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:	2021/62/94140/W
Site Address:	49, Hall Lee Fold, Lindley, Huddersfield, HD3 3NX
Description:	Demolition of existing conservatory and erection of single storey rear extension (Within a Conservation Area)
Recommending Officer:	Laura Yeadon

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.

John Holmes

AUTHORISED OFFICER

Date: 22-Dec-2021

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f94140

Site Description

49 Hall Lee Fold is a large detached dwelling located on the fringe of an estate comprised of other detached properties which differ in design but are constructed from matching construction materials. The property is constructed from stone with a blue slate roof. To the front of the property is an attached single storey garage with the property itself being two storeys in height. To the rear is a lawned garden area where a single storey conservatory and associated decked area is located. The property is located within Edgerton Conservation Area.

Description of Proposal

Permission is sought for the demolition of the existing conservatory and the erection of a single storey extension.

The existing conservatory is constructed from stone and uPVC and projects 3.5 metres from the rear elevation of the property. The width is 7.5 metres and the overall height is 3.3 metres.

The proposed extension would be located on the same footprint as the existing conservatory and would have an overall height of 2.7 metres to the top of the flat roof. The extension would be constructed from stone and would have openings within the rear and side elevation facing into the garden area. The side elevation facing No. 47 would contain no openings.

The property had its permitted development rights removed by a condition upon planning consent for the dwelling (application 1990/02134). This condition restricts the construction of buildings or extensions under pd rights, the reason for the condition being in the interests of visual amenity.

History of negotiations/amendments received

None

Relevant Planning History

1988/02120 Outline application for residential development
Granted Conditionally

1988/02123 Conservation Area Consent for demolition of single storey teaching rooms, offices, garages

Consent Granted

1989/03313 Phase II Residential Development
Refused

1989/07252 Erection of 12 no. dwellings with garages
Refused – appeal withdrawn

1990/02134 Erection of 11 no. dwellings with garages
Conditional Full Permission

2014/90872 Work to Tree(s) within a Conservation Area
Granted

Representations

We are currently undertaking the legal 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.

Final publicity date expired – 10th December 2021 – no representations received

Parish Council – not applicable

Consultation Responses

None required

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 without notation on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity
- **LP 35** – 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 21st 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 2 – Achieving sustainable development
- 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

Supplementary Planning Documents

- House Extensions and Alterations Supplementary Planning Guidance

Kirklees Council has adopted supplementary planning guidance on house extensions which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity and the wider Conservation Area
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) Conclusion

<u>1 – Principle of development:</u>

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 National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

With specific regard to the House Extensions and Alterations SPD the key designs principles for consideration are:

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 9: Construction materials
- Key design principle 12: Natural environment

With specific regard to the proposed development the SPD states in terms of single storey rear extensions, these should:

- be in keeping with the scale and style of the original house;
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings);
- not exceed 4 metres in height;
- not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

In terms of single storey side extensions, these should:

- not extend more than two thirds of the width of the original house;
- not exceed a height of 4 metres; and
- be set back at least 500mm from the original building line to allow for a visual break.

These principles and the relevant design guidance of the House Extensions and Alterations SPD are taken into account within Sections 2 and 3 of this report. On the basis the proposal is considered acceptable in terms of its visual impact it is considered that the principle of the development is acceptable.

<u>2 – Impact on visual amenity and the wider Conservation Area</u>:

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character of appearance of Conservation Areas. This is echoed within policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

Paragraph 195 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset the Local Planning Authority should give great weight to the heritage asset's conservation irrespective of the level of harm.

LP35 of the Kirklees Local Plan 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 LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

A single storey extension is proposed on the rear elevation of the property and would replace the existing conservatory. The extension would be clearly subservient by virtue of being single storey in height and would have the same footprint as the existing conservatory. The extension would be constructed from stone to match the host dwelling and therefore, in terms of the size, scale and massing of the structure, this is considered to be acceptable so as not to result in an overdevelopment of the plot.

In terms of the impact on the Conservation Area, the dwelling is detached and it is not considered that the extension would cause unacceptable harm due to its location to the rear of the property and would not compete for prominence with existing structures. Policy LP35 requires proposals to maintain local distinctiveness and preserve the significance of the Conservation Area. It is considered that in this instance that the proposal is acceptable and would preserve the appearance of the Edgerton Conservation Area in accordance with Policies LP24 and LP35 of the Kirklees Local Plan.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable

impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

The proposed extension would be located on the same footprint as the existing conservatory and therefore, there is considered to be no significant increase in harm to residential amenity over and above the existing situation. Privacy would be further protected by the side elevation facing No. 47 not containing any openings. In addition, No. 47 is set on a higher ground level than the application site and also hosts a rear elevation conservatory close to the shared boundary. There is also existing screening in the form of a fence and hedge.

It is therefore considered that the proposal is acceptable in terms of residential amenity and would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD and policies within Chapter 12 of the NPPF.

4 – Impact on highway safety:

None

5 – Other matters:

Climate Change –

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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. No specific mitigation measures are required in this instance.

Biodiversity – the site is within the Bat Alert layer on the Council's GIS system. As the works would not interfere with the roof of the dwelling, it is not considered the proposal would have any implications on biodiversity.

6 – Representations:

None

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: 2021/94140

Officer Recommendation: Approve

Conditions

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 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 with Policies LP1, LP2, LP21, LP24, LP30 and LP35 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of the House Extensions and Alterations SPD and policies within chapters 2, 12, 14 and 16 of the National Planning Policy Framework.

3. The external walling materials of the extension hereby approved shall in all respects match those used in the construction of the existing building and be thereafter retained.
Reason: In the interests of visual amenity and the Edgerton Conservation Area and to accord with LP24 of the Kirklees Local Plan and advice within the

National Planning Policy Framework and Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	(EX)002 Rev: A		1st November 2021
Existing and proposed block plan	(20)002 Rev: A		1st November 2021
Existing elevations and floor plans	(EX)001 Rev: A		1st November 2021
Proposed elevations and floor plans	(20)001 Rev: A		1st November 2021
Heritage Statement			1st November 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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 14th December 2021

Coal – low