

**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:	2021/62/94178/W
Site Address:	70, Slades Road, Bolster Moor, Huddersfield, HD7 4JR
Description:	Enlargement of window opening to form external doors and alterations to external patio levels (Listed Building)
Recommending Officer:	Tom Hunt

DECISION – Full Conditional 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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 21-Jan-2022

Officer Report

Site Description

2021/94178 – 70, Slades Road, Bolster Moor, Huddersfield, HD7 4JR

70 Slades Road is an end of three terraced properties which is two storeys in height and constructed from stone. The property and attached dwellings are Grade II Listed Buildings and located within the allocated Green Belt. The terraced row is set back from the roadside by lawned gardens and the rear garden of the property wraps around the rear of the attached dwellings and down the side of No. 74. There are Tree Preservation Orders within the rear garden where 2 no. outbuildings are located. The property also hosts a two storey rear extension. Surrounding the site is sporadic built development and open fields.

It is otherwise not within a Conservation Area and not adjacent to a PROW. Permitted Development Rights are retained.

Description of Proposal

Enlargement of window opening to form external doors and alterations to external patio levels (Listed Building)

It is proposed to have a window to the southwest elevation, otherwise known as the rear elevation, to be replaced to be a glazed timber double door. This would have a painted finish like the existing windows and a stone lintel.

The existing patio is to be altered to be lowered by 150mm in ground level to include an approximate area of 7m by 6.7m of Indian stone flagged existing patio. There would be proposed retaining walls formed at 1/3 mass width of the height retained, or as appropriate, to be stone faced where externally exposed to match the dwellinghouse and to have drainage. Steps to the higher ground level lawned garden consisting of 5 equal risers of circa 224mm would be included within the area of works.

The alterations serve to facilitate garden access from the kitchen.

A section of existing high level patio is to be retained to minimise impact on an adjacent tree (which is not protected under a TPO).

History of negotiations/amendments received

The case officer considered the application on review and sought no amendments as it met LP policies on visual and residential amenity.

Relevant Planning History

2002/93054 Listed Building Consent for repositioning of soil pipe
Consent Granted

2005/92588 Erection of first floor extension, detached garage and rebuild
WC/store
Conditional Full Permission

2005/92589 Listed Building Consent for demolition of greenhouse and
WC/store and erection of first floor extension and detached garage and
WC/Store
Consent Granted

2005/94683 Listed Building Consent for erection of extension and
replacement windows
Consent Granted

2021/90590 Listed Building Consent for erection of two uplighters to front
Consent Granted
2021/90288 Erection of greenhouse (Listed Building)
Conditional Full Permission

2021/94179 Listed Building Consent for enlargement of window opening to
form external doors and alterations to external patio levels
Undetermined to date

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:
15/12/2021

Site Notice Expired: 10/12/2021

Publicity expired: 03/12/2021

Two representations have been received; a summary of the comments
received is set out below:

- Objection – the Listed Building has been altered too many times (x 2)
Officer Note: This will be addressed in the Listed Building Consent
and further in the assessment of this report.

Consultation Responses

No technical consultees required. Conservation & Design Officer response to
the Listed Building Consent application is set out within 2021/94178.

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 a Listed Building in the Green Belt on the Kirklees Local Plan. It is bordering a Bat Alert layer and is not within a Coal Risk Area,

Kirklees Local Plan (LP):

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 30 – Biodiversity & Geodiversity**
- **LP 33 – Trees**
- **LP 35 – Historic Environment**
- **LP 57 – The extension, alteration or replacement of existing buildings**

Kirklees Council has adopted its 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.

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 13 – Protecting Green Belt land
- 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
- 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:

Policy LP1 of the Kirklees Local Plan is also relevant 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.

The general principle of extending and making alterations to a property within the Green Belt are assessed against Policy LP57 of the Kirklees Local Plan and advice within Chapter 13 of the NPPF. The host property is listed and therefore in terms of general design and heritage, considerations in Policies LP24 and LP35 are relevant along with Chapters 12 and 16 of the NPPF and the House Extensions and Alterations SPD.

All other material planning considerations will also be assessed as part of the application.

Green Belt

The site is within the Green Belt and therefore the main issues are:

- Whether the proposal would be inappropriate development for the purposes of the NPPF and Kirklees Local Plan
- The effect of the proposal on the openness of the Green Belt, and on the character and appearance of the area
- If found to be inappropriate development, whether the harm by reason of inappropriateness is clearly outweighed by other considerations, so as to amount to the very special circumstances, so as to amount to the very special circumstances necessary to justify development

Is the development inappropriate in the Green Belt?

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt, the most relevant in this case being to assist in safeguarding the countryside from encroachment. Paragraph 148 of the NPPF states that inappropriate development should not be approved except in very special circumstances. Certain forms of development are exceptions to 'inappropriate development'. These are set out within paragraphs 149 and 150 of the NPPF.

The construction of new buildings is regarded as inappropriate development in the Green Belt. Within paragraph 149, one of the exceptions to this is the extension or alterations of a building providing that this does not result in disproportionate additions over and above the size of the original buildings. Paragraph 150 also allow engineering operation's provided they preserve openness and do not conflict with the purposes of including land within the Green Belt.

Policy LP57 supports para 149 of the NPPF by emphasising that previous extensions will be taken into account to assess the cumulative impact of development. It goes on to state that proposals should not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access.

Previously planning applications have permitted extensions under 2005/92588 and 2021/90288 which have been assessed regarding cumulative impact on the Green Belt and were found acceptable.

In terms of this particular application, the proposed works are for external openings to be widened and for alterations to patio levels.

A window to the southwest elevation otherwise known as the rear is to be replaced to be a glazed timber double door, further harmonised with the dwellinghouse with painted finish like the existing windows and a stone lintel. There is a two storey projection to its left which would aid in screening it from view and it is otherwise set within a rear garden with boundary screening to the flank and rear elevations further aiding in screening. This minor change is considered to be acceptable and would not impact on the Green Belt.

The patio works consist of an approximate area of 7m by 6.7m of Indian stone flagged existing patio to be lowered 150mm below house floor level. To enable this, proposed retaining walls would be formed at 1/3 mass width of the height retained, or as appropriate, to be stone faced where externally exposed to match the dwellinghouse and to have drainage. In addition it would have steps to the higher ground level lawned garden consisting of 5 equal risers of circa 224mm. This would facilitate garden access from the kitchen. A section of existing high level patio is to be retained to minimise impact on an adjacent tree.

Officers regard the alterations to therefore have no additional bulk or massing proposed and with the small scale changes in ground level to not contribute towards additional cumulative volume over and above what was considered to be the original building and not to add any further impact on openness with any new hardstanding. Whilst an engineering operation it is considered that it would not adversely impact on the openness at the site nor conflict with the purposes of including the land within the Green Belt.

It is considered that the alterations set out would not intrude visually unnecessarily aided by its rear garden position away from the highway, its garden boundary screening and the lowered ground level. The design and material palette is considered to be sensitive to its setting and would be a harmonious addition to the host dwelling which in this case is considered subservient in scale and design when assessed against Policy LP57 and advice within the NPPF.

There would be no discernible impact on the overall openness and character of the Green Belt. It would therefore comply with national Green Belt Policy and be appropriate development in the Green Belt.

It is therefore considered that the proposal is acceptable in terms of Policy LP57 of the Kirklees Local Plan and would not require very special circumstances to justify the development on its impact on the Green Belt.

Visual Amenity and Heritage

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”.

As stated above, the building is a Grade II Listed Building. Section 66 of the Planning (Listed Building & Conservation Areas) Act 1990 introduces a general duty in respect of listed buildings. In considering whether to grant planning permission for development which affects a listed building or its setting the Local Planning Authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. This is also reiterated within 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. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm”. The proposal has been assessed by the Conservation Officer to have minimal harm on an elevation of medium to low significance to the Listed Building with no objections raised. The listed description of the host property is set out below, and a detailed assessment of the impact on the listed building is set out in the allied application 2021/94179.

“Mid C19. Part of terrace of 3. Hammer dressed stone. Rusticated quoins. Pitched stone slate roof (part bitumen covered). Coped gables. Stone brackets. Two storeys. East elevation: symmetrical 3-bay facade: Ground floor: central doorway with large rusticated quoins and flat arched head with decorated key- stone. Two 2-light stone mullioned windows. First floor: two 2-light Stone mullioned windows; one central single light. West elevation: Ground floor: later lean-to extension. Two 2-light stone mullioned windows (mullions removed). First floor: one 4-light stone mullioned window (2 lights blocked). Later single light. Formerly a public house. Included for group value.”

The window alteration to a double door would be a minor alteration to the rear elevation of the Listed Building. Its primary historic elevation facing the highway would have its symmetry remain unaltered by the proposed. The West elevation was noted to have mullions to its windows removed at ground floor and to the first floor the mullions remain. The proposed is restricted to one recently fitted window to ground floor which had its mullion removed and it would have the width of the opening remain the same with the retention of lintel and jambs so the historic opening would remain visually evident. The glazed timber double door would be harmonised with its host with matching materials to the host and painted frame which would have no visual impact on the wider streetscene and be considered to be a subservient addition to the host property. It is to be conditioned as part of the listed building consent to have the doors set into the reveals and not flush with the external wall to retain the historic elevation’s depth of fenestration. To have the dressed stone to match the existing masonry which would ensure that there would be no

harmful modern construction trends or methods that would interfere with the historic integrity of the Listed Building.

The lowered patio ground level would visually reveal more of the historic elevation and have drainage built in its specifications which would have a public benefit to the listed building in managing drainage and lowering risk of damp ingress from the lawned garden.

The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policies LP24 and LP35 of the Local Plan, Policies in Chapter 12 and 16 of the NPPF and the 'House Extensions and Alterations SPD'.

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.*"

In addition, the adopted 'House Extension and Alterations SPD' is relevant concerning Principle 3 – Privacy, Principle 4 – Habitable rooms and side windows, Principle 5 – Overshadowing/loss of light, Principle 6 – Preventing overbearing impact, and Principle 17 – Access for all users.

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 properties to be affected by the development are No. 64 (northwest) and No. 72 (southeast).

No. 64

With regard to No. 64, the proposed would not add any additional bulk and would be screened by the two storey projection's bulk and massing to the northwest of the window, which would ensure that there would be no detrimental overbearing, overshadowing or overlooking impact.

The patio would be lowered reducing the ability of the occupants to overlook and in addition, the protected trees to the northwest boundary would aid in screening the developments from view which would ensure that there would be no detrimental overbearing, overshadowing or overlooking impact.

No. 72

Considering impact to No. 72, the rear elevation of the property is set back by approximately 0.5-0.6m from the rear elevation of No. 70, the window alterations would not be visible and would not add any additional bulk or massing, therefore the proposal would be a scheme that would ensure that there be no additional detrimental overbearing, overshadowing or overlooking impact.

The lowered patio levels of the existing is not expected to increase the height of a vantage point from the patio, the pre-existing relationship between the properties would not materially alter and aided by the set back position of No. 72's rear elevation and the ownership of the rear garden for No. 70's use, the proposed would not have any additional detrimental overbearing, overshadowing or overlooking impact.

4 – Impact on highway safety:

Turning to highway safety, Policies LP21 and 22 of the Local Plan and Principle 15 – Provision for parking and Principle 16 – Provision for waste storage of the adopted 'House Extension and Alterations SPD' 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, would not 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.

In addition, Principle 8 – Energy efficiency, Principle 9 – Construction materials, Principle 11 – Water retention, Principle 14 – Drainage and flood risk of the adopted 'House Extension and Alterations SPD' is relevant. Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development. The existing stone flags are to be reused as they would be relaid which would be of benefit in reducing the potential carbon emissions. It is acknowledged that the use of natural stone and timber for the new elements of the development would be materials with low embodied carbon, the glazed double doors would aid in daylighting to the southwest elevation of the property and lower energy usage for lighting. The inbuilt drainage measures of the patio would reduce any risk of water damage to the Listed Building from the proposed while retaining a sizable lawned garden area for natural drainage.

Biodiversity

Whilst considering Biodiversity, Principle 12 – Natural environment, Principle 13 – Vegetation and tree planting of the adopted 'House Extension and Alterations SPD' in conjunction with LP 30 and LP 33 of the Kirklees Local Plan is relevant.

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest with no disturbance to eaves and therefore considered unlikely that the proposals would have an impact on the bat population.

Trees

It is acknowledged that there are TPOs to the rear west boundary of the garden and approx. 7.5m to the south of the patio. The proposed lowered patio would have minimal excavation to attain a lowered level by 150mm on a pre-existing patio area where there is hardstanding. This is estimated to have been on site for 25 years based on the Heritage Statement and the earliest visual record within the 2000 Aerial maps show this to be present then. The section of patio adjacent to the tree and northwest of the patio is to remain unaltered which would aid in the tree's health. The lowered ground being on a pre-existing area of hardstanding would not disturb tree roots of either groups of trees being compressed and hardsurfaced, it is therefore considered that the minimal ground excavation on an area of pre-existing hardstanding would be of no detrimental impact to nearby TPOs.

6 – Representations:

Two representations had been received and, with the Conservation & Design Officer response, have been considered to have acceptable impact on the Listed Building while having some public benefit to it by way of improved drainage and sensitive use of materials harmonising in detail with the Listed Building.

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: 2021/94178

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 accord with Policies LP01, LP02, LP21, LP22 and LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14 & 17 of the Council's adopted House Extensions & Alterations Supplementary Planning Document, and Policies within Chapters 2, 12, 13, 14 and 16 of the National Planning Policy Framework

NOTE: The hereby approved planning permission should be read in conjunction with the decision on listed building consent 2021/94179.

NOTE: Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected and that that the works carried out is lawful.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans – Location Plan	Location Plan. Drawing No. 21/716/01. Revision: -.	-	08/11/2021
Plans – Existing Block/Site Plan	Existing Block Plan. Drawing No. 21/716/02. Revision: -.	-	08/11/2021
Plans - Grouped Plans and Elevations	Existing Partial Floor/Site Plan, Rear Elevation and Section. Drawing No. 21/716/03.	-	08/11/2021

Plan Type	Reference	Version	Date Received
	Revision: -.		
Plans - Grouped Plans and Elevations	Proposed Partial Floor/Site Plan & Rear Elevation. 21/716/04. Revision: -.	-	08/11/2021
Supp Info – Conservation/Heritage Statement	Heritage Impact Assessment. Job No. 21/716. Dated Sept 2021.	-	08/11/2021

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 considered the application on review and sought no amendments as it met Local Plan policies on visual and residential amenity.

Report Dated: 18/01/2022