

**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: 2021/62/91063/W

Site Address: 10, Hoyle Ing, Linthwaite, Huddersfield, HD7 5RX

Description: Erection of single storey extension to rear and demolition of existing conservatory (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: 07-May-2021

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f91063>

Site Description

10 Hoyle Ing is a modern detached dwelling located within the Linthwaite Conservation Area. The property is constructed from stone with a concrete tiled roof and uPVC openings. The dwelling is located within a corner plot within the junction of Hoyle Ing and Hoyle Beck Close. Due to topography, the adjacent property No. 12 is set on a higher ground level than the application site and the adjacent property to the north-west (No. 8A) is set on much lower ground level. The property is two storeys in height, has an attached garage to the side, conservatory to the rear and has amenity areas to the front and rear.

Description of Proposal

Permission is sought for the erection of a single storey extension to the rear and the demolition of the existing conservatory.

The existing conservatory would be demolished to enable the construction of the extension. The conservatory projects 3.6 metres from the rear of the property, is part-width and has an overall height of 3.4 metres.

The proposed single storey extension would also be located on the rear elevation and would be set in from the side elevation by 0.3 metres being a total width of 3.4 metres projecting from the rear elevation of the dwelling by 3.5 metres. The eaves height would be 2.5 metres and the overall height 3.6 metres to the ridge of the pitched roof. The proposed construction materials would be to match the existing. The existing openings are white uPVC and these would be changed to grey uPVC and the proposed openings would also be grey.

An additional window is proposed within the side elevation of the existing property however this does not require planning permission.

History of negotiations/amendments received

None

Relevant Planning History

2001/91109 Outline application for erection of residential development
Conditional Outline Permission

2002/92746 Erection of detached dwelling with integral double garage
Approval of reserved matters

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 6th May 2021 – no representations received

Parish/Town Council comments – not applicable

Consultation Responses

None

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 Linthwaite Conservation Area on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity
- **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 15 – Conserving and enhancing the natural environment

- Chapter 16 – Conserving and enhancing the historic environment

House Extensions and Alterations Supplementary Planning Guidance

Kirklees Council is currently in the process of producing its supplementary planning guidance on House extensions. Although this is at the draft stage, it does need to be considered in the assessment of planning applications with some weight attached. The general thrust of the advice is aligned with both the Kirklees Local Plan and the National Planning Policy Framework, requiring development to be considerate in terms of the character the host property and the wider street scene.

Assessment

The following matters are considered in the assessment below –

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

1 – Principle of development:

The site is within the Linthwaite 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.

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.

2 –Impact on visual amenity, including the significance of Linthwaite Conservation Area:

The replacement extension would be located on the rear of the property and due to being a corner plot, would be visible from public vantage points, albeit screening is in place. The structure would be subservient by virtue of being single storey in height. The extension would be constructed from materials to match the host dwelling with the exception of the openings which are proposed to be constructed from grey uPVC. These will match the existing once the existing windows are replaced. The structure is simplistic in terms of design and is of an acceptable scale and mass, appropriate for this form of development. As such, it is considered that the proposal is acceptable in terms of visual amenity. The extension would better harmonise with the host dwelling than the existing conservatory. Given this, and the scale of the extension largely reflecting that of the conservatory, it is considered the development would have a neutral impact on the significance of the conservation area.

It is considered that the proposal would not result in harm to the character and appearance of the Conservation Area and would not compete for prominence with existing structures within the site or immediate surrounding area and would preserve the Conservation Area in accordance with Policies LP24 and LP35.

3 – Impact on residential amenity:

The extension would be located in a similar location to the existing conservatory also with similar dimensions. Openings are located within all 3 exposed elevations. Given the similarities between the two structures, it is not considered that there would be an increase from overlooking over and above the existing situation.

In terms of overshadowing and/or being overbearing, the extension is single storey in height and the property is detached. Whilst the structure is more solid than the existing conservatory due to the stone walls and solid roof, it is not considered that the proposal would cause undue harm from overshadowing or by being overbearing.

As such, in terms of residential amenity, the proposal is considered to be acceptable.

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. Due to the small scale of development proposed, it is not considered that the proposal requires specific mitigation measures.

Bats – The site is within a Bat Alert layer on the Council's GIS system however as the extension would not interfere with the existing roof of the dwelling due to being single storey in height, it is not considered that a Bat Survey is necessary.

6 – Representations:

None received

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: 2021/91063

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, and

to accord with Policies LP1, LP2, 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 to accord with 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	022-21-PL03		15 th March 2021
Existing site plan, elevations and floor plans	022-21-PL01		15 th March 2021
Proposed site plan, elevations and floor plans	022-21-PL02 Rev: A		15 th March 2021
Design and Access Statement	022-21-R1		15 th March 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. No amendments were sought as it was considered that the application was acceptable as submitted.

Report Dated: 7th May 2021

Coal - none