

# 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:         | <b>2023/62/93683/E</b>                                                                                                                         |
| Site Address:         | Hill Crest, The Village, Thurstonland, Huddersfield, HD4 6XX                                                                                   |
| Description:          | Erection of first floor extension with front porch, rear dormers and associated internal and external alterations (within a Conservation Area) |
| Recommending Officer: | Edward Cheseldine                                                                                                                              |

### 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.**

Emma Thompson

***AUTHORISED OFFICER***

**Date: 05-Mar-2024**

## **Officer Report**

2023/93683 - Hill Crest, The Village, Thurstonland, Huddersfield, HD4 6XX

### **Site Description**

Hill Crest is a two-storey detached dwelling in Thurstonland. It is constructed with stone exterior walls under a pitched roof, tiled with stone slates. The building has a traditional character due to its architectural features such as the stone corbels and mullion windows. The property has a generous curtilage which falls back behind the property. There are views of the surrounding valley from the rear outdoor area.

The application site is located within the Thurstonland Conservation Area. The Old Chapel is a listed building located approximately ~20.00m from the site.

### **Application Description**

The applicant is seeking planning permission for the erection of a first-floor extension, front porch and other external alterations.

The first floor side extension will be built over an existing garage. It will be ~7.70m (w) x 6.90 (d). It will have an eaves height of ~1.95m and a ridgeline height of ~3.90m. It will have stone walls and stone roof slates. There will be mullion windows on the front and side elevation. On the rear, there will be two Juliet balconies which are set into the walls of the extension, they will have gable end features. Stone corbels will be incorporated into the frontage with a black gutter pipes and downs that match the existing.

A porch will be constructed with a mono-pitched roof. Additionally, there will be a loggia frontage installed above the garage.

### **Consultation Responses**

KC Conservation & Design – Conservation & Design were consulted as the site is within a conservation area and sits behind grade II listed buildings. Initially, there were concerns with the design as it included a front elevation dormer. Amended plans were requested to replace the dormer with mullion windows as to not disrupt the frontage and setting of the conservation area and listed building. The amended plans were found to have a neutral impact to the setting of the conservation area and listed building.

## **History of Negotiations**

Amended plans were requested to remove the dormer and include mullion windows on the front elevation.

## **Public Consultations**

The application was advertised by neighbourhood notification letters, a site notice and a press advertisement.

Site Notice Expiry date: 16-February-2024

Press Advertisement Expiry date: 01-March-2023

As a result of the publicity, there were no representations.

## **Relevant Planning History:**

2017/93579 - Erection of single storey extensions to side and rear (within a Conservation Area) – Full permission granted.

2023/93677 - Certificate of lawfulness for proposed garden store (within a Conservation Area) – Granted.

## **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 27<sup>th</sup> February 2019).

The site is unallocated on the Kirklees Local Plan Proposals Map.

On 12<sup>th</sup> 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 Policies**

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity
- **LP 35** – Historic Environment

Kirklees Council adopted supplementary planning guidance on house extensions (House Extensions and Alterations Supplementary Planning Document) (SPD) on 29<sup>th</sup> 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 House Extensions and Alterations Supplementary Planning Document 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 20<sup>th</sup> December 2023, and the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 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
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## Assessment

- 1) Principle of development
- 1) Impact on visual amenity (historic environment)
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Environmental matters
- 5) Representations
- 6) Conclusion

### Principle of development:

Kirklees Council adopted supplementary planning guidance on house extensions (House Extensions and Alterations Supplementary Planning Document) on 29<sup>th</sup> 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 House Extensions and Alterations Supplementary Planning Document (SPD) will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

### Impact on visual amenity

#### *Historic Environment*

The application site is within Thurstonland Conservation Area and adjacent to listed buildings.

Paragraph 205 of the NPPF 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 207 goes on to state 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.”*

The front elevation of the application building can be viewed from the public domain as the dwelling is elevated due to the topography of the land. Works consist of modest alterations including a first-floor side extension which will bring the bulk and massing of the dwelling closer to the listed building. In terms of design, the visible elements are sympathetic to the existing structure due to the inclusion of mullion windows and materials. The side extension is subservient to the original dwelling. There are other modifications to the front of the dwelling, including the inclusion of loggia details. Glazing will also be added to the rear section of the extension by way of the installation of Juliet balconies. The application states that guttering and down spouts will match the existing and officers support this approach given the sensitive location. As such, conditions are imposed to ensure they match and are retained in accordance with policies LP24 and LP35.

The additions will have a neutral impact on the significance of the heritage assets which will not amount to harm.

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act requires that 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.

Consideration has been given to the existing architectural features of the dwelling through the retention of the chimney stack, inclusion of stone corbels and rainwater systems which will match the existing and are present with the conservation area. Views of The Old Chapel will not be disrupted, and the structure will not compete with the listed building.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.

Given the design features and appearance of the frontage, the works will preserve the character and appearance of the conservation area and listed building.

It is therefore concluded that the proposed development accords with the requirements of policies LP1, LP2, and LP35 of the Kirklees Local Plan, policies within Chapters 2 and 16 of the National Planning Policy Framework and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

*House Extensions*

The Council's guidance set out in the Kirklees Local Plan & Kirklees House Extensions & Alterations Supplementary Planning Document states that good design should be at the core of all proposals in the district, by way of ensuring alterations respect the character of the host dwelling and its surroundings by respecting the form, scale, layout materials that are present.

The House Extensions & Alterations Supplementary Planning Document goes into further details outlining guidance on acceptable design of side extensions. Paragraph 5.22 states first-floor side extensions should:

- Ideally be visually smaller in relation to the original house;
- Be set back at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridgeline from the original house;
- Have a roof design that follows the form of the existing roof;
- Retain a gap of at least 1 metre to boundary walls to avoid a terracing effect and to retain rear access to gardens

The first-floor side extension is not set back from the front elevation, however it follows the building line of the dwelling which is an appropriate design consideration to retain its character. It is set down below the ridgeline of the original dwelling and has the appearance of being subservient. The extension is designed with a pitched roof which is consistent with the host dwelling and wider building group. Due to the layout of the building and site, there will be sufficient space retained to the side. The rear of the property currently has a high amount of glazing and is more modern in style. The addition of the dormers will therefore contribute to its appearance. As the dormers are set into the walls, they will blend into the dwelling and will not be visible from the front of the property.

The porch is set back from the public domain, it is subservient and does not disrupt the frontage. In terms of the impact to character, the details are modest and are not considered to detract from the simple nature of the frontage.

#### Impact on residential amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Extensions and Alterations Supplementary Policy Document goes into further detail with respect to outlining principles.

- Key Design Principle 3, '*extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours*'.
- Key Design Principle 4, '*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.*'

The Old Chapel is the only residential property which will be affected by the proposal, there are other notable properties nearby, however they are over ~21.00m from new openings.

#### *Impact on The Old Chapel*

The Old Chapel is located to the north of the application dwelling. It is on a lower ground level than Hill Crest due to the typology of the landscape. The Old Chapel sits at an acute angle to the application building, they do not have a direct relationship. The distance between the closest new window and The Old Chapel is ~19.00m. Because of the relationship and distance, there will not be an impact to privacy.

In terms of an overbearing impact, loss of light, loss of outlook, by way of distance, there will be no impact.

#### Impact on highways safety

The proposal will result in an increase in domestic living space, however the number of bedrooms will be reduced as a result of internal works, to 4. The dwelling is currently accommodated by a courtyard and garage which has suitable parking for 3 vehicles. There will be no impact to highway safety as a result of the works.

#### Environmental Matters

##### *Biodiversity*

The proposal includes the construction of a first-floor extension which will affect the main roof of the existing dwelling. Although the site is not situated in an area that is known to include bat habitats, if signs of bat habitats were found, expert advice should be taken and the advice of a licensed bat worker sought.

##### *Carbon Budget*

The proposal is a small scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

## **Conclusion**

The application for the erection of extensions and alterations at Hill Crest, The Village has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations Supplementary Planning Document, the National Planning Policy Framework and other material considerations. Given the lack of harm the proposal will cause to the character of the conservation area, setting of the listed building, as well as visual amenity & residential amenity, the application is acceptable.

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.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable and is therefore recommended for approval.

**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.

1. 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 ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

1. 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.

**Reason:** In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the Kirklees House Extensions and Alterations SPD (2021) and the aims of chapter 12 of the National Planning Policy Framework.

3. The gutters shall be cast iron or cast aluminium of an ogee profile and shall be black in colour. They shall be supported by stone corbels/metal brackets and shall not be fixed to a timber fascia, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that the proposed works are in keeping with the character and appearance of the listed building and so as to ensure that the development shall harmonise with its surroundings and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

4. Rainwater pipes shall be cast iron or cast aluminium and shall be painted black, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that the proposed works are in keeping with the character and appearance of the listed building and so as to ensure that the development shall harmonise with its surroundings and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

**Plans and specifications schedule: -**

| <b>Plan Type</b>                | <b>Reference</b> | <b>Version</b> | <b>Date Received</b> |
|---------------------------------|------------------|----------------|----------------------|
| Plans and elevation – proposed  | 2008-00-02       | REV A          | 31/01/2024           |
| Location Plan                   | 2008 90-02       | -              | 03/01/2024           |
| Plans and elevation – existing  | 2008-00-01       | -              | 03/01/2024           |
| Conservation/Heritage Statement | CHS              | 1              | 03/01/2024           |

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 Planning Authority has, 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. Amended plans were received and found to be acceptable.