

**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:	2022/62/92461/E
Site Address:	Abbey Cottage, Abbey Road, Shepley, Huddersfield, HD8 8DY
Description:	Repairs and partial re-building and conversion of former farm cottage to create dwelling forming annex accommodation associated with Abbey Farm, 173 Abbey Road, Shepley, Huddersfield, HD8 8DY
Recommending Officer:	Alice Downham

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 27-SEP-2022

Officer Report

Site Description

Abbey Cottage, Abbey Road is a two-storey semi-detached building (former dwelling) located in Shepley. It is faced in stone and render, with a dual-pitched roof finished in slates. There is a single-storey lean-to element to the north-western elevation. Abbey Cottage shares a driveway with Abbey Farm, 173 Abbey Road.

The applicant property is located in a residential area. The surrounding properties are varied in terms of size, age, character, and construction materials. The site is not within a conservation area, nor are there any listed buildings or PROW within close proximity to the site.

Description of Proposal

The application is seeking permission for repairs and partial re-building and conversion of former farm cottage to create dwelling forming annex accommodation associated with Abbey Farm, 173 Abbey Road, Shepley, Huddersfield, HD8 8DY. For clarity, this application is retrospective.

It is noted that the submitted plans do not show Abbey Cottage prior to the repairs and partial re-building. From a previous application (2022/91079) and Google street view, it is apparent that these works resulted in the building having a higher overall and eaves height, alterations to the fenestration, and render to the northeast elevation.

As part of the conversion to a dwelling forming annex accommodation, further alterations are proposed, consisting of the insertion of rooflights into both roof slopes and the blocking up of an existing door.

The annex would have an open-plan kitchen-living-dining area to the ground floor and two bedrooms (one with walk-in wardrobe and en-suite), a house bathroom, and a study on the first floor. Two parking spaces would be provided.

History of negotiations/amendments received

No amendments were sought or received during consideration of the application.

Relevant Planning History

At the application site:

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

At neighbouring properties:

90/00766 – Erection of dormer bedroom/ensuite/kitchen/garage and porch extensions. Refused. (9 Bank Hall Grove).

90/03428 – Erection of extensions. Refused. (9 Bank Hall Grove).

93/04344 – Re-use and adaptation of part of existing barn to form 1 no dwelling and adaptation of remainder to form extension to existing cottage. Conditional full permission. (177 Abbey Road).

93/04345 – Demolition of outbuildings and outline application for the erection of detached double garage to serve no 173/175 Abbey Road South. Conditional outline permission. (173/175 Abbey Road South).

97/90320 – Demolition of outbuildings and outline application for erection of detached double garage. Conditional outline permission. (173/175 Abbey Road South).

98/92700 – Renewal of previous permission for re-use and adaptation of barn to form 1 dwelling and adaptation of remainder to form extension to existing cottage. Conditional full permission. (177 Abbey Road).

99/90130 – Erection of single storey extension. Conditional full permission. (173 Abbey Road).

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 6th September 2022.

As a result of the above publicity, two representations have been received: one in support and one general comment. The concerns raised in the general comment were as follows:

- Bats

Kirkburton Parish Council were consulted and had no comment on the application.

Officer comments will be made in section 6 of this report.

Consultation Responses

KC Highways Development Management – no objections subject to condition.

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 unallocated on the Kirklees Local Plan.

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. The National Planning Policy Framework 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 under other matters.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 28** – Drainage
- **LP 30** – Biodiversity & geodiversity
- **LP 51** – Protection and improvement of air quality
- **LP 52** – Protection and improvement of environmental quality

Supplementary Planning Guidance / Documents:

Kirklees Council has adopted Supplementary Planning Documents (SPDs) for guidance on house building, house extensions, and open space, to be used alongside existing, previously adopted SPDs. These carry full weight in decision making and are now being considered in the assessment of planning applications. The SPDs indicate 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 and the National Planning Policy Framework, requiring development to be considerate in terms of the character of the host property, street scene, and wider area. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development.

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)
- House Extensions and Alterations SPD (adopted 29th June 2021)

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 National Planning Policy Framework constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **Chapter 9** – Promoting sustainable transport
- **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

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conditions
- 7) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework. Policy LP24, together with the House Extensions and Alterations SPD, suggests that proposals should promote good design by ensuring *inter alia*

that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

2 – Impact on visual amenity:

Consideration in relation to the impact on the visual amenity of the host dwelling and street scene shall now be set out, taking into account Policy LP24 (a), which sets out that proposals should promote good design by ensuring *“the form, scale, layout and details of all development respects and enhances the character of the townscape”*; and LP24 (c), which sets out that proposals should promote good design by ensuring *“extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details”*.

With regard to the Council’s House Extensions and Alterations SPD, Key Design Principle 1 states that *“extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene.”* Key Design Principle 2 states that *“extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.”*

The increased roof height is considered acceptable as it appears to be a small scale alteration. The alterations to the fenestration are acceptable as the windows are in a style in keeping with the original building. The render to the northeast elevation is considered acceptable given that there is other render present in the street scene (167 & 169 Abbey Road). The proposed insertion of rooflights and blocking up of an existing door are also small scale alterations. There would be no increase in the footprint of the building as a result of the proposal. It is noted that the street scene has a varied character. Overall, the alterations to the existing building are considered not to have a significant impact on the visual amenity of the street scene or the original building

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 and the detailed guidance in the Council’s House Extensions and Alterations SPD, and the aims of Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account Policy LP24 (b), which sets out that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers.

With regard to the House Extensions and Alterations SPD, Key Design Principle 3 states that *“extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours.”* Key Design Principle 4 states that *“extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light, and outlook.”* Key Design Principle 5 states that *“extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.”* Key Design Principle 6 states that *“extensions and alterations should not unduly reduce the outlook from a neighbouring property.”* Key Design Principle 7 states that *“extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals.”*

Impact on 177 Abbey Road

This is the adjoining property to the west of the application site. This property is within the blue line boundary. There would be no increase in the footprint of Abbey Cottage as a result of the proposal. There would be no windows overlooking habitable room windows or primary amenity spaces at no.177. Therefore, officers considered that there would be no significant additional impacts on the residential amenity of 177 Abbey Road as a result of the proposal.

Impact on The Abbey, 171 Abbey Road

This is the adjacent property to the northeast of the application site. This property adjoins no.173. A separation distance of approximately 16m would be maintained to the proposed annex. There would be no increase in the footprint of Abbey Cottage as a result of the proposal. The windows in the north-eastern elevation would look over the amenity space at the front of this dwelling; however, this is not the primary amenity space at no.171 and so there would be no significant impact on privacy. Taking the above into account, officers considered that there would be no significant additional impacts on the residential amenity of 171 Abbey Road as a result of the proposal.

Impact on 8, 10 & 12 Lea Drive

These are the neighbouring properties to the southwest of the application site. There would be no significant impact on the amenities of 8, 10 & 12 Lea Drive, given the significant separation distance that would be maintained by

the rear gardens of the dwellings (at least 30m), and the screening effect provided by 177 Abbey Road.

Impact on Roche House, 4 Abbey Farm Drive

This is the neighbouring property to the front (southeast) of the application site. There would be no significant impact on the amenities of Roche House, 4 Abbey Farm Drive, given the separation distance that would be maintained by the parking area of Abbey Cottage and Abbey Farm and the garden of Roche House, 4 Abbey Farm Drive (approximately 53.5m).

Impact on 5, 7 & 9 Bank Hall Grove

These are the neighbouring properties to the rear (northwest) of the application site, on the opposite side of Abbey Road. There would be no significant overbearing or overshadowing impacts on the amenities of 5, 7 & 9 Bank Hall Grove, given the separation distance that would be maintained by the rear gardens of these neighbouring dwellings and the road in between (approximately 30m). Furthermore, there would be no windows in the rear elevation of the proposed annex (the elevation facing Abbey Road), so there would be no overlooking impact. Officers considered that there would be no significant additional impacts on the residential amenity of 5, 7 & 9 Bank Hall Grove as a result of the proposal.

After assessing the above factors, officers consider that this proposal would not result in any significant adverse impact upon the residential amenity of any inhabitants, future occupants, or neighbours, thereby complying with Policy LP24 of the Kirklees Local Plan, Key Design Principles 3, 4, 5, 6 and 7 and the detailed guidance in the Council's House Extensions and Alterations SPD, and Paragraph 130 (f) of the National Planning Policy Framework.

4 – Impact on highway safety:

This retrospective application seeks permission for alterations to a former dwelling to convert it to a 2-bedroom annex, ancillary to an existing four-bedroomed dwelling (Abbey Cottage, 173 Abbey Road). KC Highways Development Management were formally consulted. Their response highlights that, three off-street parking places are retained for the host dwelling, with two additional spaces for the annexe. As this application is for annex accommodation only, it seems unlikely that the servicing and delivery arrangements will change, and the off-street parking is maintained at an acceptable level. Highways DM has no wish to raise objection to this scheme but would need to re-assess the layout in detail should there be a future intention to separate the site into two entirely separate dwellings. A condition will be added to the decision notice regarding areas to be surfaced and drained.

Therefore, the scheme would not represent any additional harm in terms of highway safety and as such complies with Policies LP21 and LP22 of the Kirklees Local Plan, Key Design Principle 15 of the Council's House

Extensions and Alterations SPD, the guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

5 – Other matters:

Ecology

The site is located within a bat alert layer. After a visual assessment of the building by the officer, the building appeared to be in good order, well-sealed and unlikely to have any significant bat roost potential. Should planning permission be granted, it is recommended that an informative footnote be added to the decision notice to provide the applicant with advice should bats or evidence of bats be found during construction. This accords with the aims of Policy LP30 of the Kirklees Local Plan, Key Design Principle 12 of the Council's House Extensions and Alterations SPD, the Council's Biodiversity Net Gain Technical Advice Note, and Chapter 15 of the National Planning Policy Framework.

Use of the Annex

Should planning permission be granted, it is recommended that a condition be added to the decision notice restricting the annex accommodation from being sold/rented separately as an independent residential unit. This is to protect residential amenity and highway safety in accordance with the aims of Policies LP21, LP22 and LP24 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

Carbon Budget

The proposal is a small-scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which would need to be adhered to as part of the construction process which would require compliance with national standards. For this reason, the proposed development is considered to comply with Policies LP51 and LP52 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

There are no other matters considered relevant to the determination of this application.

6 – Representations:

Two representations have been received: one in support and one general comment. The concerns raised in the general comment were as follows:

- Bats
Officer comment: Ecology has been addressed in the “other matters” of this report.

7 – Conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions:

- Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.
- Areas to be surfaced and drained.
- Restricting the annex accommodation from being sold/rented separately as an independent residential unit.

Notes will also be added regarding bats, the recommended hours of work and notifying the applicant that neighbours do not have to grant access to their land.

8 – Conclusion:

This application at Abbey Cottage, Abbey Road, Shepley, Huddersfield, HD8 8DY for repairs and partial re-building and conversion of former farm cottage to create dwelling forming annex accommodation associated with Abbey Farm, 173 Abbey Road, Shepley, Huddersfield, HD8 8DY has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed development is considered acceptable.

The National Planning Policy Framework has introduced a presumption in favour of sustainable development. The policies set out in the National Planning Policy Framework taken as a whole constitute the Government's view of what sustainable development means in practice.

As set out above, 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: 2022/92461

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP28, LP30, LP51, and LP52 of the Kirklees Local Plan, the principles and guidance within the Council's House Extensions and Alterations SPD, the guidance within the Council's Highways Design Guide SPD and the aims of the National Planning Policy Framework.

3. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of amenity and highway safety, to ensure adequate space within the site for vehicle movements and parking that is appropriately drained, in accordance with the aims of Policies LP21, LP22, and LP28 of the Kirklees Local Plan, the Highways Design Guide SPD and the aims of the National Planning Policy Framework.

4. The residential annex accommodation hereby approved shall be used solely for purposes ancillary or incidental to the enjoyment of the existing dwellinghouse known as Abbey Farm, 173 Abbey Road, Shepley, Huddersfield, HD8 8DY, and shall at no time be sold, rented, or severed to be occupied as a separate independent dwelling unit.

Reason: To protect residential amenity and highway safety in accordance with Policies LP21, LP22 and LP24 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

NOTE: The property is within the Bat Alert Zone. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended). It is an offence for anyone to intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are

present or not. If bats are discovered on site, development shall cease, and the applicant is advised to contact Natural England for advice.

NOTE: Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays,
08.00 and 13.00 hours, Saturdays,
with no working Sundays or Public Holidays.

In some cases, different site-specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:

Plan Type	Reference	Web ID	Date Received
Location Plan	173AR-19-PL05 - Location Plan	943631	20/07/2022
Grouped Plans and Elevations	173AR-19-PL04 - Existing and Proposed Site Plans	943471	20/07/2022
Grouped Plans and Elevations	173AR-19-PL01 - Existing Floor Plans and Elevations	943468	20/07/2022
Grouped Plans and Elevations	173AR-19-PL02 - Proposed Floor Plans and Elevations	943470	20/07/2022
Grouped Plans and Elevations	173AR-19-PL03 - Existing and Proposed Sections and Specification	943469	20/07/2022

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 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 or received during consideration of the application.

Report Dated:

13/09/2022
