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:	2021/62/91661/W
Site Address:	46, Inglewood Avenue, Birkby, Huddersfield, HD2 2DS
Description:	Demolition of 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 (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: 26-Jul-2021

Officer Report.

Reference: 2021/91661

Location: 46, Inglewood Avenue, Birkby, Huddersfield, HD2 2DS

Proposal: Demolition of 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.

Site Description.

46 Inglewood Avenue is a two-storey detached property located in Birkby, Huddersfield. The property is constructed from coursed natural stone and has a gable roof infilled with concrete tiles. The property benefits from a substantial driveway to the front elevation and garden amenity space to the rear, boundary to each elevation with landscaping features including trees.

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 demolition of an existing conservatory and the erection of a single storey rear extension, alterations to convert garage to living accommodation and the erection of new boundary treatment and electric gates.

Single-Storey Rear Extension:
The proposed rear extension will be constructed following the demolition of an existing conservatory at the property and will share the same location on the host dwelling as well as been very similar in size and scale.

The rear extension will project 4 metres from the rear elevation of the host dwelling, have a width of 4.15 metres and a height of 3.8 metres. The walls of the extension will be constructed from matching coursed natural stone and a pitched roof will be erected above infilled with matching concrete tiles.

With regard to fenestration, glazing is proposed on the rear elevation and the north facing side elevation. On the rear elevation this is in the form of large glazing panels to create one big window and on the side elevation this glazing is in the form of a bi-folding door made up of three glazing panels. In addition, 4 velux windows are proposed with two to be erected on either side of the roof. The fenestration details will be coloured grey, these will match the details on the host dwelling which are proposed to all be painted grey in conjunction with the development scheme.

Within the interior of the dwellinghouse the extension will function as a garden room.

Alterations to Garage:
In converting the garage the existing dimensions will remain the same and the garage will remain the same size and scale. The only alteration proposed is to replace the existing garage door with a single regular window, using coursed natural stone to infill where necessary.

The change of use to the garage will become a home dance studio.

New Boundary Treatment:

The new boundary treatment comprises of a low stone wall with intermittent stone pillars and black metal detailing between each pillar. This detailing matches the appearance of the proposed electric gates. The gates will be erected across the width of the driveway, constructed from black metal bars with gaps present between each. The maximum height of this boundary treatment is 1.9 metres and will span across the entire width of the front curtilage of the dwellinghouse.

History of Negotiations.

Upon consulting highways regarding the proposed scheme it was brought to attention the location of potential services below the location of proposed erection of the boundary treatments. The applicant was informed of this however, it was concluded that the scheme would continue to be determined as originally proposed with this been a matter of building regulations rather than a material planning consideration.

Relevant Planning History.

Similar planning applications have been made nearby to the site including:

- **2021/92211** – *44 Inglewood Avenue, Birkby* – Erection of boundary wall and gates. *Granted in 2020.*

- **2021/91397** – *52 Inglewood Avenue, Birkby* – Erection of single storey rear extension, single storey extension to porch and stone posts and walls with gate forming front entrance. *Pending determination.*

Representations.

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Character. As such, we have publicised this application via neighbour notification letters, a site notice and within the newspaper, collectively expiring on 3rd June 2021

1 representation received:

- The wall detracts from the open street scene.

Consultation Responses.

KC Conservation and Design – no concerns were raised regarding the various principles of development and concluded that there would be no impact from development as the dwelling itself is set at a lower level than the main Halifax Road so the boundary walls will not be visible in context with the significant elements of the conservation area.

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

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published July 2021, 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
1) Visual Amenity and Impact on Edgerton Conservation Area
2) Impact on Residential Amenity
3) Impact on Highway Safety
4) Other matters
5) Representations
6) Conclusion

1. **Principle of Development:**

Policy LP1 requires 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. The council will always work pro-actively 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.

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 scheme is acceptable in principle providing it does not adversely affect the setting or wider visual amenities of the designated Edgerton Conservation Area or the amenities of nearby neighbouring properties.

Information submitted with regards to significance:

Paragraph 194 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 application has provided a Design and Access Statement which meets the tests set out in Paragraph 194. It identifies that the site is located within the Edgerton Conservation Area and acknowledges that the design of the proposed developments has been created in accordance with the current architectural style of the host dwelling and setting of conservation area. It states that no detriment will be caused from proposed development in terms of visual amenity to the Edgerton Conservation or to adjacent properties.

1. **Visual Amenity and Impact on 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.

Visual Amenity:

The proposed extension and alterations to the existing garage are deemed acceptable from a visual amenity perspective, with the external appearance of the garage remaining the same with alterations only to fenestration detailing and the principle of development previously been established in a varying form. Given the distinct harmonisation of these features with the host dwelling they will be subservient when viewed in conjunction with the host dwelling. For the rear extension, the proposed size and scale and pitched roofing style further contributes towards this subservient nature, of a simple form that will not result in undue bulking and massing to the rear of the property. In addition, the fenestration details proposed on both are considered to be in keeping with the architectural style of the dwelling with the extent of glazing to the rear actually reducing due to the replacement of a glazed conservatory with the proposed rear extension.

It has been acknowledged that the proposed new boundary treatments have previously been established elsewhere within the streetscene, at number 44 Inglewood Avenue. The proposed boundary treatment at 46 Inglewood Avenue will harmonise with this neighbouring feature, to be constructed in alignment with the position of neighbouring boundary treatment and to be of the same appearance. Therefore, the proposal for boundary treatment at 46 Inglewood Avenue can be concluded to be a continuation of that established at the neighbouring property.

Impact on Significant:

For the reasons outlined above the proposed scheme is concluded to have no negative impact upon the visual amenity of the Edgerton Conservation Area with the proposed features harmonising appropriately with the existing appearance of the host dwelling as well as with features previously established within the streetscene of Inglewood Avenue.

Upon consultation with KC Conservation and Design it was further confirmed that the proposed developments pose no detriment to the significance of the Edgerton Conservation Area with the host dwelling itself and the proposed developments set at a lower level than the main Halifax Road in turn, meaning none of the developments including the proposed boundary treatments to the front will be visible in context with the Signiant elements of the conservation area.

For these reasons, it can be concluded that the proposed works will harmonise with the host dwellinghouse and existing features within its curtilage and be of a simple form that will not compete with the principal dwelling. Therefore, the proposed works at 46 Inglewood Avenue will 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 Local Plan and Chapters 12 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 impact of the development on each of the surrounding properties will be assessed in turn.

- 44 Inglewood Avenue – this property is located to the south east of the application site. It should first be acknowledged that, because the exterior of the garage will remain the same in terms of size and scale with no glazing proposed to the side elevation, it will have no impact upon the amenity of this neighbouring property. Furthermore, given the separation distance present, as well as the single storey nature of the proposed rear extension, no undue overbearing or overshadowing will be caused for the occupiers of 44 Inglewood Avenue as a result of its erection. In addition, it should be acknowledged that at present, a conservatory similar in size and scale is erected in the same place, this is considered acceptable from a residential amenity perspective. In addition, the extension will actually reduce the extent of overlooking compared to the existing conservatory with no glazing proposed to face this neighbouring property, eliminating overlooking and causing no impact to neighbouring privacy. The boundary treatments in place

along the side elevation between these neighbouring properties will also work to mitigate any potential impacts from development to the rear of 46 Inglewood Avenue. This boundary treatment is in the form of tall wooden fencing.
The erection of boundary walls and gates to the front elevation of 46 Inglewood Avenue will have no impact upon this neighbouring property in terms of overbearing, overshadowing or neighbouring privacy given the principle of development itself and it's location of erection. It should also be acknowledged that this neighbouring property has a very similar style of boundary treatment erected to the front elevation, this is considered to be acceptable from a visual amenity perspective.

- 48 Inglewood Avenue - this property is located to the north of the application site. It should first be acknowledged that, because the exterior of the garage will remain the same in terms of size and scale with no glazing proposed to the side elevation, it will have no impact upon the amenity of this neighbouring property. The proposed rear extension is to be constructed on the side of the host property furthest from this neighbouring property and therefore, in conjunction with the single storey nature and separation distance between the properties, no undue overbearing or overshadowing will be caused for the occupiers of 48 Inglewood Avenue. In addition, despite glazing proposed on the side elevation facing this neighbouring property no detriment will be caused in terms of neighbouring privacy because the boundary treatments currently erected, in the form of tall wooden fencing, will completely mitigate any potential of overlooking.
  The erection of boundary walls and gates to the front elevation of 46 Inglewood Avenue will have no impact upon this neighbouring property in terms of overbearing, overshadowing or neighbouring privacy given the principle of development itself and its location of erection.

- *Corby*, Inglewood Avenue – this property is located to the east of the application site. All of the developments proposed to the front elevation of 46 Inglewood Avenue will have no impact upon this neighbouring property because it overlooks the rear of the site only. However, the proposed rear extension will also have no impact in terms of overbearing, overshadowing or neighbouring privacy for the occupiers of Corby given the single storey nature of the extension itself, the separation distance present between these two neighbouring properties and boundary treatment to the rear boundary of curtilage in the form of dense landscaping, including the presence of tall trees.

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. Impact on Highway Safety:

It has been acknowledged that none of the proposed alterations to the dwellinghouse will be likely to increase domestic use of the dwelling however,

it has been noted that the alterations to the garage may cause alteration to existing parking arrangements on site. Despite this, it is considered that, given the extensive size of the driveway to the front elevation of the property, a sufficient amount of parking is retained at the property. In addition, the erection of gates to the top of the driveway is not considered to cause detriment as upon opening, they do not alter existing access to and from the property in conjunction with the adjoining highway. Adequate visibility will be maintained.

4. **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 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, stone is proposed to be used, 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:**

The wall would detract from the open street scene
Response: New boundary treatments have been constructed elsewhere within the streetscene.. The proposed boundary treatment at 46 Inglewood Avenue will harmonise with this neighbouring feature, to be constructed in alignment with the position of neighbouring boundary treatment and to be of the same appearance. Whilst it is acknowledged the openness would be reduced it is not considered that a refusal can be substantiate.

6. **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: **2021/91661**
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 materials of the developments 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.

4. The boundary wall shall be constructed of natural stone to match the host building with black painted railings and thereafter retained.
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 risk coal area.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans – Grouped Plans and Elevations	Proposed Floor Plans, Elevations and Site Plan	-	22.4.21
Plans – Grouped Plans and Elevations	Existing Floor Plans, Elevations and Site Plan	-	22.4.21
Plans – Location Plan	Location Plan	-	22.4.21
Supp Info – Design and Access Statement	Design and Access Statement	-	22.4.21

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. No amendments were sought or submitted however, some negotiations took place with the applicant.

Report Dated: 4.6.21