

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:	2023/62/92825/W
Site Address:	156, Northgate, Almondbury, Huddersfield, HD5 8US
Description:	Erection of rear extension (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.

John Holmes

AUTHORISED OFFICER

Date: 21-Dec-2023

Officer Report

Site Description

2023/92825 – 156, Northgate, Almondbury, Huddersfield, HD5 8US

The application site relates to a two-storey, residential, end-terraced property in Almondbury Conservation Area and adjacent to a Grade I Listed Building – All Hallows Church (Historic England ref: 1225096). It is constructed in natural stone and slate tile. It has a small front amenity space bounded by natural stone low walls with a driveway to its side and a large, narrow and raised ground level amenity space to the rear. The adjacent property is also owned by the applicant.

The area is part residential, part commercial with varying stages of built development having a strong grouped character with their own material palette and architectural styles.

Description of Proposal

Erection of rear extension (within a Conservation Area)

All figures are in metres and approximate.

It is proposed to have a first-floor extension extending ~2.8m from the rear and ~6m width. It would have the same roof ridge and eaves height as the host.

In addition, a single-storey extension would extend ~1.9m and be ~6m width with a void underneath. This would visually appear to continue the first-floor extension in roof ridge and eaves height.

It would be constructed with matching natural stone and slate. Fenestration would appear in traditional style with natural stone surrounds and mullions to the southwest side elevation; to the rear would be patio doors finished with natural stone lintel. There would be a large conservation style rooflight either side of the pitched roof.

This would serve to add one extended kitchen/dining/sunroom to the first floor and a new patio to be laid within the rear raised area where its gravelled. Black, metal railing would be added to the patio area and the external steps; 1m height from the ground level. There would be a solid privacy screen adjacent to the neighbouring property for the patio 1.8m height from the ground level.

History of negotiations/amendments received

The case officer considered the application on review and sought amendments to ensure that the proposal would meet national and local policies on visual, heritage and residential amenity.

Relevant Planning History

- 2004/95249 – Formation of vehicular access and parking bay (within a Conservation Area).
Refused.
- 2005/90320 – Formation of vehicular access and parking bay (within a Conservation Area).
Refused.
Appeal ref: APP/Z4718/05/1182082
Appeal Upheld
- 2009/90258 – Discharge of conditions 1& 2 on previous permission 2005/62/90320/W2 for formation of vehicular access and parking bay (Within A Conservation Area).
Approved

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 with a final expiry date of 10/11/2023.

No representations have been received.

Amended plans were received however they were not readvertised as they did not change the description of development and it is considered the public were adequately alerted as to the nature of the proposal in relation to the initially publicised scheme.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- Conservation & Design – Objection, reflected upon in greater detail within the Heritage Amenity section.
- Historic England – No advice provided, defer to Conservation & Design Officer

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 the Almondbury Conservation Area and adjacent to a Grade I Listed Building on the Kirklees Local Plan. It is within a Bat Alert layer and a Low Coal Risk Area. It is not within high risk areas for flooding, coal or land contamination.

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 28 – Drainage
- LP 30 – Biodiversity & Geodiversity
- LP 35 – Historic Environment

Supplementary Planning Guidance

- Highways Design Guide SPD
- House Extensions and Alterations SPD
- Waste Management Design Guide for New Developments (Oct 2020, v.5)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th December 2023 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 and beautiful 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
- 1) Impact on visual amenity (including any heritage considerations)
- 2) Impact on residential amenity

- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology
- 5) Representations
- 6) 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 next to a Grade I Listed Building and within Almondbury Conservation Area. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority should 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.

In addition, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 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. This relates to Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

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 Chapter 16 of the NPPF of which paragraph 208 of the NPPF states that where a development proposal 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.

A detailed consideration of the impact on the heritage assets will be considered below.

2 –Impact on heritage and visual amenity:

In terms of visual amenity and heritage amenity, general design considerations are set out in Policy LP02, LP24 and LP35 of the Local Plan, the Key Design Principles 1 and 2 of the House Extensions and Alterations SPD and Chapters 12 and 16 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.

LP24 of the Kirklees Local Plan requires extensions to be “*subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details*”.

The SPD does not provide guidance on first floor rear extensions so paragraphs 5.1-5.6 of the SPD (pages 23-24) concerning rear extensions and single-storey rear extensions is used as a guide for this first floor and single-storey rear extension. Close examination of the rear ground adjacent to the neighbour would have the rear extension appear in part a two-storey rear extension; for completeness, paragraphs 5.8-5.10 are also assessed (page 25).

Generally, they should preserve an external passageway to the rear garden, a garden of reasonable size, be set behind the original building and match in material to the host. The proposal would comply with all those.

Cumulatively the extension would project 4.7m from the original rear elevation of the host and 1.9m from the existing single-storey rear projection within lower ground. This would be seen in the context of the property being set against another building which has its gable end visible for 3m from the rear elevation of the host. Officers propose that this would be acceptable as this would minimally protrude 1.9m beyond the rear of the neighbouring property's rear elevation and would be considerably within the limit of 3m for terraced housing as per paragraph 5.6 and 5.8 of the SPD. It would not maintain a 1m property gap to the flank boundary however the minor projection past the rear elevation of this neighbour would suitably mitigate against the protrusion so as to be visually minimal. In addition, the protruding element would achieve a suitable level of outlook when assessing 45° field of outlook for the adjacent first floor window and is adjacent to a solid door at ground storey with a transom window of the neighbour so as to avoid any undue visually overbearing effects to the first floor window. The impact on the transom window would be slight as outlook is limited by its size and height above ground level.

The proposal would in part exceed a height at eaves limited to 3m if within 1.5m of the property boundary contrary to para. 5.6 of the SPD; for the reasons given above, it is proposed that this is similarly acceptable.

The proposal to match the host roof design would not make it appear visually smaller however this would be a visually simple solution to the proposed extension rather than complicate the overall design of the host. Officers consider that this is acceptable subject to materials matching the host (secured by condition for visual and heritage reasons in the event of any grant of permission).

The proposed fenestration would be to match the host (other than the patio door design to the rear); the patio door would be visually unobtrusive to the wider streetscene being positioned to the rear and screened by the host. It is harmonised by use of timber framing and stone lintel over to similarly match the existing. The use of conservation style rooflights to the rear would similarly be unobtrusive, subject to a condition to have the rooflights laid flush to the roof plane to avoid protruding for visual and heritage reason, this is considered to be acceptable.

A condition requiring the first floor window to the south east elevation to be of a sash window design and that the patio door to the south western elevation be constructed from timber which is either painted white or untreated (and that all windows are of a white colour finish) is recommended to ensure the impact of these windows does not detract from the host property and have an acceptable visual impact.

The use of black metal railings as a to the patio and external steps would be a suitably high quality design in its setting and would be set back considerably from the highway to appear visually slight and permeable. A condition requiring the railings to be of a black colour finish is therefore recommended. The proposal would also retain sufficient garden space to ensure that the scheme does not represent an overdevelopment of the site.

As to whether the proposed could be acceptable for heritage amenity, it would be considered to have a small scale and limited extension to the host seen in the context of its wider grouping of the terraced row of properties abutting the host; its protrusion would add some bulk and massing disrupting the simple form of the terrace however this would be to the rear and visually minor to the Conservation Area with limited views from the highway and screened by the bulk and massing of the adjacent All Hallows Church Hall. The modern Hall would also screen the development from All Hallows Church, a Grade I Listed Building, which would reduce its impact on the setting of the significant heritage asset.

It is acknowledged that the proposal would be in matching high-quality materials and have fenestration and railings suitably detailed to be befitting the status of Almondbury Conservation Area and the Listed Building.

Nonetheless, there would be some less than substantial harm identified due to its protruding design covering an original single-storey rear extension altering the original character and form of the host at rear. As such public benefits are required under para. 208 of the NPPF, in this instance, Officers take into consideration that the rear first floor elevation of the host is unattractively rendered in black with a visually contrasting and harmful low-quality appearance to the host. It is considered that the design would provide an improved visual enhancement of the host by using high quality materials

and detailing and as such would provide public benefits in improved visual and heritage amenity sufficient to clearly outweigh the less than substantial harm.

As such, this proposal would be compatible with the Council's duties under the Planning (Listed Building and Conservation Areas) Act 1990 (as amended), and accord with policies LP02, LP24 and LP35 of the Local Plan, and Chapter 12 and 16 of the NPPF subject to condition.

3 – Impact on residential amenity:

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 Principle 3 of the Kirklees Householder Extensions and Alterations SPD sets out that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours. In addition, Key Design Principle 4 notes 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. Furthermore, Key Design Principle 5 states that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property, and recommends that a horizontal 45 degree line from a neighbouring habitable room window is not breached. Key Design Principle 6 states extensions and alterations should not unduly reduce the outlook from a neighbouring property.

The proposed extensions and alterations are assessed upon whether they would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking and also in terms of its design, size and visual amenities.

The closest property to be affected by the development is no.152 Northgate which is a through terrace. As previously discussed, the proposal would not appear overbearing to the neighbour. The extension would have no significant impact in relation to overlooking or loss of privacy potential as it would have no side elevation windows to overlook this neighbour.

There would be a raised platform adjacent to this neighbour, however this would not be a significant alteration to the existing relationship between neighbours due to the host's own raised ground levels of the rear garden. A 1.8m height from ground privacy screen is proposed for the patio area to provide greater privacy for the neighbour, a similar height fence is proposed to the shared boundary which could be carried out under Permitted

Development Rights. This would offer an improved relationship between neighbours over the current openly bounded/ arrangement between neighbours.

It would have a 1.9m visible protrusion past its rear elevation, and set to the south of the property; there would be increased potential for overshadowing however its minor protrusion would not have significantly additional impact to this neighbour over and above the current arrangement of buildings. Consideration is given to the impact of the screen and fencing upon the neighbour, there would be some limited impact however this is balanced by the first floor window adjacent still having a reasonable field of outlook undisrupted which in turn would still be minimally affected by the privacy fence.

Officers conclude that the overall impact upon residential amenity in terms of privacy and overlooking would be satisfactory and retention of outlook to the first floor window is considered to be sufficient enough to outweigh the minor increase in overshadowing from the privacy fence and the minor protrusion of the extension from the rear elevation of the neighbour.

Other Residential Properties

It is considered that the proposed development would be sited a sufficient distance away from any other neighbouring properties not referred to above so as to prevent undue harm to these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

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 available to future and present occupiers for excellent standards of privacy.

The proposal would therefore be in general conformance with LP24b and the Key Design Principles 3, 4, 5, & 6 relating to residential amenity of the House Extensions and Alterations SPD.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF 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 Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

Turning to highway safety, Kirklees Council and National planning policies seek to ensure that new developments have an acceptable impact on

highway safety and provide sufficient parking. The proposed development would not adversely affect the existing parking spaces within the site, intensify use and therefore would not cause additional harm to highway safety. It would be compliant 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, NPPF and guidance documents/SPDs to embed the climate change agenda and to achieve 'net zero' carbon emissions by 2038. 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. Given the improved Building Regulations setting out high requirements for insulation and energy efficiency, and the increased daylighting through rooflights, the proposal would be of benefit to the original building's energy efficiency and would contribute positively towards carbon reduction.

Drainage

The site is within a low probability Flood Risk Zone and does not seek to extend its off street parking area with development limited to the rear and has a soft surfaced garden therefore this would have no conflict with Policy LP28 of the Kirklees Local Plan and Key Design Principle 14 of the House Extensions and Alterations SPD.

Biodiversity

Whilst considering Biodiversity, Key Design Principles 12 –13 of the House Extensions and Alterations SPD in conjunction with LP 30 of the Kirklees Local Plan is relevant.

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest and therefore considered unlikely that the proposals would have an 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 on partially existing hardsurface with no impacts to existing vegetation, trees or biodiversity. 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

6 – Representations:

No representations had been received.

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: 2023/92825

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, LP28, LP30 and LP35 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, 9, 12, 14 15 and 16 of the National Planning Policy Framework

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building and be retained thereafter.

Reason: In the interest of preserving Almondbury Conservation Area and the setting of the adjacent Grade I Listed Building, in accordance with the requirements of Policies LP24 & LP35 of the Kirklees Local Plan, policies

within Chapters 2, 12 and 16 of the National Planning Policy Framework and pursuant to the requirements of sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. Other than the patio door to the south western elevation, which shall be constructed from timber and of an untreated timber or white colour finish, all window frames shall be of a white colour finish. The first floor window to the south east elevation shall be of a 'sash' window appearance. The materials of construction, colour finish and appearance of the windows approved by this condition shall be retained thereafter.

Reason: In the interest of preserving Almondbury Conservation Area and the setting of the adjacent Grade I Listed Building, in accordance with the requirements of Policies LP24 & LP35 of the Kirklees Local Plan, policies within Chapters 2, 12 and 16 of the National Planning Policy Framework and pursuant to the requirements of sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. All metal railings shall be of a black colour finish which shall be thereafter retained.

Reason: In the interest of preserving Almondbury Conservation Area and the setting of the adjacent Grade I Listed Building, in accordance with the requirements of Policies LP24 & LP35 of the Kirklees Local Plan, policies within Chapters 2, 12 and 16 of the National Planning Policy Framework and pursuant to the requirements of sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. The 1.8m high privacy screen on the northwest boundary of the raised patio to the rear of the annex, as shown on the hereby approved 'Proposed Floor, Elevation and 3D View Plans. Drawing no. 2319-02. Revision: A', shall be constructed from solid timber and completed before this raised terrace area is first brought into use. The timber privacy screen shall thereafter be retained in accordance with the approved plans.

Reason: In the interests of residential amenity for no. 152 Northgate and to accord with Policy LP24b of the Kirklees Local Plan, Key Design Principle 3 of the House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

7. The rooflights hereby approved shall be in conservation style and fitted flush to the roof plane. Glazing shall have a thickness of no more than 16mm at 4:8:4 ratio. Frames shall have black warm spacers. They shall not have trickle vents or make use of friction or egress hinges. Thereafter the rooflights shall be installed in accordance with the approved details and retained as such.

Reason: In the interest of preserving Almondbury Conservation Area and the setting of the adjacent Grade I Listed Building, in accordance with the requirements of Policy LP35 of the Kirklees Local Plan, policies within Chapters 2, 12 and 16 of the National Planning Policy Framework and pursuant to the requirements of sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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 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. 0000AA-02.	Unamended	29/09/2023
Existing Floor, Elevation and 3D View Plans.	Drawing no. 2319-01.	Unamended	29/09/2023
Proposed Floor, Elevation and 3D View Plans.	Drawing no. 2319-02.	A	12/12/2023
Design and Access Statement	Design and Access Statement by DB Architects (Yorkshire) Ltd. Dated: September 2023.	Original	26/09/2023
Climate Change Statement	-	Original	26/09/2023

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 undertook negotiations with the applicant to secure amended plans to ensure the scheme minimised the impact on visual, heritage and residential amenity.

Report Dated: 19/12/2023

