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:	**2022/62/94100/W**
Site Address:	The Sycamores, 12, Church Street, Golcar, Huddersfield, HD7 4AH
Description:	Demolition of existing garage and erection of detached garage, alterations to the access, boundary wall and erection of electronic gate.(within a Conservation Area)
Recommending Officer:	Tom Hunt

DECISION – Conditional Full Permission

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

Teresa Harlow

AUTHORISED OFFICER

Date: 18th December 2023

Officer Report

Site Description

2022/94100 – The Sycamores, 12, Church Street, Golcar, Huddersfield, HD7 4AH

The application site relates to a two-storey, semi-detached residential property on a corner plot. It is faced in natural stone and is roofed in slate. It has a front, side and substantial rear amenity space bounded by natural stone walls (the walls have stone copings to front/side and stone on-end coping to the rear of the outbuilding). Within the side/rear amenity space, there is a single-storey, historic outbuilding constructed of stone, brick and timber with corrugated roof. There is an existing timber double gate to the side boundary wall with stone gate posts (~3.1m width) adjacent to the outbuilding.

Properties in the area are of varying design and with the same material palette.

Description of Proposal

Demolition of existing garage and erection of detached garage, alterations to the access, boundary wall and erection of electronic gate (within a Conservation Area).

All figures are in metres and are approximate.

It is proposed to demolish a gable fronted, outbuilding with a footprint of 44sqm, overall height of 5.5m from ground and set against the side boundary wall. It has timber bifold doors to its front, a solid door to the side facing west over its rear garden and windows to the rear.

It is proposed to replace the outbuilding with the same design except that it would be constructed in regular coursed natural stone and to have artificial slate tile roof. The timber doors would be replaced by a garage door with stone lintel, the side elevation door topped with stone lintel and other window openings would have stone heads and cills.

It would have its parking area surfaced with a drained, root friendly, porous material.

It is proposed to relocate the opening further south, ~4.8m distance from the outbuilding, and to install a solid timber electric sliding gate 5m width finished with stone gate posts. The 4.8m section of the stone coursed wall would be rebuilt to the same natural stone coursing as existing with flat stone copings.

History of negotiations/amendments received

The proposal was reduced in scale and size in order to achieve a more satisfactory arrangement for the Conservation Area. Additional information on Trees were requested in order to make a full assessment of the likely impacts and the tree protection methods.

Relevant Planning History

No recent Planning applications on site.

There have been recent Tree works applications.

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, site notice and press publicity which expired on: 21/02/2023.

One representation have been received objecting to the proposal. A synopsis is as follows:

- Trees
- Overbearing, especially the size and position of the originally proposed garage
- Noise and disruption

Officer notes: these representations will be assessed within the Trees and Residential Amenity sections of the report as follows.

Amended plans were not readvertised as they had a reduction in the proposal's impact on the Conservation Area and Trees and did not have additional impacts on other planning material considerations.

Consultation Responses

- KC Trees – Support (discussed further in Trees section)

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 in Golcar Conservation Area with Grade II Listed Buildings nearby to its southeast on the Kirklees Local Plan. It is within a bat alert layer. It is within an indicative critical drainage area but otherwise in a low probability area for flooding.

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 27 – Flood risk**
- **LP 28 – Drainage**
- **LP 30 – Biodiversity & Geodiversity**
- **LP 33 – Trees**
- **LP 34 – Conserving and enhancing the water environment**
- **LP 35 – Historic environment**
- **LP 52 – Protection and improvement of environmental quality**

Supplementary Planning Guidance and other considerations

- Highways Design Guide SPD
- House Extensions and Alterations SPD (2021)
- Waste Management Design Guide for New Developments (Oct 2020, v.5)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)
- Planning (Listed Building & Conservation Areas) Act (1990)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 05th September 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- 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

Assessment

The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity and heritage amenity
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters – e.g., trees/ecology
6) Representations
7) Conclusion

1 – Principle of development:

1.1 Sustainable Development
Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive and proactive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that "good design should be at the core of all proposals in the district".

Key Design Principles 1 and 2 of the House Extensions and Alterations SPD have been used as a guide in considering the proposal's visual amenity impact on the streetscene and host.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

1.2 – Heritage
The site is located within Golcar Conservation Area and 40m northwest of a Grade II Listed Building identified as Church of England School, Knowl Road (Historic England ref: 1276038). As such, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area. Section 66 of the Act sets out a duty for local planning authorities in considering whether to grant planning permission for development which affects a listed building or its setting, to 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.

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 *"development proposals affecting a designated heritage asset…should preserve or enhance the significance of the asset. In cases likely to result in…harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring…public benefits that clearly outweigh the harm".* This is mirrored in paragraph 202 in Chapter 16 of the NPPF.

An analysis of whether harm to the significance of these heritage assets would occur will be assessed and discussed later in the report.

<u>2 –Impact on visual amenity and heritage amenity</u>:
In terms of visual amenity and heritage amenity, general design considerations are set out in Policy LP02, LP24 and LP35 of the Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD, and Chapter 12 and 16 of the NPPF, which seeks to achieve good quality,

visually attractive, sustainable design to correspond with the scale of development in the local area, respecting and enhancing the character of the townscape, heritage assets and protect amenity. LP24 also requires extensions to be *"subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details"*.
Relevant to this is the Kirklees House Extensions and Alterations SPD 2021, which aims to ensure future development of extensions and alterations is of high-quality design.
Sections 5.29-5.30 of the SPD relate to outbuildings (page 33). The proposed design would replace an existing outbuilding with alterations in its construction material to be wholly natural stone to elevation with artificial stone slate tile. Visually this would be an improvement in materials removing the existing poor quality corrugated iron roof and its dimensions would otherwise be unaltered ensuring a neutral impact on the Conservation Area and the Listed Building. It would meet all parameters in the SPD for good design except being not being set back behind the building line of the original building at its flank elevation. As a replacement of a long standing outbuilding in the same position and significantly set back in the footprint, this is considered to have a neutral impact on the streetscene.
Alterations to the boundary wall would retain the stone boundary wall construction style as the boundary walls forward of the outbuilding with a wider opening to the side boundary wall. A sliding gate is proposed which would be in high quality solid timber with stone posts either side (as existing) and would not interfere with the highway through its opening design. The increase in porous hardsurface would be relatively modest finished in porous root friendly material largely screened by the 1.5m from ground boundary wall treatment ensuring that protected trees will not be detrimentally affected for visual amenity nor would lead to an excessive amount of hardsurface.
Officers propose the works would have a neutral impact on the Conservation Area aided by appropriate use of high-quality materials to an outbuilding and boundary wall with no increase in bulk and massing or footprint. As such, the proposal would not require public benefits to outweigh harm to the heritage assets in accordance with LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.
The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of Golcar Conservation Area, the Listed Building and would be acceptable and accord with Policies LP02, LP24 and LP35 of the Local Plan, the House Extensions and Alterations SPD, Chapters 12 and 16 of the NPPF and be compatible with Kirklees Council's duties under section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
<u>3 – Impact on residential amenity</u>:

Section B and C of Policy LP24 of the Kirklees Local Plan 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 2021 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Key Design Principles 3-6 of the Kirklees Householder Extensions and Alterations SPD aid the Officer in considering how to achieve high standards of residential amenity.

The amended proposal would have a neutral impact on neighbouring properties with no increase in additional bulk and massing and windows, it would therefore be acceptable for its use as a garage with no additional impacts on residential amenity for surrounding neighbouring properties.

In relation to noise and disruption, the minor scale of the expected development and time taken to carry out the works would not necessitate a specific condition controlling noise and disruption, as this would be satisfactorily controlled by existing Kirklees Council powers over noise and disruption. A footnote has been attached reminding the applicant of this in order to comply with LP52 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Future Occupiers

With reference to Key Design Principle 7 of the House Extensions and Alterations SPD, the proposal would still retain an adequate, outdoor private amenity space to the rear, available to future and present occupiers for excellent standards of privacy.

The proposal would therefore be in general conformance with no significant additional impacts when considering compliance with LP24b of the Kirklees Local Plan, the Key Design Principles relating to residential amenity of the House Extensions and Alterations SPD and Chapter 12 of the NPPF.

4 – Impact on highway safety:

Turning to highway safety, the proposal would have a neutral impact on parking in the garage still supplying an internal space of 5.7m deep and 4m wide which could meet the parking needs of modestly sized modern vehicles. The repositioning of the gate away from the outbuilding would serve to improve the intervisibility between pedestrians and vehicles users as the bulk and massing of the outbuilding would no longer screen road users approaching from the north. The increase in hardsurface would have visually been assessed compliant with paragraph 4.43 of the House Extensions and Alterations SPD; it would serve to allow an increase in parking off street of 1-2 vehicles depending on how they are parked on site which would be of aid to the narrow access road to the east of the site.

The proposal would require changes to the access within the adopted highway fronting the property which would need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over

footways and verges). A footnote has been attached to the permission with regard to obtaining approval of the construction specification for the safe functioning of the highway. Interference with the highway without such permission is an offence which could lead to prosecution.

As such, the proposal would have an improved relationship to highway safety and parking locally. It would comply with Policies LP21 and 22 of the Local Plan and Key Design Principles 15 –16 of the House Extensions and Alterations SPD, the KC Highway Design Guide SPD and Chapter 9 of the NPPF.

5 – Other matters:

Climate Change
When determining planning applications the Council will use the relevant Local Plan policies, the NPPF and guidance documents/SPDs to meet targets to achieve net zero carbon emissions. A Climate Change Statement has been supplied. Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.
Drainage
The site is within a low probability Flood Risk Zone and within an indicative critical drainage area, some additional hardsurface will be laid with a porous root friendly surface using a no-dig geocellular tree root protection system therefore subject to a condition ensuring this construction method is used, this would have no conflict with Policy LP27, LP28 and LP34 of the Kirklees Local Plan, Key Design Principle 14 of the House Extensions and Alterations SPD and Chapter 14 of the NPPF.
Biodiversity
Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals would replace an existing outbuilding of single-storey design for one that is similarly scaled with a well-sealed roof that the proposals would have a significant impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.
The small scale of the proposal would be limited partially on an existing hardsurface with no impacts to existing vegetation or biodiversity and no significant extension of this surface. As such, it is proposed that this would require no additional compensation or mitigation to improve biodiversity to make it acceptable in line with KDP 12-13 of the SPD, LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF.
Trees
The Officer requested formal consultations from the KC Trees Officer with regard to the site being constrained by trees that are protected by the Golcar Conservation Area and provisions in section 211 of the Town and Country Planning Act 1990 and the representation received. These provisions require people to notify the local planning authority, using a ‘section 211 notice’, 6

weeks before carrying out certain work on such trees, unless an exception applies.

Excavation, soil level changes, ground compaction and fires are all damaging practices to trees in close proximity, consideration must be given to protected trees to avoid potential prosecution.

Following the initial Objection from the Trees Officer, the Arboricultural Impact Assessment (AIA) Reference: AWA5589 now appears to have assessed the trees in relation to the proposed development. It is noted that the Sycamore identified in the AIA and Arb Method Statement (AMS) as T26 was subject to a 211 notice (2022/93556) as part of the history of the site.

The AMS Reference: AWA5589AMS should provide reasonable protection to the retained trees however it will require further detail/a final version to be fully acceptable. This can be satisfactorily controlled by condition on having a detailed final version of the report being submitted for the approval of the LPA and additional detail added to the condition on the proposed hardsurface using a No-dig geocellular tree root protection system being used. This would ensure that protected trees of significant amenity value within Golcar Conservation Area would be adequately protected in accordance with LP33 of the Kirklees Local Plan and Chapter 15 of the NPPF.

6 – Representations:

One representation had been received and considered within the above assessment against policies in the Kirklees Local Plan, the SPDs and the NPPF.

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

Application Number: 2022/94100

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, LP24, LP27, LP28, LP30, LP33 and LP35 and LP52 of the Kirklees Local Plan, Key Design Principles 1-17 of the Council's House Extensions & Alterations Supplementary Planning Document, and Policies within Chapters 2, 4, 12, 14 and 15 of the National Planning Policy Framework.

3. Before development to commence the hard surfaces and parking spaces hereby approved, notwithstanding the 'Arboricultural Method Statement to BS 5837:2012 by AWA Tree Consultants. Reference: AWA5589AMS. Dated: August 2023. Amended.', a detailed/final version of this report including, but not limited to, the details of the "no dig" geocell type construction within the Root Protection Area of T26 and for the porous hardsurfacing of the area hatched on the approved site plan, shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the details so approved and retained.
Reason: To ensure the continued health of significant amenity trees and to avoid adverse additional impact to the roots of the protected trees within Golcar Conservation Area, in the interests of highway safety and to mitigate

flood risk and to accord with Policies LP21, LP22, LP27, LP28, LP33 and LP34 of the Kirklees Local Plan and to accord with Key Design Principle 14 of the 'House Extensions and Alterations SPD' and Chapter 12 of the National Planning Policy Framework.

4. The external natural stone walls and artificial slate roofing materials of the single-storey outbuilding hereby approved shall in all respects match those used in the construction of the existing dwelling.
Reason: In the interests of visual amenity and to retain the significance of the Golcar Conservation Area and to accord with Policy LP02, LP24 and LP35 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and policies within Chapters 12 and 16 of the National Planning Policy Framework.

5. Before the hardsurface and parking spaces permitted are first brought into use, the construction of the new stone boundary wall section hereby permitted shall be entirely constructed using, as far as practicable, the natural stone and coping recovered from the existing boundary wall. Any new stone walling or coping required shall harmonise with the colour, facing and course depth of the existing coursed stonework and flat stone coping and be retained as such thereafter.

Reason: In the interests of visual amenity and historic amenity of Golcar Conservation Area and to accord with the aims of Policy LP24 and LP35 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations Supplementary Planning Document and Chapters 12 and 16 of the National Planning Policy Framework.

FOOTNOTE: 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.

FOOTNOTE: The changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

FOOTNOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the

Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

FOOTNOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It is an offence for anyone 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.

Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Location Plan.	Drawing No. 22_150	Unamended	09/01/2023
Existing Site Plan.	Drawing no. 22_150.0.	Unamended	09/01/2023
Existing Floor and Elevation Plans of the Outbuilding.	Drawing no. 22_150.5.	Amended.	24/08/2023
Existing and Proposed Boundary Wall and Gate Elevation Plans.	Drawing no. 22_150.4B.	Amended	15/12/2023
Proposed Site Plan.	Drawing no. 22_150.0.1D.	Amended.	24/08/2023
Proposed Floor and Elevation Plans of Outbuilding.	Drawing no. 22_150.6.	Amended.	24/08/2023
General	Artist Impression (of existing)	-	11/01/2023
Supp Info – Trees	Arboricultural Method Statement to BS 5837:2012 by AWA Tree Consultants. Reference: AWA5589AMS. Dated: August 2023.	Amended.	31/10/2023
Supp Info – Trees	Arboricultural Report & Impact Assessment to BS	Amended.	31/10/2023

Plan Type	Reference	Version	Date Received
	5837:2012 by AWA Tree Consultants. Ref: AWA5589. Dated 16th August 2023.		
Design and Access Statement (original proposal, for information only)	Design and Access Statement by Brunswick Architectural.	Unamended	09/01/2023

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 Officer entered negotiations to reduce the impact on Golcar Conservation Area and to trees of significant amenity within the site.

Report Dated: 18/12/2023