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:	2021/62/91397/W
Site Address:	52, Inglewood Avenue, Birkby, Huddersfield, HD2 2DS
Description:	Erection of single storey rear extension, single storey front extension to porch and stone posts and walls with gate forming front entrance (within a Conservation Area)
Recommending Officer:	Lucy Taylor

DECISION – Full Conditional 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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 18-Jun-2021

Officer Report.

Reference: 2021/91397

Location: 52, Inglewood Avenue, Birkby, Huddersfield, HD2 2DS

Proposal: Erection of single storey rear extension, single storey front extension to porch and stone posts and wall with gate forming front entrance.

Site Description.

52 Inglewood Avenue is a two-storey detached property located in Birkby, Huddersfield. The property is constructed from natural stone and has a gable roofing style infilled with concrete tiles. The property benefits from a large driveway to the front elevation and significant garden amenity space to the rear, bounded to both the side and rear elevations by landscaping.

The property is located in a residential cul-de-sac where all of the properties share a similar style of design and construction, creating a sense of similarity within the streetscene. This residential development is located within the Edgerton Conservation Area.

Description of Proposal.

Planning permission is sought for the erection of a single storey rear extension, a single storey front extension and for the erection of stone posts with walls and a gate to form front entrance.

Single Storey Rear Extension:
The proposed single-storey rear extension will infill the existing space between the rear of the garage and the west side elevation of the host dwelling. It will have a width of 6.8 metres matching that of the garage, a projection of 4.5 metres exceeding the width of the host dwelling by only 0.45 metres and will have a height of 4.10 metres. The walls of the extension will be constructed from matching natural stone and will have a gable roof infilled with matching concrete tiles.

With regard to fenestration the rear extension proposed glazing on the rear and western side elevation. This is in the form two sets of glazing bi-folding doors to the rear and a large window to the side elevation. In addition, roof lighting is proposed in the form of two velux windows. All of these details will be constructed using UPVC to match fenestration detailing established on the host dwelling.

Within the interior of the dwelling, the rear extension will be utilised as a lounge.

Single Storey Front Extension:
This front extension will project 1.9 metres from the current location of the main access door on the property and will align with the greatest existing extent of projection to the front elevation (the living room located directly east). The front extension will have a width of 2.55 metres and a height of 2.7 metres. The extension will have a flat roof and will be glazed to the front and western side elevations. The glazing to the front elevation will also incorporate a glazed access door.

Within the interior of the dwelling this extension will create a larger porch area.

New Front Entrance:
The proposed front entrance features are to be erected at the bottom of the driveway, set back from the cul-de-sac by 1.15 metres. To both side elevations of the driveway a low stone wall is to be erected that will connect to an existing stone post on the western elevation and to two new stone posts just outside of the width of the driveway. These posts have a height of 1.8 metres but the wall itself has a height of only 0.9 metres, topped with aluminium bars to match the aluminium gates to be erected across the width of the driveway.

History of Negotiations.

Amended plans were sought to alter the design of the originally proposed boundary treatment to the front elevation. The original plans showed a tall stone wall and solid electric gates and therefore, the new design as now proposed was sought to retain the existing open feel of the cul-de-sac and ensure the design was in keeping with other dwellings in the streetscene that have carried out similar works.

The amended plans submitted by the applicant to reflect these design alterations were considered acceptable in line with LP24 in the Kirklees Local Plan and have been used in the overall assessment and determination of the scheme.

Relevant Planning History.

No relevant planning history at the application site however, similar applications have been made nearby

- **2020/92211** – *44 Inglewood Avenue* – Erection of boundary wall and gates. *Granted in 2020.*
- **2021/91661** – *46* Inglewood *Avenue* – Demoliton of existing conservatory and erection of single storey rear extension, alterations to convert garage to living accommodation and alterations and erection of new boundary treatment and electric gates. *Pending Consideration.*

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, a site notice and within the newspaper collectively expiring on 1st June 2021 – one representation was received.

The representation stated the following:

- Often visits the street and enjoys the open nature of the end of the street, suggesting it to make a nice street scene.
- Made no objection to the house extensions.
- Feels the boundary wall take away from the open street scene and questioned whether the walled gated boundary was necessary within a cul-de-sac setting.
- Wants the views of the conservation officer to be taken into account when deciding on the determination of the boundary treatments.

Although amended plans were submitted in conjunction with this application it was not deemed necessary to re-advertise the proposal. This is because the amendments were considered to be of a more acceptable design and therefore, improved the overall scheme.

In addition, the amendments posed no increased impact to residential amenity and therefore, it was not considered necessary to re-advertise these amendments via new neighbour notification letters.

Consultation Responses.

KC Conservation and Design – originally concerns were raised regarding the proposed boundary treatments to the front elevation however, following the submission of amended plans, in line with conservation and design suggestions, the scheme is now considered to be acceptable in respect to the character of the townscape and Edgerton Conservation Area.

KC Highways Development Management – no comments were made.

KC Trees – (verbal) deemed the developments to be acceptable and had no issues or concerns.

Policy/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).

The site in Unallocated in the Kirklees Local Plan however, it has been acknowledged that the site is located within the Edgerton Conservation Area.

Kirklees Local Plan:

- **LP1** – Achieving Sustainable Development
- **LP2** – Place Shaping
- **LP24** – Design
- **LP33** - Trees
- **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) published February 2019, together with Circulars, Parliamentary 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 16 -** Protecting and enhancing the historic environment

Assessment.

The Following matters that will be considered as part of the assessment of the proposal are set below. These considerations will be looked at in detail individually:
1) Principle of development
2) Impact on visual amenity and significance of Edgerton 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 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 NPPF. Policy LP1 goes on further to state that “the council will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

In terms of extending and making alterations to a property Policy LP 24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design.

In relation to the location of the site, within the Edgerton Conservation Area section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant which places a statutory duty on Local Planning Authorities to protect the historical importance of conservation areas including their setting.

Policy LP35 is also relevant for applications which affect heritage assets and states “development proposals …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.

In the case of this application, the principle development on the application site is acceptable and shall be assessed against other material planning considerations below.

Impact on significance:
Paragraph 189 of the NPPF requires that applicants describe the significance of any heritage assets affected, including any contribution made by their setting, consult the historic environment record, use appropriate expertise where necessary and where there is known or potential archaeological interest, submit an appropriate desk-based assessment and, where necessary, a field evaluation.

The applicant has provided a heritage statement, which meets the tests set out in Paragraph 189. It identifies that the site is located within the Egerton Conservation Area and considers any potential impacts the works pose to the heritage sensitivity of the area concluding it to no detrimental impact upon the Edgerton Conservation Area.

1. **Impact on Visual Amenity and significance of the Edgerton Conservation Area:**

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 seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity. Policy LP35 with regard to heritage will also be considered.

The proposed single storey extensions to the front and rear are considered to harmonise visually with the existing architectural style of the dwellinghouse and are of a size, scale and form that will be subservient when viewed in conjunction with the host dwelling. In addition, the proposed roofing styles are also considered acceptable, with a flat roof proposed to the front extension

and a pitched roof to the rear, both of a design and pitch which prevents undue bulking and massing from increased development to the host dwelling. Finally, the fenestration detailing to both is considered to be visually acceptable, drawing on forms of fenestration previously established on the host dwelling and the new forms considered to be appropriate contemporary additions to the dwellinghouse.

The new front entrance is also considered acceptable from a visual amenity perspective, firstly set back from the immediate cul-de-sac reducing overt obtrusiveness from its erection and reducing impact to the visual appearance of the streetscene as a whole. In addition, the design of entrance proposed harmonises with other forms of boundary treatment erected to the front elevation of neighbouring properties within Inglewood Avenue, in turn causing no disruption to the current setting of the dwelling and its relationship with those surrounding it. This style is considered to appropriately retain a sufficiently open feel of the residential cul-de-sac and not detract from the natural external environment within which it will be constructed.

In light of the above it is concluded that the proposed developments will have no negative impact upon the Edgerton Conservation Area, emphasised further through the concealed nature of the proposed works through direct boundary treatments around the site and those located along the parameters of Halifax Road.

For these reasons, it can be concluded that the proposed extensions and new entrance will harmonise with the dwellinghouse and existing features within its curtilage and be of a simple form that will not compete with the principle dwelling. Therefore, the proposed works at 52 Inglewood Avenue would adhere to the aesthetic appearance of the surrounding area both spatially and visually and resultantly, adhering to the appearance of the Edgerton Conservation Area. In turn, appropriately according with Policies LP35 and LP24 of the Local Plan and Chapters 15 and 16 of the NPPF.

2. **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 site shares its boundary with 50 Inglewood Avenue, located to the east. Therefore, development at 52 Inglewood Avenue has the potential to have some form of impact upon these neighbours. The impacts that may affect this property are set out and discussed below:

Given the substantial separation distance between these two neighbouring properties given their detached nature, as well as the principles of development proposed and their location of erection upon the host dwelling, no undue overbearing or overshadowing will be caused for the occupiers of

50 Inglewood Avenue. In addition, none of the forms of development will detriment neighbouring privacy with no glazing proposed to face this neighbouring property and therefore, no increase impact of overlooking caused. In light of the above the proposal is considered to have an acceptable impact on residential amenity.

3. **Impact on Highway Safety:**

It has been acknowledged that the proposed extensions are unlikely to increase the domestic use of the building and that the new entrance is to be set back from the highway by 1.5 metres and does not change the existing parking arrangements at the property. Whilst it is noted that residents of no.52 would have to wait in the highway for the gates to open, given that this part of Inglewood Avenue is a cul de sac and there is clear space for a vehicle to wait, there is no objection to the limited set back. For these reasons, the proposal is considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan.

4. **Other Matters:**

Trees
Due to the sites location within Conservation Area and also adjacent to protected trees the proposals have been reviewed by the Tree Officer and in relation to Policy LP33. The tree officer has no objection to the proposal and it is considered that the development would not adversely impact on the adjacent protected trees.

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 predates 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.
In this case, due to the nature of the proposal it is not considered reasonable to require the applicant to put forward any specific resilience measures. In addition, it has been acknowledged that stone will be used to construct the proposed developments at 52 Inglewood Avenue. Stone is considered to be a natural material.

Bats
The application site lies within the bat alert layer on the Council's GIS system. As such, careful attention has been paid when looking for evidence of bat roof potential.

In this instance, the property appeared well sealed around the eaves and roof area and it was judged unlikely to contain roosting bats. Even so, as a cautionary measure, a note will be added to the decision notice stating that if bats are found development shall cease and the advice of a licensed bat worked sought. This is to accord with the aims of Chapter 15 of the NPPF.

5. Representations:

One representation was received, making the following points:

- Made no objection to the house extensions.

- Often visits the street and enjoys the open nature of the end of the street, suggesting it to make a nice street scene.
- Feels the boundary wall take away from the open street scene and questioned whether the walled gated boundary was necessary within a cul-de-sac setting.

Response: The proposed boundary treatments have been concluded to retain, to an appropriate extent, the existing open feel of the cul-de-sac given its position set back from the immediate cul-de-sac and its design.

- Wants the views of the conservation officer to be taken into account when deciding on the determination of the boundary treatments.

Response*: the views of KC Conservation and Design were taken into consideration and amended plans were sought to make the scheme more acceptable visually and in respect to the existing streetscene of Inglewood Avenue and wider Egerton Conservation Area.*

Conclusions:

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: **2021/91397**
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, in the interests of the significance of the Edgerton Conservation Area and to accord Policies LP24 and LP35 of the Kirklees Local Plan.

3. The external walls and roofing materials of the extensions hereby approved shall in all respects match those used in the construction of the existing building.
Reason: In the interests of visual amenity, in the interests of the protection of the significance of the Edgerton Conservation Area and to accord Policies LP24 and LP35 of the Kirklees Local Plan.

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 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
Plans – Grouped Plans and Elevations	Proposed Plans and Elevations	2	8.6.21
Plans – Grouped Plans and Elevations	Existing Plans and Elevations	-	6.4.21
Plans – Location Plan	Location Plan	-	6.4.21
Plans – Proposed Site /	Site Plan	-	26.4.21

Plan Type	Reference	Version	Date Received
Block Layout			
Supp Info – Conservation/Heritage Assessment	-	-	6.4.21

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 and submitted and an overall recommendation was made based on these.

Report Dated: 10.6.21