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:	**2023/62/91369/E**
Site Address:	44, Town Gate, Highburton, Huddersfield, HD8 0QP
Description:	Demolition of garage and side entrance and erection of replacement detached garage, single storey extension, raising of roof and external alterations (within a Conservation Area)
Recommending Officer:	Katie Wilson

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 18 October 2023

Officer Report – 2023/91369 – 44, Town Gate, Highburton, HD8 0QP

Site Description

44, Town Gate, Highburton is a detached bungalow on L-shaped footprint, thought to date from the 1930's or 40's. The walls are red/brown brickwork and it has a dual pitched and hipped roof surfaced in red tiles. It also has a flat roofed element to the eastern side for single garage, store, side entrance and pantry.

The bungalow is almost centrally placed withing generously sized plot of level land and accessed from driveway between houses that front onto Town Gate. As such it has a back land position behind a variety of houses that line the southern side of Town Gate, and there are several other properties in similar back land situations to either side and the local area.

The area is predominantly residential with a mixture of housing types and materials present. Those to the north, east and west, together with the application site are in Highburton Conservation Area. Properties immediately to the south are outside the conservation area. The property immediately to the west is a relatively recently extended single and two storey house, in contemporary design with rendered walls coloured off white and red tiled roof. Immediately to the east is a semi-detached dormer bungalow.

There is also a large tree near the rear of the garage at the application site. and it is subject to a Tree preservation Order (TPO).

Description of Proposal

Permission is sought for the Demolition of garage and side entrance and erection of replacement detached garage, single storey extension, raising of roof and external alterations (within a Conservation Area)

Demolition of garage and side entrance:

- This would reduce the width of main part of the footprint by approximately 4.0m to around 11.5m.

Erection of replacement garage:

- This would be located in the north western corner of the garden and at the front of the house.
- It would have a rectangular footprint approximately 3.5m wide x 8.5m deep.
- The roof would be dual pitched with 2.5m high eaves and 3.5m ridge height.
- Garage door in east elevation and two doors together with two windows in the south elevation. Blank on all the other elevations.
- The walls would be rendered and the roof tiled in blue slates.
- It would provide space for one car and a small store.

Single storey extension:

- This would project to the front of the main part of the building and replace existing element that projects to the front. The proposed new extension would be wider, project further and the ridge height would be higher.
- The proposed extension would have a rectangular footprint approximately 5.8m wide x 8.2m projection in northern direction to the front of the building.
- It would have a dual pitched roof 3.2m high eaves and 6.0m high ridge level and gable end.
- There would be windows to both side elevations and two conservation style roof lights in west facing roof slope
- The north and west facing walls would be rendered and coloured stone grey, the west facing wall would be natural stonework with stone heads, cills and quoins at the eastern corner. The roof would be blue slates with solar array to west facing roof slope.
- It would provide space for a bedroom with en-suite, a lounge and a corridor.

Raising the roof and other alterations:

- The eaves height of the roof over the main part of the house would be increased approximately 0.5m to around 3.3m and the hipped roof design replace with dual pitched and gable ends with ridge level increased approximately 1.2m to 6.7m.
- The walls would be rendered to both side gables and rear elevation, and roof surfaced in blue slate tiles with solar array to south facing roof slope.
- There would be full heigh glaze sliding doors to south western corner and separate set of sliding doors to south elevation, together with full height narrow windows to western elevation.
- It would provide space for kitchen, dining room, and entrance at ground level with two bedrooms, a bathroom and study within the enlarged roof space.
- There would be a smaller element to the eastern side with dual pitched roof and gable end. Eaves and ridge level approximately 300mm below the enlarged roof. No openings in the side facing gable end.
- It would provide space for a wc, utility and lobby.

History of negotiations/amendments received

Additional information in the form of a tree survey, an Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) by a qualified and experienced arboriculturalist. This is in order to try and demonstrate that the tree can be protected during the works and remain viable in the long term.

An arboricultural impact assessment ref WC-196.1a was submitted.

Relevant Planning History

2016/91624 – Tree notification Conservation Area. Crown thinning. Granted.
Planning application details | Kirklees Council

2022/93348 – Tree works application in a conservation area. Remove Sycamore tree. Refused. Appeal lodged but not yet determined.
Planning application details | Kirklees Council

Representations

We are currently undertaking the legal 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 advert in local paper.

Final publicity date expired 14th July 2023 – No representations received.

Kirkburton Parish Council were consulted and they replied, no comments

Consultation Responses

K C Trees – Concluded that there was no objection in principle, but required additional information to ensure the trees at the site could be protected. As such, took the position of a holding refusal. Additional information was submitted and as a result they were unable to support the proposal because of the impact it would have on a protected Sycamore tree at the back of the garage.

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 Proposals Map. However, the property is sited within the Highburton Conservation Area

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 predates 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.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP21 –** Highway safety and access
- **LP22 –** Parking
- **LP 24** – Design
- **LP33** - Trees
- **LP35** – Historic environment

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 21st July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

- Chapter 2 – Achieving sustainable development
- 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 the historic environment

Supplementary Planning Documents (SPD's)

- House Extensions and Alterations Supplementary Planning Document

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Assessment

The following matters are considered in the assessment below –

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

1 – Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). 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. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extension & Alteration SPD and Chapter 12 of the NPPF, regarding design. 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.

In this instance, the property is located within the Highburton Conservation Area which is a large village in a semi-rural setting. As such, consideration is to be given to the current proposals in terms of the relationship formed between the proposals and the Conservation Area with regards to policy LP35 of the Kirklees Local Plan and chapter 16 of the National Planning Policy Framework.

There is also a large tree that is subject to a TPO immediately to the rear of the garage. This is assessed in terms of the proposed developments impact upon it with regard to Policy LP33 of the KLP and chapter 16 of the NPPF.

Impact upon conservation area

The building is a 1930’s or 40’s brick bungalow located in relatively spacious grounds on land behind a variety of houses that line the southern side of Town Gate and as such it is not visible from public view. This back land type of development is a feature of the higgledy-piggledy pattern of development in

the area where there are a variety of residential buildings of various scale and in a number of different facing materials. There is also a leafy character to the area.

The proposed development would alter the appearance of the existing building, involving raising the eaves and ridge height and forming gable ends to accommodate a first floor within the enlarged roof. However, the existing bungalow is considered to be of no significant architectural merit with respect to its design, therefore this change in character is not considered significantly detrimental to the character of the conservation area. Rather it is considered that it could enhance the character of the area by updating and refreshing the existing building.

Approximately 7 years ago the appearance of the neighbouring property at 40, Town End was significantly changed with enlargement at roof level and gables and dormer windows, together with pale coloured rendering and feature windows. It is considered that the proposed alterations at the application site blend in those already at 40, Town End.

The proposed development would also introduce some natural stonework and detailing to the front elevation which reflects the more traditional buildings in the area and render proposed on other elevation is quite widely used elsewhere in the conservation area.

The proposed development is therefore considered to be acceptable in relation to heritage impact and considered to accord with the aims of Chapter 16 of the NPPF and Local Plan Policy LP35.

Impact on visual amenity:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

In this instance as described above the application site is located to the rear of properties on Town Gate and therefore has very limited impact upon the street-scene.

In terms of scale, the proposed alterations would enlarge the existing bungalow particularly at roof level where the ridge height would be increased and hipped roofs would be replaced by gable ends. Whilst this would be contrary to principle 2 of the house extensions SPD and part of policy LP24 of the KLP, in officer's opinion given that the associated garden is quite generously proportioned, and this would be largely retained with the enlarged

house, the scale of the proposed development could be considered acceptable.

Paragraph 5.24 of the House extensions SPD states that roofs are a prominent and visible element of the street-scene. Unsympathetic roof extensions and dormer windows can have a significant effect on visual appearance of both individual buildings and the streetscene. Poorly designed roof extensions can make a building appear top-heavy, cluttered and asymmetrical.

In this instance the footprint would be enlarged to the front and the eaves height also raised slightly. The resulting angle of pitch for the proposed new roof area would, in officers' opinion, not be too steep and the ridge level of the roof over the area projecting to the front would be slightly lower. Therefore it is considered that it would not appear too top heavy, cluttered or asymmetrical.

Paragraph 5.13 and 5.14 of the house extensions SPD give guidance for front extensions saying they can be highly prominent within the streetscene and can erode the character of the area. They will not normally be permitted unless they are well set back from the pavement or well screened; subservient to the original building and not harm the character of the host building or surrounding area; be made with matching materials; not unreasonably affect neighbouring properties.

In this instance as described before, the proposed development would be very well screened from the street-scene and whilst not subservient to the original building, the new design is considered acceptable and enhancing the existing character of the area. The new external materials would also be inkeeping with surrounding buildings.

The proposed detached garage and store would be forward of the front elevation of the enlarged house, but its scale is relatively modest and it would not be seen from public view. Furthermore it would have a simple design with matching external materials, and it would occupy less than 25% of the external amenity space around the enlarged building. This is considered compliant with design principle 7 of the house extensions SPD.

In summary, whilst the proposed development would not comply with all the points above, it is considered to have an acceptable impact upon visual amenity. The impact upon neighbouring properties is assessed below.

Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

The neighbouring properties most likely to be impacted by the proposed development are assessed below:

40, Town Gate: This is a relatively recently enlarger single and two storey retached house to the west of the application site. Its facing side elevation is single storey and largely blank except a doorway, and there would be a separation distance between the facing elevations of approximately 8.5m

In terms of overlooking, whilst there would be habitable room windows to dining room, lounge and bedroom in the facing elevation , they would all be at ground floor level. Given the separation distance and the largely blank facing wall it is considered that this impact would be limited.
Regarding overshadowing and overbearing, in view of the gap between the properties, it is considered that these impacts would also be limited.

50, Town Gate: This is a semi-detached bungalow to the east of the application site. It appears to have a window in its facing side elevation.

In terms of overlooking, there would be no openings in the proposed new gable end facing this neighbouring building. There would however be a bedroom window in the proposed front extension but this would be at ground level and approximately 10.0m from the mutual boundary with no direct relationship to the facing side elevation at 50, Town Gate. As such it is considered that this impact would be minimal.

Likewise due to the modest height of the proposed development and it would be at least 6.0m from the mutual boundary it is considered that it would have limited overshadowing or overbearing impact.

42, Town Gate – this is a single and two storey detached house to the north of the application site. Its rear elevation faces onto the front of the proposed enlarged building at the application site. However as there would be a gap of approximately 21.0m between the facing elevations it is considered that there would be no significant overshadowing, overbearing or overlooking impacts.
The proposed detached garage would in in the intervening space, but retain a separation distance of around 15.0m. Given this gap and that the proposed garage would be single storey and have no openings in its facing elevation, it is considered that its impact would also be minimal.

Other neighbouring properties would be either in excess of 21.0m from the proposed development or effectively screen by intervening buildings.

It is therefore considered that in terms of residential amenity, the development is acceptable and complies with policies 3, 4, 5 and 6 of the House Extensions and Alterations SPD, Policy LP24 of the Local Plan, and policies contained within chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principles 15 and 16 of the adopted House Extensions & Alterations SPD seek to ensure that acceptable levels of off street parking / waste storage areas are retained and are also considered to be relevant.

In terms of parking for the property, the enlarge building would have three bedroom and require at least two off street parking space. The proposed garage would provide one space, but there would be adequate space elsewhere within the site boundary to park another car and turn vehicles around to arrive and leave the site in a forward gear. Therefore, the proposal is acceptable in terms of parking provision, highway safety and complies with Policies LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of SPD.

In addition, whilst details of waste storage and collection are not shown, it would be possible to store household waste bins discreetly within the site boundary and wheel them to the pavement edge on collection days. Therefore the proposal is considered to be compliant with Key Design Principle 16 of the SPD.

5 – Other matters:

Climate Change - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development, however the proposed development includes several features which would maximise energy efficiency such as air source heat pump, external insulated render, solar array and insulated cavity walling.

Impact upon protected species (trees):

A large, mature Sycamore tree is growing near the south easter corner of the existing bungalow. It is subject to a tree preservation order (TPO) and is also in a conservation area. Prior to its recent TPO status, the applicants made a works to trees within a conservation area application (ref: 2022/93348) to fell the said tree because it was considered to be causing subsidence to the bungalow. The application was refused.

Policy LP33 and LP24 (i) of the KLP seek to retain valuable or important trees to maximise visual or public amenity. The sycamore tree is a prominent

landscape feature in the locality and as such contributes significantly to public amenity and the character of the Conservation Area.

The Council's trees officer has been consulted and whilst having no objection to the principle of the development had concerns that the proposed development could have an adverse impact upon the longevity of the tree, and requested further information in order to demonstrate that the tree can be protected during works and its viability retained in the long term.

An arboricultural impact assessment (AiA) was submitted and the trees officer re-consulted. They welcomed the report but have concerns that the proposed raising of the roof height of the bungalow will lead to conflict between the building and the tree. This proposal would require the tree to be pruned or crown lifted and once completed lead to increased pressure to prune it in the future.

The proposed development also includes two conservation type roof lights to bedroom two and solar arrays on the south facing roof slope. The tree trunk would be to the south east and its canopy would extend over them and have an overshadowing impact. This impact is likely to lead to pressure to further prune or remove the tree in order to alleviate overshadowing effect.

This would be contrary to policy LP33 and LP24 (i) of the Kirklees Local Plan.

6 – Representations:

No representations received during the course of assessing this application.

7 – Conclusion:

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

Recommendation **Refusal**

Decision Authorisation - Delegated Powers
Application Number: 2023/91369
Officer Recommendation: Refusal

Reasons for refusal

1. A mature Sycamore tree that is subject to a Tree Preservation Order is in close proximity to the south eastern corner of the existing building. There is concern that the proposal to raise the roof of the bungalow will lead to conflict between the building and the tree. This proposal would require the tree to be pruned or crown lifted and once completed lead to increased pressure to prune or fell it in the future.

The proposed development includes two conservation type roof lights to bedroom two and solar arrays on the south facing roof slope. The tree trunk would be to the south east of them and its canopy would extend over them and have an overshadowing impact. This impact is likely to lead to pressure to further prune or remove the tree in order to alleviate overshadowing effect. It is noted that there has already been recent pressure to remove the tree with a tree works application in a conservation area (reference 2022/93348) which was refused.

To permit this proposal would be harmful to public and visual amenity, and the proposed development therefore conflicts with Policies LP33 and LP24 (i) of the Kirklees Local Plan.

Plans and specifications schedule: -

Plan Type	**Reference**	**Version**	**Date Received**
Location plan	Dwg no. 22/824/01		11.05.2023
Existing block plan	Dwg no. 22/824/02		11.05.2023
Existing Plan and elevations	Dwg no. 22/824/03		11.05.2023
Proposed block plan	Dwg no. 22/824/06b		11.05.2023
Proposed floor plans and elevations	Dwg no. 22/824/04b		11.05.2023
Proposed garage plan and elevations	Dwg no. 22/824/05a		11.05.2023
Proposed street scene front elevation and photographs	Dwg no. 22/824/07a		11.05.2023
Supporting information: Climate change statement			11.05.2023
Supporting information: Heritage impact assessment and Planning Statement	Job no. 22/824 dated April 2023 rev A May 2023		11.05.2023
Supporting information: Arboricultural report	WC-196.1a dated 25th August 2023.		26.08.2023

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 agent supplied an arboricultural impact assessment during the course of the application.

Report Dated: 18.10.2023

Coal – High risk