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:	2021/62/91440/W
Site Address:	47, Hall Lee Fold, Lindley, Huddersfield, HD3 3NX
Description:	Erection of two storey front extension with balcony and porch (within a Conservation Area)
Recommending Officer:	Lucy Taylor

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: 06-Jul-2021

Officer Report.

Reference: 2021/91440

Location: 47, Hall Lee Fold, Lindley, Huddersfield, HD3 3NX

Proposal: Erection of two-storey front extension and porch.

Site Description.

47 Hall Lee Fold is a two-storey detached property located in Lindley, Huddersfield. The property is constructed from stone and has a gable roofing style infilled with slate tiles. The property benefits from garden amenity space to the front elevation as well as driveway amenity space.

The property is located in a residential area where there is a strong sense of similarity within the streetscene. This is because all of the properties are detached in their construction style and have a very similar appearance to one another in terms of design and construction materials. In turn, it is fair to suggest that all of the properties were constructed within a very similar time frame.

The property is located within the Edgerton Conservation Area.

Description of Proposal.

Planning permission is sought for the erection of a two-storey front extension and porch extension.

Porch Extension:
The proposed porch extension will be constructed in conjunction with the current position of the access door to the principal elevation of the dwelling and will be incorporated into the design of an existing small lean-to roof.

The porch extension will project 4.75 metres form the front elevation of the host dwelling and 3.5 metres from the extent of the existing lean-to roof, it will have a width of 2.2 metres and a height of 3.75 metres. A gable roof will be erected, projecting outwards from the existing lean-to, this will be infilled with matching slate tiles and the exterior walls will be constructed from matching stone.

With regard to fenestration the extension proposes a new access door to be erected in the front elevation accompanied by a small window. In addition, another small and thin Venetian window will be erected within the side elevation of the extension. These details will be constructed in brown UPVC to match existing fenestration detailing previously erected on the host property.

Two-Storey Front Extension:
The proposed two-storey front extension will project 3.5 metres forward of the existing principal elevation, have a width of 4 metres and a cumulative height of 7.2 metres. A gable roof will be erected above the extension, of a lower pitch to the existing dominant roof, and will be infilled with matching concrete tiles. The walls of the extension will be constructed from matching stone with a Venetian window proposed in the centre at both ground and first floor level. In addition, either side of both Venetian windows two small windows will be erected.

Within the interior of the dwellinghouse the extension will function as a dining room at ground floor level and as an extended bedroom at first floor level.

History of Negotiations.

Following comments made by conservation and design and the applicant becoming aware of neighbour representations, amended plans were submitted. These amended plans removed an originally proposed balcony and columns from the proposed scheme. Conservation and design were reconsulted regarding the amended plans and suggested the amended scheme to be appropriate from a conservation and design perspective. Therefore, the proposed developments have been assessed in conjunction with the amended plans only and the originally proposed features of a balcony and columns are no longer relevant in the overall determination of the scheme. The description of development has been updated accordingly.

Furthermore, design alterations were sought by the case officer to reduce the projection of the proposed two-storey extension as to retain the original setting of the residential cul-de-sac especially with regard to the existing relationship between the host dwelling and surrounding properties. The applicant provided amended plans that reduced the projection of the two-storey extension from 4 metres to 3.5 metres, this was considered an appropriate reduction and therefore, these amended plans were used to make an overall recommendation on the scheme.

Relevant Planning History.

No relevant planning history at the application site however, other properties within the immediate vicinity have applied for similar schemes including:

- **2019/93636** – *51 Hall Lee Fold, Lindley* – Erection of front, side and rear extensions and alterations, patio and landscaping. *Granted in 2020.*

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 collectively expired on 11th June 2021 – one representation was received.

The representation stated the following:

- Want the extension to remain set back from neighbouring property by at least 1 metre to preserve the original style and size of the houses in the cul-de-sac which is set in a conservation area.
- Would like the planning officers to visit the site.

The amended plans which removed the balcony and columns from the scheme were re-advertised via neighbouring notification letters.

The amended plans that reduced the projection of the first-floor extension were not re-advertised, it was not deemed necessary to do so as they responded positively to the initial neighbour representations received in conjunction with the original plans and therefore, posed no increased detriment with regard to residential amenity.

Consultation Responses.

Conservation and Design – concluded the scheme to be acceptable following the submission of amended plans in line with their initial response and proposed alterations.

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 is not specifically allocated in the Kirklees Local Plan however, it is located within the Edgerton Conservation Area.

Kirklees Local Plan:

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP24** – Design
- **LP35** – Historic environment

The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and architects who are planning and designing an extension or alterations

(householder development) to an existing residential property, including conservatories and outbuildings, such as garages. It provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration required by the Council.

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 15** – Protecting and enhancing the natural 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 the 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.

Paragraph 190 of the NPPF requires that the Local Planning Authority identify and assess the particular significance of any heritage assets affected and take this into account when considering the impact of the proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

The proposed developments are considered to be acceptable in principle, providing they do not adversely affect the setting of the designated conservation area or the wider visual amenities of the area or the amenities of nearby residents

Information submitted with regards to significance:

Paragraph 189 of the NPPF required 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 assesses the proposed works against there potential impact upon the conservation area. The heritage statement concludes by stating that the design of the proposed scheme took the existing visual appearance and its historic merits into consideration, creating sensitive and modern additions to the existing property.

Following amendments KC Conservation and Design supported the application from a heritage perspective and concluded, in conjunction with the amended plans, that the developments posed no detriment to the wider Edgerton Conservation Area.

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

Section 66(1) Planning of the Planning (Listed Buildings and Conservation Areas) Act requires that the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Act 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.

Policy LP 35 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 proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets;

Policy LP 24 requires that 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.

Impact on Visual Amenity:
The proposed porch extension is considered acceptable from a visual amenity perspective, this is because it is of a minor size and scale and harmonises appropriately with the existing appearance of the host dwelling; in turn,

promoting the subservient nature of the additional feature following erection. Furthermore, the proposed two-storey front extension is also considered to be appropriate visually. Again, the two-storey extension will be subservient following erection, of a relatively minimal projection and matching the host dwelling with regard to external appearance. In addition, the reduced roof pitch of the two-storey extension compared with that of the dominant roof further mitigates any undue bulking and massing from the overall design and in turn, ensures no obtrusiveness to the front of the dominant dwellinghouse as a result of its erection. Overall therefore, the scheme is considered appropriate from a visual amenity perspective with both developments concluded to be subservient additions and therefore, not resulting in overdevelopment to the front of the dwelling.

In addition, the proposed alterations are appropriate visually within the wider streetscene and residential setting of the host dwelling. This is because there form and design appropriately retains the existing architectural style of the dominant dwellinghouse and its existing relationship with the setting of other neighbouring properties within the streetscene, especially with regard to separation distances and property positioning within the residential cul-de-sac.

Therefore, for the reasons outlined above, the proposed porch and two-storey extension are both considered to be acceptable from a visual amenity perspective and are considered to pose no detriment to the significance of the Edgerton Conservation Area, harmonising appropriately with the existing architectural style of the host dwelling as well as the wider streetscene of Hall Lee Fold.

Resultantly, the proposed works at 47 Hall Lee Fold would adhere to the aesthetic appearance of the surrounding area both spatially and visually and resultantly, adhere to the appearance of the Edgerton Conservation Area. In turn, appropriately according with Policies LP35 and LP24 of the Kirklees Local Plan and Chapters 12 and 15 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 impact of the development on each of the surrounding properties will be assessed in turn.

- 45 Hall Lee Fold – this property is located to the west of the application site. The proposed extensions to the front of 47 Hall Lee Fold will not result in undue overbearing or overshadowing for the occupiers of this neighbouring property because firstly, separation distance is present between the two neighbouring properties and will be retained following

development and secondly, because the proposed extensions to the front will not exceed the length of the solid side elevation of 45 Hall Lee Fold, meaning the neighbouring properties side elevation itself acts as a mitigator of any overbearing or overshadowing. In addition, the proposed front extensions pose no detriment to neighbouring privacy because no glazing is proposed on the side elevation facing this neighbouring and therefore, no overlooking is caused as a result of there erection.
It should also be acknowledged that boundary treatment is present between these two neighbouring properties in the form of vegetation and shrubbery, in turn, working to further mitigate any potential impacts form development especially at ground floor level.

- 49 Hall Lee Fold – this property is located to the east of the application site. Given the separation distance between these two neighbouring properties and the proposed site of erection for the developments upon the host dwelling, towards the western side of the front elevation, no undue overbearing or overshadowing will be caused as a result of development for the occupiers of 49 Hall Lee Fold. In addition, the proposed extensions do not pose any detriment to neighbouring privacy as the only glazing to the side elevation facing this neighbouring property is in conjunction with the proposed hallway. As this space will not function with a domestic use within the interior of the property following development, it poses no detriment to the occupiers of 49 Hall Lee Fold with regard to overlooking.

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.

3. <u>Impact on Highway Safety:</u>

It has been acknowledged that the proposed extensions to 47 Hall Lee Fold are unlikely to increase domestic use of the property and that the existing parking arrangements at the property will remain the same following development. In addition, existing access to and from the property in conjunction with the adjoining highway will also remain the same following development. Therefore, for these reasons, the proposal is considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan.

4. <u>Other Matters:</u>

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 should also be acknowledged that the proposed extensions are to be constructed from stone. 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 which stated:

- Want the extension to remain set back from neighbouring property by at least 1 metre to preserve the original style and size of the houses in the cul-de-sac which is set in a conservation area.

Response: design alterations were sought and the final proposed scheme was considered acceptable from both a visual perspective and residential amenity perspective. The full assessment for both of these can be found within the appropriate sections of this report.

- Would like the planning officers to visit the site.

Response: The case officer of this application conducted a site visit.

6. 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: **2021/91440**
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 with 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 and to accord with Policy LP24 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.

Note: The application site is located in a low coal risk area.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing Layouts	2112/01	-	8.4.21
Proposed Layouts and Elevations	2112/02C	-	5.7.21
Conservation/Heritage Assessment	47 Hall Lee Fold Heritage Statement	-	8.4.21

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 by the case officer and where necessary, submitted by the applicant.

Report Dated: 5.7.21