

**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: 2021/62/91563/E

Site Address: 12, Lane Head Lane, Kirkburton, Huddersfield, HD8 0SQ

Description: Erection of single storey extension (within a Conservation Area)

Recommending Officer: Alice Downham

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.

Paul Dowd

AUTHORISED OFFICER

Date: 28-Jun-2021

Officer Report

Site Description

12 Lane Head Lane is a two-storey detached dwelling, located in Kirkburton. It is constructed of natural stone, with a dual-pitched roof with side-facing gables, finished in stone slates. There is a driveway and off-street parking area to the front, leading to a detached garage in the western corner of the property. There is a grassed area to the southern side, and a paved area to the rear.

The property is located within the Kirkburton Conservation Area. The predominant character of buildings in the surrounding area is stone-built cottages and terraces, tightly packed around a small village centre. Lane Head Lane is a cul-de-sac, providing access to several detached and terraced stone dwellings.

Description of Proposal

The applicant is seeking permission for the erection of a single-storey extension (within a Conservation Area). This would project from the southern side elevation of the host dwelling, forming a linking extension between the dwellinghouse and the existing detached garage. The proposed extension and would accommodate a utility room, an entertainment room, and a terrace to the rear. The approximate dimensions of the proposal are as follows:

5.3m maximum projection from side elevation x 12.4m deep x 3.2m maximum height.

Proposed materials comprise stone for the exterior walls. There would be a flat roof with parapet wall, finished in GRP, with a rooflight over the utility room and a roof lantern over the entertainment room.

History of negotiations/amendments received

Concerns were raised by KC Conservation & Design regarding the flat roof design of the proposed extension, and they requested it be designed with a parapet wall. The agent submitted a roof plan showing that a parapet wall was part of the design as submitted, which officers consider acceptable.

Relevant Planning History

At the application site:

2010/92463 - Outline planning for erection of single detached dwelling & detached double garage (with some matters reserved) (within a Conservation Area). Conditional outline permission.

2013/91441 - Erection of detached dwelling (within a Conservation Area). Conditional full permission.

2017/94265 - Erection of detached dwelling and detached garage (within a Conservation Area). Conditional full permission.

At neighbouring properties:

98/90829 – Erection of single storey extension. Conditional full permission. (4 Church Green).

2005/90263 – Erection of 2 storey and single storey extension (within a Conservation Area). Withdrawn. (4 Church Green).

2009/92095 - Erection of 2 storey extension (within a Conservation Area). Refused. (8 Lane Head Lane).

2009/93095 - Erection of two storey extension (within a Conservation Area). Conditional full permission. (8 Lane Head Lane).

2012/90926 - Demolition of three outbuildings and erection of garden room and ancillary bin/water butt store (Within a Conservation Area). Conditional full permission. (16 Lane Head Lane).

2017/92199 - Erection of two storey rear extension (within a Conservation Area). Conditional full permission. (8 Lane Head Lane).

Representations

The application was advertised by neighbour letter, site notice and in the press, due to the site's location within the Kirkburton Conservation Area. Final publicity expired: 25/06/2021.

Following the above publicity, no representations were received.

Kirkburton Parish Council were consulted and had no comment on the proposal.

Consultation Responses

KC Conservation & Design: informal consultation, no objections. This will be discussed in the "Impact on visual amenity and historic environment" section of the report.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 unallocated on the Kirklees Local Plan proposals maps.

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 under other matters.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity & geodiversity
- **LP 35** – Historic Environment.
- **LP 51** – Protection and improvement of air quality

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 9** – Promoting sustainable transport
- **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

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity and historic environment
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conditions

7) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan (KLP), policy LP1 of which 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. In terms of extending and making alterations to a property, policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

These issues along with other policy considerations will be addressed below.

2 – Impact on visual amenity and historic environment:

The predominant character of buildings in the surrounding area is stone-built cottages and terraces, tightly packed around a small village centre. Lane Head Lane is a cul-de-sac, providing access to several detached and terraced stone dwellings. It is important to note that several properties on this street have also been extended or altered in some way and it is, therefore, considered that dependent on design, scale, and detailing, it may be acceptable to extend the host property.

In terms of design, the proposed extension would be finished in stone to match the host dwelling. It would be designed with a flat roof and with a parapet wall to match the neighbouring dwelling (18 Lane Head Lane). This is considered acceptable given the small scale of the proposed extension and that this would have minimal visibility within the street scene.

In terms of scale, the proposed single-storey extension would be small in scale, set back from the rear elevation of the host dwelling and set down from the main roofline and garage. As such, it is considered subservient to the host dwelling, which would remain the dominant feature following development. The proposed extension would slightly increase the footprint of the building. However, the host property and its associated curtilage is of a scale that would support the proposed extension without amounting to overdevelopment or appearing incongruous, and whilst retaining a reasonable area of amenity space. Due to its location, to the southern corner of the property, it would be minimally visible from the road. However, its small scale and sympathetic design mean it would not cause any significant harm to visual amenity.

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, thus complying with policy LP24 of the KLP and the aims of Chapter 12 of the NPPF.

The site is located within the Kirkburton Conservation Area. After an informal consultation with KC Conservation & Design, they consider this development would not have a harmful impact on the Conservation Area, due to its single-storey nature and its small scale. Furthermore, the parapet wall is considered in-keeping with other properties in the area and the materials would match the existing. The proposal, therefore, complies with policy LP35 of the KLP and chapter 16 of the NPPF.

3 – Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out in terms of policy LP24 c), which states that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers.

Impact on 8 & 10 Lane Head Lane

These are the adjacent properties to the north of the application site. The proposed development would not come any closer to these neighbouring properties than the existing situation. There would be one window inserted into the northern side elevation of the proposed extension. However, this would serve a utility, which is considered a non-habitable room. Therefore, there would be no significant impacts on the amenities of 8 & 10 Lane Head Lane due to the proposed extension.

Impact on 18 Lane Head Lane

This is the adjacent property to the south-east of the application site. A separation distance of approximately 4.5m would be maintained between this neighbouring house and the proposed extension. There would be one opening to the south-eastern side elevation of the proposed extension. There are openings in the north-western side elevation of 18 Lane Head Lane. From a review of the planning history of the site, it appears that these serve a WC and landing (non-habitable spaces). Therefore, there would be no significant overlooking impact due to the proposed development. Given the single-storey nature of the proposed extension and its location to the north of this neighbouring house, it is considered that there would be no significant impacts on the amenities of 18 Lane Head Lane.

Impact on 14 & 16 Lane Head Lane

These are the neighbouring properties to the front elevation of the application site. The proposed development would not come any closer to these neighbouring properties than the existing situation. There would be no additional windows to the front elevation. The proposed extension would be partly screened by the existing garage at the property. Therefore, it is considered that there would be no significant impacts on the amenities of 14 & 16 Lane Head Lane.

Impact on 4 Church Green

This is the neighbouring property to the rear elevation of the application site. The proposed development would not come any closer to this neighbouring property than the existing situation. The proposed additional windows to the rear would be set back from the rear elevation of the host dwelling and, as such, would be screened from view by the existing building. Therefore, it is considered that there would be no significant impacts on the amenities of 4 Church Green.

Having reviewed the above, it is considered that this proposal would not result in any significant adverse impact upon the residential amenity of any surrounding neighbouring occupants, thereby complying with policy LP24 of the KLP and paragraph 127 (f) of the NPPF.

4 – Impact on highway safety:

The proposed single-storey extension (within a Conservation Area). This would project from the southern side elevation of the host dwelling, forming a linking extension between the dwellinghouse and the existing detached garage. The proposed extension would accommodate a utility room, an entertainment room, and a terrace to the rear. The proposed development is, therefore, unlikely to result in an increase in the domestic use of the dwelling and would not affect the existing parking arrangements at the site. The current parking arrangements are considered sufficient. Therefore, the scheme would not represent any additional harm in terms of highway safety and, as such, it complies with policies LP21 and LP22 of the KLP and chapter 9 of the NPPF.

5 – Other matters:

Ecology

The site is located within a bat alert layer. The development is for single-storey extensions to the dwelling. In this instance, as the works proposed are single storey and include no work to the main roof, it is considered unlikely to have an impact on the bat population. A footnote has been added to the decision notice to provide the applicant with advice should bats, or evidence of bats, be found during construction. This would accord with the aims of policy LP30 of the KLP and Chapter 15 of the NPPF.

Carbon Budget

The proposal is a small-scale domestic development to an existing dwelling. As such, no special measures are required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations, which would need to be adhered to as part of the construction process and which would require compliance with national standards. For this reason, the proposed development is considered to comply with policy LP51 of the KLP and chapter 14 of the NPPF.

There are no other matters considered relevant to the determination of this application.

6 – Representations:

No representations were received.

7 – Conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions:

- Accordance with the approved plans, to ensure the development is carried out in line with the officer's assessment.
- Matching materials, to ensure that the proposed development harmonises with the host dwelling.

Notes will also be added regarding the potential for roosting bats, the recommended hours of work, and notifying the applicant that neighbours do not have to grant access to their land.

8 – Conclusion:

This application to erect a single storey extension (within a Conservation Area) at 12 Lane Head Lane, Kirkburton, Huddersfield, has been assessed against relevant policies in the development plan, as listed in the policy section of the report, the NPPF and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed development is considered acceptable.

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.

As set out above, 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: 2021/91563

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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP35, and LP51 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the single-storey 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 Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.

NOTE: The property is within the Bat Alert Zone. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended). 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.

NOTE: Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours, Mondays to Fridays, 08.00 and 13.00 hours, Saturdays, with no working Sundays or Public Holidays. In some cases, different site-specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services may control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Proposed Site / Block Layout	1821-A2-04 Proposed Roof Plan	-	18/06/2021
Existing Site / Block Layout	1821-A2-03 Existing Roof Plan	-	18/06/2021
Proposed Elevations	1821-A4-03A	-	04/05/2021
Existing Elevations	1821-A4-02A	-	04/05/2021
Existing Elevations	1821-A4-01A	-	04/05/2021
Proposed Floor Plans	1821-A2-02-C	-	04/05/2021
Existing Floor Plans	1821-A2-01A	-	04/05/2021
Proposed Site / Block Layout	1821-A1-03A	-	04/05/2021
Block Plan	1821-A1-02A	-	04/05/2021
Location Plan	1821-A-01A	-	04/05/2021

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 has, 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.

Concerns were raised by KC Conservation & Design regarding the flat roof design of the proposed extension, and they requested it be designed with a parapet wall. The agent submitted a roof plan showing that a parapet wall was part of the design as submitted, which officers consider acceptable.

Report Dated: 28/06/2021

