

**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:	2023/62/92740/W
Site Address:	12, Inner Hey, Marsden, Huddersfield, HD7 6EL
Description:	Raise roof height to provide additional accommodation (within a Conservation Area)
Recommending Officer:	Laura Yeadon

DECISION – REFUSED

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.

John Holmes

AUTHORISED OFFICER

Date: 23-Nov-2023

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f92740>

Site Description

12 Inner Hey is a relatively modern two storey detached property located within the Marsden Conservation Area. The site is within a corner plot with the principal elevation of the dwelling facing Carrs Road and the side elevation facing Inner Hey. The main body of the property is constructed from stone with the rear section of the dwelling which hosts a double garage with first floor above being rendered with a roof line and eaves set down from the main part of the dwelling. Garden/amenity areas for the property are to the front and side.

As well as being located within the Conservation, the property is in close proximity to The Inner Hey which is a Grade II Listed Building located to the west of the site.

Description of Proposal

The application has been submitted to raise the roof height to provide additional accommodation.

The application has been submitted following the refusal of permission under 2022/90647 which was refused for the following reasons:

1. The proposed extension, by reason of its large scale, proportions and the fenestration to the side elevation, would be a discordant and unsympathetic addition to the existing dwelling, which would cause detrimental harm to the visual amenities of the locality and less than substantial harm to the significance of the Marsden Conservation Area. It has not been demonstrated that this harm would be outweighed by public benefits as required by Paragraph 202 of the National Planning Policy Framework. The proposal is therefore contrary to Policies LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework and Principles 1 and 2 of the Kirklees House Extensions and Alterations SPD.

2. The proposed extension would result in an intensification of the residential use of the site, resulting in another bedroom, whereby no compensatory offstreet parking has been provided. The limited on-site parking provided would likely result in vehicles parking on well-used highways increasing the likelihood of conflict between highway users. The proposal would therefore result in a detriment to the safety and convenience of highway users including pedestrians. The proposal is therefore contrary to Policies LP21 and LP22 of

the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

The scheme was then resubmitted under application number 2022/94035 with the description of development being to raise the roof height to form second floor extension. Following the discussions between Officers and the Agent, in addition to amended plans being submitted, Officers informed the Agent that the scheme would still be unlikely to be supported due to its impact on highway safety and also the wider Conservation Area. As a consequence, the application was withdrawn.

This current submission appears to be identical to the previous size and scale of that whereby advice was provided that it would be unlikely to be supported (the 2022/94035 application).

It is proposed that the eaves and roof ridge height of the rear section of the property above the garage and first floor section be raised to create a second floor to the property.

The existing eaves and ridge height of the rear section is 5.0 metres and 7.2 metres respectively and it is proposed that the eaves would be raised to 5.6 metres and the ridge would be raised to 7.8 metres. The ridge height would sit below the existing ridge on the main body of the property by 0.2 metres and the eaves would sit 0.4 metres below the existing. It is proposed that the construction materials would match the existing and it is also proposed that roof lights would be inserted into the north and south side elevations and a window in the second floor gable end (west elevation).

The submitted plans indicate that the garage provision at ground floor would be retained with the first floor reconfigured to provide a lounge, 2 no. bedrooms and a bathroom at first floor with a bedroom and en-suite within the second floor. As such, the number of bedrooms would not be increased as a result of the works.

History of negotiations/amendments received

No negotiations have taken place with the Agent as it was not considered that there was a design solution which would be supported by the LPA that would achieve the additional accommodation. However, the Agent was informed by email that the application would be likely to meet a recommendation for refusal.

Relevant Planning History

1991/03832 Outline application for erection of pair of semi-detached dwellings
Refused

2012/93938 Erection of 1 no. detached dwelling (within a Conservation Area)
Conditional Full Permission

2012/93939 Conservation Area Consent for demolition of garages

Granted

2013/93506 Discharge of conditions 1-21 on previous 2012/93938 for erection of 1 no. detached dwelling (within a Conservation Area)
Split decision

2014/91297 Works to Tree(s) within a Conservation Area
Granted

2016/90288 Work to Tree(s) within a Conservation Area
Granted

2022/90647 Raise roof height to form second floor extension (within a Conservation Area)
Refused

2022/94035 Rase roof height to form second floor extension, alterations to convert garage to living accommodation and external alterations
Withdrawn

Planning Enforcement

COMP/14/0035 Alleged unauthorised development
Breach regularised

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 newspaper advertisement.

Final publicity date expired 10th November 2023

Parish/ Town Council – not applicable

As a result of the public consultation period one representations has been received with the summary of comments set out below:

- Third application submitted and materially nothing has changed
- Raising roof height takes it above roofline of other buildings in the area which is was meant to have been built sympathetically alongside
- The Inner Hey is a Grade 2 listed building which it borders
- Window in the end elevation still overlooks the Inner Hey side and rear garden
- Not built to original plans so causes overlooking
- Don't believe minor changes in this application has dealt with planning issues raised in the decision document of previous 2 applications and so don't see how this application can be considered

Consultation Responses

K.C Conservation and Design - informal discussions – concerns regarding impact on the Conservation Area due to the sloping hillside and concerns regarding subservency

K.C. Arboricultural officer – consulted on previous scheme – no objections

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 application site is located within a Strategic Green Infrastructure Network and Bat Alert Area. It is also important to note that the site is located within the Marsden Conservation Area within the Kirklees Local Plan and the site is within close proximity to a Grade II listed building ('The Inner Hey') to the west.

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** - Biodiversity and geodiversity
- **LP 31** – Strategic Green Infrastructure Network
- **LP 33** - Trees
- **LP 35** – Historic environment
- **LP 51** – Protection and Improvement of Local Air Quality

Other Planning Documents:

- Highways Design Guide SPD
- House Extensions and Alterations SPD
- Marsden Conservation Area Appraisal

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 4 – Decision-making
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Legislation

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).

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity and Conservation Area/ Listed Building
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 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 National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the

adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – 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.”
- Principle 2 – 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.”

With specific regard to the House Extensions and Alterations SPD the other key designs principles for consideration are:

- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

The above listed policies and guidance within the SPD are taken into account within sections below of this report. The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations.

2 – Impact on visual amenity and Conservation Area or Listed Building:

The site is located within the Marsden Conservation Area and is located within close proximity to the Grade II listed building known as Inner Hey to the west of the site.

Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities shall pay special attention to the desirability of preserving or enhancing the appearance of buildings or land within a Conservation Area.

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

Furthermore, Policy LP35 states that: *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”*

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 126 provides a principal consideration concerning design which states:

“The creation of high-quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of the development in the local area, thus retaining a sense of local identity.

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

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”

Paragraph 194 of the National Planning Policy Framework states: *“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.”*

A Supporting Planning and Heritage Statement has been submitted with the application which states that *“The application seeks minimal changes to the existing dwelling. The raising of the roof proposed would have no demonstrable impact on the character or appearance of the Conservation Area. The change is not that discernible as demonstrated by the existing and proposed plans.....”* It goes on to say that *“the scale and form of the dwelling fundamentally stays*

the same with any visual change being minimal such that the change would not cause any demonstrably visual harm to the character or appearance of the CA” and that “It would not conflict with Local Plan policies LP24 Design, or LP35 Historic Environment or advice in the National Planning Policy Framework.”

Paragraph 195 of the National Planning Policy Framework states *“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”*

Paragraph 197 of the National Planning Policy Framework states *“In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.”*

The Marsden Conservation Area benefits from a Conservation Area Appraisal. This describes the character of the Conservation Area as being*“located within the Colne Valley on the edge of the Pennines. The development of the Marsden settlement has been organic and has grown from a number of scattered groups of homesteads and outlying farms to a 19th Century closely knit mill town of picturesque quality.”*

It is considered that in this instance, whilst the proposal has been reduced from its previously refused scheme, to raise the roof of the rear section of the property would have a harmful effect on the significance of the Conservation Area as the larger expanded massing of render would not preserve or enhance the character of the area contrary to Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990. The rear section of the property would not be subservient to the host property and by adding an additional storey would not follow the pattern of this hillside street which it would dominate due to the elevated position of the proposal / application site.

It is not considered that the proposal would form a sympathetic addition to the property and would alter the character of the building due to the expanse of walling above the windows being clearly visible. The eaves height of the existing building sits slightly above the lintels and to increase this to the rear section of the dwelling would not retain this characteristic. Whilst it is noted that the extension would be partially screened from Carrs Road, the extension would be openly visible from Inner Hey and from Manchester Road below.

The proposals, whilst a modest overall height increase of 0.6 metres, would not be in keeping with the scale, design and local character of the area and does

not follow the topography and is therefore considered to cause less than substantial harm to the significance of the Marsden Conservation Area.

To the west of the site is a Grade II Listed Building which is known as 'The Inner Hey'. The Marsden Conservation Area Appraisal states that the property is.... *"situated in its own grounds set back from Manchester Road..... and has a number of 20th Century additions but is essentially a late 18th century, early 19th century house. It is said to be a former mill-owner's house and may have started life as two single cottages, later incorporated into a single dwelling. the house combines vernacular features and Victorian villa elements therefore reflecting the wealth and development of the former mill town. John B. Robinson, woollen manufacturer, lived at Inner Hey from at least 1851 and was the owner of 'Robinson's Mill' at Clough Lea, which eventually became Bailly-Ancions."*

The Inner Hey is located approximately 38 metres from the application site. Officers previously cited within the Report for the refusal of planning permission that there is some landscaping on the boundary between the site and an open area around Inner Hey. It was previously considered that the proposal would not harmfully impact how the Grade II Listed Building is understood or appreciated and therefore, the proposal would not cause substantial harm to The Inner Hey or its setting. Given the proposed reduced scheme, it is not considered that this opinion has changed.

Paragraph 199 of the National Planning Policy Framework states that *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."*

Paragraph 200 of the National Planning Policy Framework states that *"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification"*. In this instance it is considered that the proposal would result in less than substantial harm to the designated heritage asset (Marsden Conservation Area).

Paragraph 202 of the NPPF goes on to say that *"Where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."* The submitted Heritage Statement states that the *"visual change to the property would be minimal such that the change would not cause demonstrable visual harm to the character or appearance of the CA."* As such, no justification has been put forward in terms of the public benefit of the scheme. Officers consider that the proposal does not demonstrate public benefits of the proposal, only private benefits to enlarge the existing bedrooms and bathroom.

In conclusion, the proposed extension would have a harmful effect on the significance of the Conservation Area as the larger expanded massing of render

would not preserve or enhance the character of the area. The rear section of the property would not be subservient to the host property and by adding an additional storey would not follow the pattern of this hillside street which it would dominate. It is not considered that the proposal would be a sympathetic addition to the property and would alter the character of the building contrary to Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, Policy 24 and LP35 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SDP and Chapter 12 and 16 of the National Planning Policy Framework.

3 – 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 dwellings closest to the property are No.'s 20A Carr Road to the north-east, 7 Inner Hey to the north, 10 Inner Hey to the north-west and The Inner Hey and Hey Cottage to the west.

In terms of the impact on 7 Inner Hey, this property has a front elevation which faces the side elevation of the application site. Given the separation distance of approximately 17 metres, it is not considered that the increase in overall height of the rear section of the property would cause undue harm in terms of overshadowing or being overbearing. 2 no. roof lights are proposed within the side elevation roof slope facing this property however, these are not considered to cause undue harm to privacy. It is therefore concluded that the impact on this property is acceptable.

10 Inner Hey is to the north-west and due to topography is set on a significantly lower ground level. The separation distance between the rear elevation of the application site and the side elevation of No. 10 is approximately 18 metres. It is not considered that an increase in roof height coupled with the separation would cause significant harm from overshadowing or being overbearing. There is a proposed second floor opening which would face the side elevation of No. 10 however No. 10 has no side elevation openings and due to topography, the proposed opening would look over this dwelling. As such, the impact on this property would be acceptable.

To the west of the site is The Inner Hey and Hey Cottage. Due to the siting of the application dwelling there would be some level of overshadowing to a small area of amenity space however, due to orientation, this would cause limited harm. Given the siting, with an approximate 25 metres separation distance, it is not considered that the proposal would be overbearing. 2 no roof lights are proposed in the side elevation roof slope however, roof lights by their very

nature do not tend to cause significant harm. It is therefore considered that the proposal would have an acceptable impact on these properties.

20A Carrs Road is separated from the application site by the highway and therefore, the increased height of the structure is not anticipated to negatively impact on the amenity space of this property. There are no proposed additional openings other than the roof lights that would impact on this dwelling.

Taking into account all the above, it is considered that the proposal would not cause significant undue harm to residential amenity in terms of privacy, overshadowing or being overbearing and therefore the proposed works would comply with Key Design Principles 3, 4, 5 and 6 of the House Extensions SPD, Policy LP24 of the Kirklees Local Plan and 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 Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

One of the reasons for refusal of the previous application was that the proposed extension would result in an intensification of the residential use of the site whereby no compensatory off-street parking would be provided. This was due to the increase in bedroom provision requiring 3 off-street parking spaces and the conflict between highways users due to the constraints of the immediate area.

This application seeks to overcome this previous reason for refusal by retaining the garage provision as existing and enlarging the existing bedrooms and bathroom without increasing the number of bedrooms. The existing garage provision falls short of the recommended 6m x 6m to provide accommodation for 2 no. vehicles and the space to the front of the garage is limited. However, given that the three bedrooms would be retained alongside the garage provision, it would be unreasonable for the LPA to require additional parking in this case. As such, it is considered that the previous reason for refusal has been overcome by the reconfigured internal accommodation.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply 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.

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

The application submission includes a Climate Change Statement. The details include that the building materials would be locally sourced and reclaimed materials sourced. It goes on to say that the building design and layout would support energy efficient design by extra insulation and low lighting. Due to the nature of the development proposed, this is considered to be acceptable.

Biodiversity – Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance due to the host dwelling appearing to be well sealed.

However, should planning permission be granted, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote would be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought. In addition, the Climate Change Statement indicates that a bat box and bird box would be fitted to the gable of the dwelling. This could be ensured via an appropriate condition.

Strategic Green Infrastructure Network – The site is within the Strategic Green Infrastructure Network and therefore Policy LP31 is of relevance in this instance. The role of the Network is to safeguard and enhance green infrastructure networks, green infrastructure assets and the range of functions they provide. As the proposed works would be within the confines of the residential curtilage, it is not considered that the proposed works would be detrimental to the aims of Policy LP31 of the Local Plan.

6 – Representations:

One letter of representation has been received with the following being a summary of comments and LPA response:

- Third application submitted and materially nothing has changed

Response: Noted

- Raising roof height takes it above roofline of other buildings in the area which is was meant to have been built sympathetically alongside

Response: This has been assessed above

- The Inner Hey is a Grade 2 listed building which it borders

Response: The impact on the The Inner Hey has been assessed above

- Window in the end elevation still overlooks the Inner Hey side and rear garden

Response: This has been addressed above

- Not built to original plans so causes overlooking

Response: This would be a matter for the Planning Enforcement Team to investigate should a complaint be submitted

- Don't believe minor changes in this application has dealt with planning issues raised in the decision document of previous 2 applications and so don't see how this application can be considered

Response: Noted

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 proposals do not accord with the development plan and/or 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: Refuse

Decision Authorisation: Delegated Powers

Application Number: 2023/92740

Officer Recommendation: Refuse

1. The proposed extension would have a harmful impact on the significance of the Conservation Area as the larger expanded massing of render would not preserve or enhance the character of the host property or wider locality. The proposed development would not be subservient to the host property and is not in keeping with the pattern of development having a harmful visual impact for which no public benefits are identified to outweigh the harm. The proposal is therefore contrary to Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, Policy LP24 and LP35 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations SDP and policies within Chapters 12 and 16 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan			20 th September 2023
Existing and proposed elevations and floor plans	021/GRT/001 – Rev: E		29 th September 2023
Supporting Planning and Heritage Statement	HPS 5623		20 th September 2023
Climate Change Statement	Appendix A		29 th September 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 Case Officer did not request amendments during the process of the application as it was not considered that there would be a design solution that would provide the additional accommodation.

Report Dated: 22nd November 2023

Coal – None

