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:	2021/62/93018/W
Site Address:	109, Annie Smith Way, Birkby, Huddersfield, HD2 2GB
Description:	Erection of conservatory to rear (within a Conservation Area)
Recommending Officer:	Tom Hunt

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: 21-Sep-2021

Officer Report

Site Description

2021/93018 – 109, Annie Smith Way, Birkby, Huddersfield, HD2 2GB

No. 63 is a three storey end-terraced property within a new build estate within Birkby Conservation Area. It is faced with stone to ground and second storey and a cream render to the third storey on the front, stone faced on side and rear and grey tile roof. Its glazing is white uPVC. It benefits from a rear garden which is bounded by grey 1.8m fencing. To the southeast garden boundary is a detached garage not owned by the occupant and a small outbuilding screening the garden from view from a small cluster of car parking spaces for local occupants. The dwelling retains its Permitted Development Rights. The site is on sloping ground level which has been levelled out partially at the rear garden.

The new build estate is uniform and designed to reflect the local characteristic housing form of the Birkby Conservation Area, with simple elevations and repetitive elements. It does not affect a Listed Building or the setting of.

Description of Proposal

Erection of conservatory to rear (within a Conservation Area)

It is proposed to have a single storey rear conservatory extension set away from the neighbouring boundary by 3.8m and a separation to the detached garage walls of 0.6m.

Its dimensions would be:

> 3.25m from rear x 5m width with a lean to roof ridge height measured at 4m and eaves at 3.05m from ground level on the southeast elevation and measured at 3.6 roof ridge height and eaves at 2.5m at the northwest elevation.

There would be openings to the rear only consisting of bifold or patio doors. Materials would be to match existing with coursed artificial stone for walls, and then be varied from the host in material with grey lightweight tiles and glazed sections to the roof and anthracite grey uPVC windows/door frames. No

description was marked on floor plans but the application indicates that it is to be used as a ‘conservatory’.

History of negotiations/amendments received

The case officer considered the application on review and the proposed did not require amendments to be acceptable.

Relevant Planning History

2005/95145 – Erection of 247 no. dwellings with garages, 44 no. apartments, change of use and alterations to convert existing building to 24 no. apartments, with associated parking, access, public open space, play areas and pedestrian routes (within a Conservation Area). Approved.

2005/95151 – Conservation Area Consent for Demolition of Industrial Engineering Works. Approved.

2006/95034 – Modified proposal for erection of residential development of 278 dwelling units (substitution of house types) and revised layout, conversion and extension of office block to 37 no. 1-2 bed apartments (within a Conservation Area). Approved.

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 expired on: 06/09/2021

A Site Notice was not deemed necessary as it is of small scale development within a new build housing estate with no impact on the Conservation Area or heritage assets.

No representations have been received.

Consultation Responses

No technical consultees necessary.

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 in the Birkby Conservation Area on the Kirklees Local Plan. It is within a Bat Alert Layer and in a Low Coal Risk area.

Kirklees Local Plan (LP):

- **LP 1 – Achieving sustainable development**
- **LP 2 – Place shaping**
- **LP21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 30 – Biodiversity**
- **LP 35 – Historic Environment**

Kirklees Council has adopted supplementary planning guidance on House Extensions and Alterations in June 2021. 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 of the host property and the wider street scene. This is considered in detail in the report below.

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, 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 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
2) Impact on visual amenity (including any heritage considerations)
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters – e.g. trees/ecology (e.g. bats)
6) Representations
7) Conclusion

1 – Principle of development:

The site is designated within Birkby Conservation Area. Policy LP35 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 the proposals maintain and reinforce local

distinctiveness and conserve the significance of designated and non-designated heritage assets.

Policy LP24 requires that the form, scale, layout and details of all development "respects and enhances the character of the townscape, heritage assets and landscape…"

In terms of national planning Policy Chapter 16 of the NPPF needs to be considered which in paragraph 193 states: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation…". Chapter 16 further details that an assessment has to be made in relation to the level of harm (if harm accrues) and that any harm must be outweighed by public benefit of the proposal.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act requires that the Local Planning Authority shall pay special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area in discharging its planning functions.

Impact on significance:
Paragraph 194 of the NPPF 2021 requires that applicants describe the significance of any heritage assets affected, including any contribution made by their setting with a level of detail proportionate to the asset's importance by consulting the historic environment record, using appropriate expertise where necessary and where there is known or potential archaeological interest, to 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 194. It identifies that the site is located within the Birkby Conservation Area and considers any potential impacts to be of no detrimental impact upon the Birkby Conservation Area.

In this case, it is considered that there may be potential to extend the property, but this would depend on its scale and impact on the Birkby Conservation Area (if any is deemed to occur), visual and residential amenity and all other material planning considerations. These will be considered next.

2 –Impact on visual amenity:

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 seeks to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity. It also requires extensions to be "subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details".
With respect to heritage, Policy LP35 of the Local Plan and Chapter 16 of the NPPF are relevant. Policy LP35 states "development proposals affecting a

designated heritage asset…should preserve or enhance the significance of the asset.
The proposed rear conservatory extension is considered appropriate from a visual amenity perspective, of a single-storey height, relatively small in size and scale and of a simple form which will not detract from the architectural style of the dwellinghouse or the wider estate and conservation area.
In addition, given the coursed stone walls of the extension and its development to the rear elevation of the dwelling heavily screened by both the detached garage/outbuilding, the proposed will have materials to match reducing any potential jarring impact from the presence of the development and helping to harmonise with the host dwelling. It should be acknowledged that the glazed framing would not match the host however when viewed against the conservatory appearance of a partially glazed roof and tucked away to the rear with no visual impact on the streetscene, this would be acceptable as a result.
The chosen lean-to roof style will further mitigate any undue bulking and massing from the development which in turn is set away from the nearest neighbouring boundary by 3.8m, meaning no obtrusiveness is caused to the neighbour. For all these reasons, the conservatory is not considered to lead to over-development to the side of the dwellinghouse and is considered appropriate from a visual amenity perspective.
In conclusion, the proposed extension will harmonise sufficiently with the 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 No. 109 would adhere to the aesthetic appearance of the surrounding area both spatially and visually and resultantly, adhering to the appearance of the Birkby Conservation Area and resu,ting in not harm or impact on its significance. This in turn would accord with Policies LP35 and LP24 of the Local Plan, 'House Extension and Alterations SPD' and Chapters 12 and 16 of the NPPF.
<u>3 – Impact on residential amenity</u>:

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 proposed extension and alterations are assessed upon whether they would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking and also in terms of its design, size and visual amenities. The closest property to be affected by the development is No. 107 (northwest). The proposal is screened by the bulk of the detached garage to the southeast and has a separation distance of 50 plus metres to the rear neighbour.

Considering impact to No. 107 and its blank side elevation, the single storey rear conservatory extension would be to the rear and south of the property with no facing windows, modest projection from the rear which would be further screened by the 1.8m boundary fence and its rear elevation's set

forward position, set away 3.8m from the mutual boundary and be set down from the host dwelling roof ridge line, on balance for these reasons the proposal would be acceptable offering no significant detrimental overbearing, overshadowing or overlooking impact.

4 – Impact on highway safety:

Turning to highway safety, Policies LP21 and 22 of the Local Plan have been considered along with the KC Highway Design guide. The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking. The proposed development would not adversely affect the existing parking spaces within the site, intensify use and therefore would not cause additional harm to highway safety.

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 limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.
Biodiversity
Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.
6 – Representations:

No representations have been 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: 2021/93018

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, and to accord Policy LP24 of the Kirklees Local Plan.

3. The external wall 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 Policy LP24 of the Kirklees Local Plan.

NOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). 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 – Location Plan	Location Plan	-	02/08/2021
Plans – Proposed Site/Block Layout	Site Plan	-	02/08/2021
Plans – Existing Floor Plans	Existing Floor Plan	-	02/08/2021
Plans – Existing Elevations	Existing Rear and Side Elevations	-	02/08/2021
Plans – Proposed Floor Plans	Proposed Floor Plan (without annotation)	-	02/08/2021
Plans – Proposed Elevations	Proposed Rear & Proposed Side Elevations	-	02/08/2021
Plans – Proposed Elevations	Proposed Side	-	02/08/2021
Supp Info – Conservation/Heritage Statement	Heritage Statement	-	02/08/2021

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. The case officer reviewed the proposal and the scheme was compliant with LP24 and 'House Extension and Alterations SPD'.

Report Dated: 20/09/2021