring property is located to the west of the application site approximately 2.5m away. As the proposals relate more to the front and eastern side of no. 16 Armitage Road it is considered that there are no concerns in respect to overshadowing, overlooking, or the proposals appearing overbearing in nature on this neighbouring property.

As such, taking into account the nature of the proposals, it is considered that the application does not give rise to any adverse impacts upon neighbouring residential amenity and as such, this aspect of the proposal is considered to be acceptable. It is therefore concluded that the proposals comply with Policy LP24 of the Kirklees Local Plan and Section 12 of the National Planning Policy Framework.

Impact on Highway Safety:

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The application site at present has no off-street car parking available, the proposals would provide 1 off-street car parking space by removing part of the retaining wall to the north of the site and excavating out land to create a small driveway. The driveway is to measure approximately 6m x 3.5m and is therefore considered to be of a sufficient size to allow for 1 vehicle to be parked. Part of the existing retaining wall which is to be re-built to the east will have a stepped approach to provide visibility down Armitage Road. Views to the west are to be created by stepping back the existing dry-stone wall and

timber fencing and reducing the existing wall to below 1m in height. It is also important to note that the originally proposed stairway has been removed which has allowed for better sightlines when exiting the proposed driveway. Given the above, the Council's Highways team have raised no objections to the proposals.

For the aforementioned reasons it is considered that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, and the guidance contained within the National Planning Policy Framework.

Other Matters:

Biodiversity

Whilst it is acknowledged that the application site is within a bat alert area, given the nature of the proposals it is considered unlikely that roosting bats would be disturbed. However, an informative has been provided which outlines what should be done if roosting bats are found during construction works.

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

There are no other matters for consideration.

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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation:

Approve.

Decision Authorisation - Delegated Powers

Application Number: 2020/94299

Officer Recommendation: Approve.

Conditions & Reasons:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved 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 Policy LP24 of the Kirklees Local Plan.

3. The hereby approved retaining walls are to be re-built from natural stone which shall in all respects match the existing stonework to a regular course with capped saddle back coping, the retaining walls once built shall be retained thereafter.

Reason: In the interests of visual amenity to protect the openness and character of the Green Belt and the Armitage Bridge Conservation Area, to accord with Policies LP24, LP53 and LP57 of the Kirklees Local Plan and Chapters 12, 13 and 16 of the National Planning Policy Framework.

4. Unless otherwise agreed in writing, prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superceded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout and to accord with Policies LP21 and LP51 of the Kirklees Local Plan.

NOTE: The changes to the access within the adopted highway fronting the property will need to be constructed under a Section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures on Tel No. 01484-225616 who can advise further on this matter.

NOTE: Due to its location, a bat roost 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 kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a license. 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 found then contact Natural England.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Existing Plan and Elevation and Proposed Section	3240 (0-) 01	A	24 th March 2021
Proposed Plan and Elevation	3240 (0-) 02	A	24 th March 2021
Heritage and Design & Access Statement	3240	-	17 th December 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 preapplication 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 requested to remove the proposed stairway and railings, a new footpath has now been provided.

Report Dated:

24/03/2021