

**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:	2022/62/91188/W
Site Address:	100, St John's Road, Birkby, Huddersfield, HD1 5EY
Description:	Erection of single and two storey side and two storey rear extensions to increase ground floor retail unit and HMO above (within a Conservation Area)
Recommending Officer:	Katie Chew

DECISION - Refuse

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Stuart Howden

AUTHORISED OFFICER

Date: 27th June 2022

Site Description

100 St John's Road, Birkby, Huddersfield, HD1 5EY

The application site comprises of a stone-built two-storey end terrace, previously in use as a retail unit (Grocers and General Store) and 2 bedroomed student accommodation. The property benefits from a rear yard area and 1 off-street parking space for the retail unit. There are a mix of uses within the area such as residential, retail, commercial and takeaways.

The site is located within Birkby Conservation Area, with Grade II Listed Buildings located approximately 40m away to the west. The site is within the designated Birkby Local Centre

Description of Proposal

The application seeks permission for erection of single and two storey side and two storey rear extensions to increase ground floor retail unit and HMO above (within a Conservation Area).

The proposals seek to provide a two-storey rear extension, this extension will replace a small single storey protrusion and provide a new bike store and kitchen/dining room for the HMO. The extension is to measure approximately 3.5m x 4.6m, with a ridge height of ~6.9m

The proposals also seek to create a flat roofed single storey side extension which would provide additional floorspace within the retail unit. This extension is to be curved in design and would measure approximately 5.2m x 4.3m, with a height of @3.2m.

Finally, a two-storey side extension is to be erected which will provide further space within the retail unit at ground floor level, and a third bedroom at first floor level. This would project off an existing gable and would be to the rear of the proposed single storey extension. The extension is to measure approximately 4.4m x 4.5m, with a ridge height to match the existing element of the building it is to extend off.

The proposed extensions are to be constructed from stone to match the host building and artificial blue slate roof tiles on pitched roofs.

History of negotiations/amendments received

No amendments were sought in this instance as the scheme was deemed to be wholly unacceptable upon submission.

Relevant Planning History

2006/92080 – Erection of illuminated fascia and projecting signs (within a Conservation Area) – Refused 25th August 2006.

Planning Enforcement

COMP/08/0405 – Sign on gable wall. No further action needed.

Representations

Final publicity date expires:

Site Notice – Expired 31st May 2022.

Press Notice – Expired 19th June 2022.

Neighbour Letters – Expired 9th June 2022.

No representations have been received to date.

Consultation Responses

KC Highways Development Management – Comments received 15th June 2022. No objections, although do raise concerns with regards to the proposed location of the bin store. This would be behind the proposed parking area and so would not be accessible for a collection crew, highway officers would therefore like to see a collection presentation point marked clearly on a drawing in an accessible place which would not obstruct the access to the parking/delivery space or the highways/footways for road safety reasons. Should planning approval be granted, this should be conditioned.

KC Environmental Health – Comments received 25th May 2022. No objections subject to conditions and informatives.

Officer note: Whilst it is acknowledged that ENVH officers recommended a condition be included to ensure Electric Vehicle Charging Points were provided at the site, given the nature of the proposals which seek to simply extend an existing residential and retail unit, within a sustainable location, whilst also retaining 1 car parking space it is not considered to necessary or reasonable to enforce this condition on this occasion.

KC Conservation & Design – Comments received 10th June 2022. Object to the proposals as they would not meet the requirements of Policy LP35 of the Local Plan or Policy 72 of the Planning (Listed Building and Conservation Areas) Act. There is no convincing or compelling justification for the proposed works which would have a negative impact to the character of the building and Conservation Area with the noted loss of the historic possibly late 19th early 20th century signage, which has a strong contributing factor of the building.

Parish/Town Council

N/A.

Local Ward Members

N/A.

Planning Policy Background

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) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

The application site is unallocated in the Kirklees Local Plan but is located within Birkby Local Centre and Birkby Conservation Area. The site is also located within a Bat Alert Area.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP7 – Efficient and Effective use of Land**
- **LP11 – Housing Mix and Affordable Housing**
- **LP13 – Town Centre Uses**
- **LP15 – Residential Use in Town Centres**
- **LP20 – Sustainable Travel**
- **LP21 – Highways and access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP30 – Biodiversity & Geodiversity**
- **LP35 – Historic Environment**
- **LP51 – Protection and Improvement of Local Air Quality**
- **LP52 – Protecting and Improvement of Environmental Quality**

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 7 – Ensuring the vitality of town centres
- Chapter 8 – Promoting healthy and safe communities

- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- 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

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- Housebuilders Design Guide SPD (2021)
- Waste Management Design Guide for New Developments (Version 5, October 2020)
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- National Design Guide
- Nationally Described Space Standards

Summary of Principal Planning Issues

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity and heritage assets
- 3) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 4) Impact on highway safety
- 5) Other matters
- 6) Conclusion

1 - Principle of Development:

Policy LP1 of the KLP 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 application site is located within Birkby Local Centre and currently provides both a retail and residential use.

Policy LP13 of the Kirklees Local Plan relates to town centre uses. The policy states that *‘main town centre uses which are appropriate in scale, help to retain an existing centre’s market share, and enhance the experience of those visiting the centre and the businesses which operate in that centre will be supported...Proposals that have a significant adverse impact on the vitality and viability of a centre, or compromise the role and function of a centre will not be supported. Centres shall provide a mix of uses to serve the local community, businesses and visitors to the district. The uses shall complement*

each another whilst retaining a strong retail core. Centres in Kirklees shall aim to provide a range of uses to support the daytime and evening economy’.

In this instance the proposals seek an extension to an existing retail store. This would enhance the experience of those visiting the centre and support the business. The proposals are not considered to compromise the role and function of the centre.

Policy LP15 of the Kirklees Local Plan relates to residential use in town centres. Proposals for residential uses within the defined town centres as set out on the Policies Map will be supported subject to:

- a. the protection of primary shopping areas, primary and secondary shopping frontages, and space for other main town centre uses within the defined centre. Residential proposals in these areas shall normally only be permitted on upper floors, and shall not prejudice existing established uses;
- a. the protection of the character of the centre, and the local street scene. Proposals should retain and enhance the design and heritage features of buildings;
- b. the protection and retention of existing ground floor uses and active frontages both within and outside the primary shopping area,
- c. the protection of the amenity of existing residents and future occupiers of the proposed residential use in accordance with amenity and design policies within the plan, and will in particular consider matters such as privacy, noise and air quality;
- d. the provision of space for the storage of sustainable modes of transport such as bicycles, where appropriate charging points of electric vehicles, and access to public transport;
- e. the provision of space for vehicular parking which is appropriate to the scale of the proposal, particularly where it would otherwise cause highway and pedestrian safety concerns;
- f. provision of affordable housing in accordance with policies set out in the Local Plan; and
- g. the provision of refuse storage and collection

In respect to the proposed HMO, the site is within a sustainable location within Birkby Local Centre and close to public transport links, and is already used for residential purposes. The principle of development, in this respect, is considered to be acceptable subject to the assessment of material planning considerations.

2 - Impact on Visual Amenity and Heritage Assets:

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are also relevant. All the policies seek to achieve good quality design that retains a sense of local

identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24 states that all proposals should promote good design by ensuring the following:

‘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’.

Section 66 of the Planning (Listed Buildings & Conservation Areas) Act (1990) states that for development which affects a listed building or its setting, 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 Planning (Listed Buildings & Conservation Areas) Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.

Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) Act (1990) are mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states that: *“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.”.*

Paragraph 199 of the NPPF 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...”*. This is further supported by paragraph 202 of the NPPF outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this weight should be weighed against the public benefits of the proposal.

Principle 2 of the Housebuilders Design Guide SPD highlights that new residential development would be expected to create a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.

Principle 15 states that the design of the roofline should relate well to site context. Further to this, Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the

character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

Whilst the extensions would not have a greater ridge than that of the host building, be slightly stepped back from the principal elevation facing St John's Road, and constructed from matching/similar materials, the extent of the extensions are considered to detract from the host property in respect to scale, form, massing and design.

In this instance the proposals seek to build out up to the western boundary, leaving minimal/no space between the extensions and the public highway, and only a limited amount of amenity space would be retained to the area. The side extensions, due to their scale and siting close to the highway of Blacker Road would be dominant and oppressive features from within the highway. Of note, other properties to the north east on Blacker Road are slightly set back from the highway boundary.

In addition, there would be a mixture of roof types including a pitched roof and a flat roof, with a mix of designs which include a curved single storey extension with stone parapet, and this would complicate the form and appearance of the building. This is considered to be incongruous in this location and detract from the host property, which is somewhat traditional in design.

For the above reasons, the proposal is not considered to represent a subservient addition and would result in a visually jarring overdevelopment of the site.

Moving on to the impact on the Birkby Conservation Area, the site located on a major crossroad of Wheathouse Road, Blacker Road and St John's Road. The building is therefore in a highly prominent location being on a prominent corner location. In addition, located some 40 metres to the west along Wheathouse Road are the Grade II 4 Wheathouse Road and Grade II 6 Wheathouse Road. The proposals are for a single storey side extension and large two storey rear extension. The submitted Supporting and Heritage Statement, while appreciating this is more minor development, does not provide much detail of assessment of the impacts of the proposed development.

However, that being said the listed buildings are considered to be located at a sufficient distance away from the application site to ensure that there are no concerns with regards to their setting or significance being impacted by the proposals.

Given the nature of the proposal the Council's Conservation & Design Officer was consulted, they state that the building has seen a degree of change over the years. To the main frontage there is evidence of loss and removal of an earlier shop front. To the side the boundary wall has seen the addition of a late 20th Century random wall which is set atop of the original boundary wall. To the rear, the wall is faced with hanging slates. This was a common

technique employed to provide some additional weather protection. The hanging slates have also been used as a means of advertising the use of the premises. The clearest sign states 'Chemist', however looking more closely there is evidence of earlier signs. This likely to have been a late 19th very early 20th Century addition. While the slates at the base of the elevation are fallen or in poor state, this does form a critical part of the character of the property and a part of the character of the area, with the historic signage being clear visible with immediate views and views looking along Blacker Road toward the building. This appears to be one of the few surviving examples in the area. Thus, the building makes a positive contribution to the significance of the Conservation Area.

The Conservation Officer does not support the proposals, which would see substantial development (as outlined above) which would also see the loss of historic signage to the rear elevation, which as noted is a key part of the character of the building and area, a rare surviving example in the area. The development while making use of the similar materials does not consider the overall impacts to a key corner plot location. The proposal is considered to cause less than substantial harm to the significance of the Conservation Area. There is no convincing or compelling justification for the proposed works which would have a negative impact to the character of the building and Conservation Area with the noted loss of the historic possibly late 19th early 20th Century signage, which has a strong contributing factor of the building.

Officer's also note that no evidence has been provided by the applicant to demonstrate how the proposals would provide public benefits to outweigh the less than substantial harm caused to the Conservation Area, therefore it is concluded that the requirements of Policy LP35 of the Kirklees Local Plan and Paragraph 202 of the NPPF have not been met on this occasion.

For the reasons outlined above, the proposed extensions, by reason of their siting, scale, massing, form and design would fail to represent a subservient addition to the host property and would fail to be in keeping with its scale and detailing. The proposals would introduce an unsympathetic, incongruous and dominant form of development within the Birkby Conservation Area. The proposed alterations would also lead to the loss of historic signage which is deemed to play a key part of the character of this building, with no convincing justification provided for the proposed works. The proposals are therefore considered to harm the visual amenity of the area and cause less than substantial harm to the significance of Birkby Conservation Area. There are considered to be no public benefits that outweigh such harm. The proposal would therefore be contrary to Policies LP1, LP2, LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework, Policy 72 of the Planning (Listed Building and Conservation Areas) Act and Principles 2 and 15 of the Council's adopted Housebuilders Design Guide SPD.

3 - Impact on Residential Amenity:

Sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should:

“maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers’.

Further to this, paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future occupiers.

Principle 6 of the Housebuilders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

Impact on nos. 147-151 St Johns Road

These neighbouring properties are located to the south of the application site, approximately 22m away. Given this large separation distance and the orientation to the south, there are no concerns with regards to overshadowing or overlooking. The proposals would also be viewed within the context of the site adjacent to other two storey buildings and therefore it is in officer's opinion that the scheme would not appear overbearing or overly dominant in this instance.

Impact on no. 65 Blacker Road

This neighbouring property is located to the north-east of the application site. Whilst it is noted that windows are proposed within the north-east elevation of the kitchen/dining and bedroom 3, these windows would be at first floor level and would not have any direct views into any first-floor habitable windows at no. 65. Whilst, there is a ground window at No.65 facing towards the site, given the height difference between the window, there are therefore no significant concerns in respect of loss of privacy.

In addition, given the separation distance and access road located between both properties, any overshadowing arising from the proposals would mainly fall within the application site or across the adjacent access road, there are therefore also no concerns with regards to overshadowing in this instance.

In respect to the scale and size of the proposed extensions, the proposals will add some additional bulk and massing to no. 100. However, given the separation distance, location of the window and that the proposals would be viewed against the existing two storey buildings, it is considered that the proposals would not appear unduly overbearing or overly dominant on this window and that it would not be detrimentally impacted by either loss of outlook or light as views would still be available out onto Blacker Road, with sunlight available in the early/mid-morning and late afternoon/evening.

Impact on nos. 62-70a Blacker Road

These neighbouring properties are located to the west of the application site on the opposite side of Blacker Road. Whilst windows are proposed within the western elevation of the kitchen/dining room, bike store and retail unit, there would be around 20 metres separation distance from the kitchen/dining room and bike store and around 15m from the retail unit, as similar relationships exist within the immediate area and that 2 of the windows would not relate to habitable rooms, there are no concerns in regards to overlooking or loss of privacy. In addition, given the large separation distance the proposals are not considered to appear overbearing on these neighbouring properties, or that any significant overshadowing would occur that would impact on their residential amenity.

Impact on no. 98 St Johns Road

This neighbouring property adjoins the application site to the east and is most likely to be impacted by the proposed two-storey rear extension. As no windows are proposed within the eastern elevation of the extension there are no significant concerns in relation to overlooking or the loss of privacy. The proposed extension would however be constructed adjacent to a rear bathroom window at no. 98. Whilst this window is not shown within any of the submitted plans, it is obscurely glazed and serves a non-habitable room, therefore the loss of light to this window and the overshadowing and over-domination of this window is considered acceptable, although somewhat unfortunate, especially when considering the 'tunnelling' effect the extension would create.

Amenity of future occupiers of the proposed dwelling

Principle 17 of the Council's adopted Housebuilders Design Guide SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

In this instance part of the rear and side yard area would be lost to extensions and bin storage areas. However, it is noted that this area was already small in size and was not readily useable for recreation as it was used by the downstairs retail unit. This area will continue to be for the storage and management of waste for both the retail unit and any future occupiers of the proposed dwelling.

Consideration must also be given to the amenity of future residents of the proposed HMO. Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the 'Nationally Described Space Standards' document (March 2015).

Within the Nationally Described Space Standards it is outlined that a 3 bedroomed single storey dwelling should provide a minimum gross internal floorspace of 74sqm. This would be for 2 single bedrooms and 1 double bedroom. For 3 double bedrooms the minimum gross internal floorspace should be at least 95sqm. The proposed dwelling measures around 82sqm and therefore would be suitable for 2 single and 1 double bedrooms. It is also

noted that all habitable rooms have access to at least 1 window and therefore future occupiers would have a satisfactory amount of natural light and outlook.

Finally, as the application site is located within Birkby Local Centre and on the corner of a crossroads for several roads the Council's Environmental Health team raised concerns in respect to the ventilation of the rooms above the retail premises. This is due to these windows needing to be kept closed to prevent excessive noise levels. A pre-occupation condition was therefore recommended to ensure that a ventilation scheme was submitted to show how habitable rooms of the first-floor apartment would be provided with sufficient ventilation without the need to open windows.

In conclusion, there are no immediate concerns with regards to the amenity of the future occupiers of the proposed dwelling (subject to mitigation measures - in the form of a ventilation scheme).

4 - Impact on Highway Safety:

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Principle 12 of the Housebuilders Design Guide sets out, amongst other things, that parking to serve dwellings should not dominate streets and should be to the side / rear.

Principle 19 of the Housebuilders Design Guide states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

It is noted that 1 off-street parking space is to be retained for the extended retail unit, with no off-street parking provided for the HMO. However, a bike store is to be provided to the rear and given the application sites location within Birkby Local Centre, which is deemed to be a sustainable location with good public transport links there are no concerns in respect to highway safety in this instance.

In respect to visibility at the site, the proposals are located on a corner of a signalised junction. Highways officers raised no concerns as the proposed parking space appears to be set back sufficiently as to pose no issues with visibility.

A bin store is shown on the submitted plans to the rear of the site. Highways officers raise concerns with this proposed location as it would be set behind the proposed parking area and so would not be accessible for a collection crew. Highway officers would therefore like to see a collection presentation

point marked clearly on a drawing in an accessible place which would not obstruct the access to the parking/delivery space or the highways/footways for road safety reasons. Should planning permission be granted, this could be secured via a condition.

For the aforementioned reasons it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, Principles 12 and 19 of the Housebuilders Design Guide SPD and the guidance contained within the National Planning Policy Framework.

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.

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.

In this case it is considered that the proposed development would have an acceptable impact on climate change as the new dwelling would be constructed to modern building standards. The proposals are therefore considered to comply with Policy LP51 of the Kirklees Local Plan, Principle 18 of the Housebuilders Design Guide SPD and Chapter 14 of the National Planning Policy Framework.

Biodiversity

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers. Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Whilst it is acknowledged that the application site is located within a Bat Alert Area, given the nature and scale of the proposals and that the host dwelling appears to be well sealed to the eaves it is unlikely that roosting bats will be found during construction works on site. However, should planning permission be granted it is recommended that an informative is included which provides information for the applicant should roosting bats be found during construction works.

In accordance with Policy LP30 of the Kirklees Local Plan a condition is recommended should planning permission be granted that 1 bat roosting feature be incorporated into the new walling on the north (rear) elevation at least 3 metres above ground and not directly above windows or doors. This bat roosting feature shall be installed during the period of construction and retained thereafter in the interests of creating a biodiversity net gain.

6 - 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 proposed development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation: Refuse.

Decision Authorisation - Delegated Powers

Application Number: 2022/91188

Officer Recommendation: Refuse.

Reason(s) for Refusal:

1. The proposed extensions, by virtue of their overall massing and scale, form and design would fail to represent a subservient addition to the host property or be in keeping with the host building in terms of its form, scale and design. The proposal would introduce an unsympathetic, incongruous, complicated and dominant form of development, in a prominent location within Birkby Conservation Area. In addition, the proposal, in relation to the plot size and taking into account its relationship with surrounding development, would represent a cramped form of development constituting an overdevelopment of the site. Further to this, the proposal would see the loss of historic signage to the rear elevation, which makes a positive contribution to the significance of the Birkby Conservation Area. The proposal would therefore cause detrimental harm to the visual amenities of the locality and less than substantial harm to the significance of the Birkby Conservation Area. There are no public benefits which outweigh the less than substantial harm identified to the Birkby Conservation Area. The proposal is therefore contrary to Policies LP1, LP2, LP24, and LP35 of the Kirklees Local Plan, Policy 72 of the Planning (Listed Building and Conservation Areas) Act 1990, Key Design Principles 2 and 16 of the Council's adopted Housebuilders Design Guide SPD and Chapters 12 and 16 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Block Plan at a scale of 1:1250	-	-	25 th April 2022
Location Plan at a scale of 1:1250	-	-	5 th April 2022
Existing Plans & Elevations	2210 01	-	5 th April 2022
Proposed Plans & Elevations	2210 02	-	5 th April 2022
Proposed Roof and Block Plan	2210 04	-	27 th April 2022
Supporting and Heritage Statement by Northern Design Partnership dated March 2022	-	-	5 th April 2022

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 preapplication 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 in this instance as the proposal was deemed to be wholly unacceptable upon submission.

Report Dated: 22/06/2022