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Planning Development

Planning Supporting Statement: Abbey Cottage, Abbey Road, Shepley

Background

This application seeks (a) retrospective planning permission for the substantial repair works to Abbey Cottage; and (b) planning permission for the conversion of the building to form residential annexe accommodation in association with Abbey Farm, 173 Abbey Road, Shepley, Huddersfield, HD8 8DY.

Abbey Cottage was partially re-built in 2015 (works completed in August 2015). The partial collapse of the roof had led to water ingress to the adjoining occupied dwelling at 177 Abbey Road. The builders appointed to carry out this work also identified that two of the supporting walls were unsafe and needed to be re-built. At that time, the applicant was advised by said builders that because it was considered that the re-build constituted 'repairs', no planning permission was required.

The footprint of the building remains unchanged, however the roof pitch is slightly higher and additional window apertures have been added to the side elevation. As such, the applicant was recently advised that planning permission would most likely have been required. This prompted the applicant to seek to regularise the situation through a Certificate of Lawfulness application (as the works had been completed more than four years ago).

Unfortunately, the application was refused on the grounds that, *'on the balance of probability the applicant has not satisfied the Local Planning Authority that the building operations to Abbey Cottage, Abbey Road, Shepley, Huddersfield, comprising the partial re-building of the existing building, have been substantially completed for the period in excess of 4 years.'*

Whilst there is disagreement regarding the interpretation of relevant case law in this matter, because of the time constraints relating to the care of the applicant's elderly mother, there is insufficient time to appeal this decision.

The applicant is therefore now seeking to have the building works approved retrospectively through this planning application ¹ and is, in addition, applying for the conversion of the building to form residential annexe accommodation in association with Abbey Farm, 173 Abbey Road.

¹ On a without prejudice basis based on our views of the merits of the Certificate of Lawfulness application

Site Description

The property known as Abbey Cottage is a two-storey building constructed of natural stone with a pitched tiled roof. The building is joined to a stone built barn on the south-western elevation and a part single storey / part two storey stone built cottage known as 177 Abbey Road (Dairy Cottage) on the northern elevation. The front elevation of Abbey Cottage faces the front elevation of No. 173 Abbey Road (the host property) between which is a gravelled hardstanding area.

The property is currently vacant since its repair in 2015. The gable end remains unchanged. Four additional window openings have been made to the side elevation at first floor level. At ground floor level and additional window opening has been added and a door opening removed, but no glazing or doors exist as can be seen on the photo below. Access to the property is via an existing shared access from Abbey Road (A629). The building is located within a predominantly residential area in the village of Shepley.



Front/South Elevation of Abbey Cottage (Photo August 2015)

Planning History

2022/91079 – Certificate of Lawfulness for existing building operations comprising the partial re-building of an existing building – Refused

99/90130 – Erection of single extension - Approved

97/90320 – Demolition of outbuildings and outline application for erection of detached double garage – Approved

93/04345 – Demolition of outbuildings and outline application for the erection of detached double garage to serve 173/175 Abbey Road South - Approved

Policy Designation

The application site is on land which is unallocated on the Kirklees Local Plan Policies Map.

Personal Statement

The application is accompanied by a personal statement from the applicant. In summary, this details the following:

- The history of Abbey Cottage and its ownership.
- The works that took place in 2015.
- Details of the applicant's personal situation with regard to their elderly mother, and the need for the proposals in connection with providing closer care.

The Proposals

This application seeks planning permission for the substantial repair of Abbey Cottage, and the conversion of the building to form residential annexe accommodation in association with Abbey Farm, 173 Abbey Road, Shepley, Huddersfield, HD8 8DY (part retrospective).

The remedial and rebuilding works that took place during 2015 and which are now subject to this application included the following:

- removal of the roof tiles which were stored during the works and then re-used;
- removal of all of the roof spars and the installation of new ones along a new lead valley gutter
- repair of the end of roof truss;
- removal of the front wall (this stone was marked and stored and re-faced and then used in the re-construction of the wall);
- new and original window and door openings were constructed or re-constructed; and
- removal of the end gable wall as this too was considered unsafe (this wall was subsequently re-built by digging out new foundations and concrete footings).

The proposed works for the conversion of the building to annexe include the following:

- Glazing to be installed into window openings.
- External doors installed into door openings.
- Six rooflights to be installed, five on the roofs on the north-west elevation and one on the south-west elevation.
- An existing door opening on the north-west elevation to be filled in.
- Internal staircase to be constructed and partition walls and internal doors to be installed.
- Accommodation would comprise of kitchen, lounge, W.C. and boot room/utility room on the ground floor and master bedroom with ensuite bathroom, study/hobby room, carer/guest bedroom and bathroom on the first floor.
- Damp proofing/tanking of internal walls.
- New combined drainage to connect into existing combined private drainage system.

The proposed annexe would enable an elderly relative of the applicants to live within close proximity. The applicant would then be on hand to offer help and support, whilst enabling their relative to maintain a good level of independence. It should be noted that a stairlift is proposed which would enable the elderly relative to access the first floor.

Assessment of the proposals

Principle of development

A building has occupied the site in its current location for many years. The site is therefore considered to be brownfield (previously developed) land. Paragraph 120 in the NPPF states that,

‘Planning policies and decisions should: c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs; d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing.’

Local Plan Policy LP7 (Efficient and effective use of land and buildings) also states that,

‘To ensure the best use of land and buildings, proposals: a. should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value; b. should encourage the re-use or adaptation of vacant or under-used properties.’

The site is located within a predominantly residential area close to the local centre of Shepley where local services and amenities are widely available. The site is also within walking distance to local bus stops with regular buses running to and from Huddersfield and the surrounding areas. Furthermore, the site is considered to have very limited ecological value in its current condition.

The applicant’s elderly relative would occupy the proposed annexe if permission were granted. This would free up their current house for others to purchase and occupy, so in effect would add to housing supply.

The proposed development is therefore considered to be acceptable in principle and accords with relevant national and local policy. The following paragraphs will demonstrate the appropriateness of the development in relation to design and visual amenity, residential amenity, highways and ecology.

Design and Visual Amenity

Local Plan Policy LP24 (Design) states that, *‘Proposals should promote good design by ensuring: a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.’*

Paragraph 130 in the NPPF also states that, *‘Planning policies and decisions should ensure that developments: a) will function well and add to overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture; c) are sympathetic to local character and history, including the built environment and landscape setting; d) establish or maintain a strong sense of place.’*

The original building had natural stone external walls with natural slates on the pitched roof. The building also contained windows and doors on the south-west and north-east elevations.

With regard to form, scale, layout and details, the existing building remains largely similar in both character and appearance to what was there originally, albeit the building is marginally taller, and some of the window and door openings differ to what was there previously. All of the works were however carried out on the original footprint.

The materials on the building (natural stone walls and a natural slated roof) match the materials used on the original building. Many of the original materials have in fact been renovated and re-used. The gable end, previously rendered, has been re-rendered. This rendered finish has been undertaken in a sympathetic manner with the stone quoins and stone window surrounds remaining exposed. Window surrounds are proposed to be solid timber (Farrow & Ball Charleston Grey in colour) with the external doors to match.

The height of the building, being only slightly taller than the original building, is felt to be acceptable and does not make the building appear unduly prominent in the street scene. The new mullion-style windows installed on the property have stone surrounds which are also in keeping with the traditional nature of the building and many of the surrounding properties.

The proposed rooflights are small in scale. Other than one rooflight proposed on the front/south-west elevation, these would be located on the rear elevation of the building. As such, the rooflights would not detract from the building's traditional character and appearance. The single storey lean-to on the rear elevation was unaffected by the remedial works and therefore remains completely as original.

Prior to the remedial works to the cottage, the building was in a rather dilapidated and run-down condition. In our view, the proposed development has restored and enhanced the building, and it now makes a more positive contribution to the local built environment. The remedial works undertaken will help to ensure the building's future.

Given the above, the proposals are considered to be acceptable in relation to design and visual amenity and comply with Policy LP24 in the Local Plan, the aims of Chapter 12 in the NPPF and Principles 13, 14 and 15 in the Kirklees Housebuilders Design Guide SPD.

Residential Amenity

There are three residential properties within close proximity to Abbey Cottage. No. 173 Abbey Road (the applicant's property) is located south-east of Abbey Cottage. The front elevation of No. 173 is 8.6m away from the front/south-west elevation of Abbey Cottage. The proposed kitchen window, the proposed ensuite window and the window in the walk-in wardrobe would look towards the front elevation of No. 173 which contains living room windows and bathroom windows. The separation distance is however felt to be acceptable given that the respective windows are **obliquely angled**, together with the fact that the proposed annexe would be used as ancillary accommodation in association with No. 173 (and would not therefore be a separate independent dwelling house).

Directly adjoining Abbey Cottage on the north-west elevation is No. 177 Abbey Road. No windows are proposed on the north-west elevation of Abbey Cottage. Five new rooflights are proposed, but these would not create any overlooking into No. 177. The windows proposed on the north-east elevation would not overlook any neighbouring property.

With regard to the residential amenity for the new occupant, the building would provide an accessible home that would meet their changing needs in accordance with Building Regulations. The building would also provide a sufficient amount of internal floor space that complies with the Nationally Described Space Standards. A small garden area is also proposed adjacent to the north-east elevation to provide the occupant with an outdoor seating area. Given the elderly age of the intended occupant, this small outdoor amenity space is considered to be acceptable. They would also have access to the private outdoor amenity space of No. 173.

The proposed development is therefore felt to be acceptable in terms of residential amenity and is considered to comply with Policy LP24 (Design) in the Local Plan, paragraph 130 in the NPPF and Principles 6, 16 and 17 in the Kirklees Housebuilders Design Guide SPD.

Highways and Parking

The existing access to Abbey Cottage from Abbey Road is proposed to be used to access the development. Visibility at the site entrance/egress onto Abbey Road is reasonable in both directions. It is considered that the proposed annexe would not in any case generate significant volumes of traffic entering and exiting the access.

The Proposed Site Plan shows that there are five parking spaces available for No. 173 (a four bedroomed house) and the annexe. This equates to three parking spaces for No. 173 and two spaces for the annexe (although the intended occupant does not drive, these spaces could be used by carers / visitors). The parking provision is therefore felt to be acceptable. There is adequate turning available within the site to ensure that cars always exit in a forward gear.

The site is also within a sustainable location, adjacent to Abbey Road (A629), which has regular bus routes to and from Huddersfield and the surrounding areas, and close to other local facilities and services within Shepley.

The proposals are therefore considered to be acceptable from a highway's perspective and accord with Policies LP21 (Highways and access) and LP22 (Parking) in the Local Plan, paragraph 110 in the NPPF and accords with the guidance set out in the Kirklees Highway Design Guide SPD.

Ecology – Bats

The building has only recently been re-constructed and as such there are no gaps within the walls, roof or eaves that would allow bats to roost. Furthermore, the lack of windows and doors, together with the unfinished state of the building internally e.g. no finished floors or ceilings, do not provide the right thermal environment for bats to roost. It was therefore felt that a Bat Survey would not be necessary in this instance.

The proposed development is considered to be acceptable in relation to bats and complies with policy LP30 (Biodiversity and Geodiversity) and paragraph 174 in the NPPF.

Conclusion

This application seeks planning permission for the substantial repairs and re-build of Abbey Cottage and the conversion of the building to form residential annexe accommodation in association with Abbey Farm, 173 Abbey Road (part retrospective).

The applicant previously acted in good faith and genuinely did not realise that the substantial repairs and re-build of Abbey Cottage would require planning permission. Having been further advised, they now wish to regularise the building works through this planning permission. The proposed conversion of the Abbey Cottage to an annexe would enable the applicant's elderly relative to live within close proximity to the applicant for help and support, whilst maintaining a level of independence.

As discussed in the preceding paragraphs of this report, the proposals are considered to be acceptable in respect of design and visual amenity, residential amenity and highways and parking.

Finally, there is sufficient circumstantial evidence to conclude that the previous building was most likely a historic farm worker's cottage. As such, it is argued that the proposed residential use of this plot merely represents a continuation of this historic use.

It is therefore respectfully requested that planning permission is approved accordingly.

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