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:	**2024/62/90126/E**
Site Address:	Meadow Barn, 16, Manor Road, Farnley Tyas, Huddersfield, HD4 6UL
Description:	Demolition of existing single storey side wing and erection of two storey side extension (within a Conservation Area)
Recommending Officer:	Elenya Jackson

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: 12-Aug-2024

Officer Report

Site Description
The application site is Meadow Barn, 16, Manor Road, Farnley Tyas, Huddersfield, HD4 6UL. The property is a two storey semi-detached dwelling which benefits from a reasonable amount of amenity space to the western elevation of the dwelling.

The property is located on a corner plot which is the opening property on park farm court. The dwellings within the immediate building group are similar in scale and composition as they were constructed to integrate within the wider conservation area. The property forms part of a small development of properties which are of similar vernacular.

The dwellings that comprise the area are not uniform in appearance however they are constructed out of stone which creates cohesion in the street scene and contributes positively to the character of the conservation area.

The surrounding area is residential in nature; low density and stays reasonably close to manor road as the site is enclosed by the Green Belt.

The site is located within the Farnley Tyas Conservation Areas and has not had its permitted development rights removed.

Description of Proposal

Demolition of existing single storey side wing and erection of two storey side extension (within a Conservation Area).

The proposed extension would extend 4.7m beyond the side elevation of the dwelling, have a depth of 7.1m, a maximum height of7.5m and an eaves height of 5.1m. This would feature a gable end facing into the public realm.

History of negotiations/amendments received
Officers requested alterations to the design of the proposal in relation to:

- Design of windows in southern elevation
- Removal of oak windows in southern elevation

- Design of balcony on eastern elevation
- Addition of first floor windows in the principal elevation

Relevant Planning History
There are no planning permissions specifically relevant to the host property. However, there are two live applications in relation to the land to the west of the site.

Representations
This application was publicised by neighbour letters, a site notice and advertisement in the Huddersfield Examiner, for which the consultation period expired on 11th March 2024. Following this publicity, no representations were received from neighbours or members of the public.

Parish/Town Council comments
None.

Consultation Responses
KC Conservation and Design – requested several alterations to the design of the application in order to aid the proposals integration within the Conservation Area.

Policy
Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 within the Farnley Tyas Conservation area on the Kirklees Local Plan.

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
- **LP 22** – Parking
- **LP 24** – Design

- **LP 35** – 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 December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.
- Chapter 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16- Conserving and enhancing the historic environment

Assessment
The following matters are considered in the assessment below –
1) Principle of development
2) Impact on visual amenity (including any heritage considerations)
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters – e.g. trees/ecology (e.g. bats)
6) Representations
7) Conclusion

<u>1 – Principle of development:</u>

The site is unallocated but within Farnley Tyas Conservation area. 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.

Policy LP35 of the Local Plan and Chapter 16 of the NPPF state that harm to heritage assets should not be allowed without a proportionate justification. Also of particular relevance is Policy LP24(c) of the Local Plan which requires that extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials, and details and minimise impact

on residential amenity of future and neighbouring occupiers. Any implications for highway safety will also be considered as required by Policies LP21-22.

The Householder Extensions and Alterations SPD is also material consideration and any departure from the proposals contained within it must be clearly justified.

2 –Impact on visual amenity:

Policy LP24 of the Kirklees Local Plan, consistent with chapter 12 of the NPPF, states, that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.

Key Design Principles 1 and 2 set out general guidelines for assessing impact on character and visual amenity:

> KDP 1 – Local character and the street scene – Extensions and alterations should be in keeping with the appearance, scale, design and local character of the area and the street scene.
>
> KDP 2 – Impact on the original house – 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.

LP35 of the Kirklees Local Plan requires development proposals affecting a designated heritage asset to preserve or enhance the significance of the asset, retaining those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensuring that proposals maintain and reinforce local distinctiveness. Proposals within Conservation Areas should conserve those elements which contribute to their significance.

The House Extensions and alterations SPD states that two storey side extensions should comply with the following:

- not take up all or most of the space to the side of a house
- maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property
- be set back at least 500mm from the front wall of the house.

It is considered that the proposal has been designed in such a way that it would accord with the aforementioned points, appear subservient to the host dwelling and integrate with the prevailing character of the area.

The entire site is within the Thurstonland Conservation Area. It is considered that the scheme has undergone several alterations since submission. The gable end is a prominent feature within the conservation and as such Conservation and Design raised concerns with the initial scheme upon submission.

The original oak framing has been removed and replaced with a Juliet balcony with iron railings. It is considered by Conservation and Design that this would be an in-keeping feature with the prevailing character of the street scene. It is acknowledged by officers that there are other examples of balconies within the wider area; however, it is considered that these are not as prominent within the street scene, do not have the same context as the application property or are not within the dwelling immediate building group.

It is considered that the revised proposal would not dominate the property, would feature in-keeping details and would respect the prevailing character of the area and therefore would not have any significant harm on the character of the Conservation Area.

Given the above, the proposal would comply with Policies LP24 and LP35 of the KLP in terms of visual amenity and the historic environment. As such, the proposal is also not considered to be in accordance with national policy in the NPPF Chapters 12 and 15 or KDP 1-2 of the House Extensions and Alterations SPD.

3- Residential Amenity:

Policy LP24 of the KLP requires of developments, inter alia, a good standard of amenity for future occupants and neighbouring occupiers, as well as a minimising of the impact on residential amenity of future and neighbouring occupiers.

Key design principles 3 (privacy), 5 (overshadowing/loss of light), and 6 (preventing overbearing impact) of the Kirklees House Extensions and Alterations SPD expand upon Policy LP24 and are discussed below.

16A Manor Road: adjoins the application property to the south.
Overlooking: The proposal features three first floor windows in its rear elevation which faces onto 16A. This has been amended since submission from a balcony, the design of the windows would replicate the style of the host property. As these windows serve a bedroom which would also benefit from a roof light and a Juliet balcony, it is considered that the bedroom would be multiple aspect and these three windows could be conditioned to be obscured in order to mitigate overlooking.

Overshadowing/loss of light or overbearing: It is considered that due to the separation distance between the proposal and 16A Manor Road no significant Given the above there would be no adverse impact on residential amenity from the proposals which are considered in accordance with Policy LP24 of the KLP and Chapter 12 of the NPPF.

No other properties would be impacted by the proposal.

4- Parking:

The site currently benefits from its own driveway and garage and there would not be any parking displaced as a result of the development.

Given the above, the application is considered to comply with the aims of Policy LP22 of the KLP.

5 – Other matters:

Carbon Budget
The proposal is a small-scale domestic development to an existing dwelling. As such, no special measures are 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 and which will require compliance with national standards.

6 – Representations:

No representations received.

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 for 'Erection of sun room, installation of replacement windows and doors and alterations (within a Conservation Area)' Meadow Barn, 16 Manor Road has been assessed against relevant policies in the development plan, as listed in the policy section of the report, the NPPF and other material considerations. The proposal would have an acceptable impact on the character of Thurstonland Conservation Area.
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Recommendation: APPROVE

Decision Authorisation - Delegated Powers

Application Number 2024/91464

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 ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP23, LP24 and LP35 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. Prior to first occupation, the first floor windows in the southern elevation of the development hereby approved shall be obscurely glazed to a Pilkington level of four or equivalent and fixed shut to a height of 1.7m. The obscure glazing shall thereafter be retained for the life of the development.
Reason: In the interests of the amenity of the occupiers of neighbouring properties to accord with policy LP24 of the Kirklees Local Plan, the adopted SPD on House Extensions and Alterations and Policies within Chapter 12 of the National Planning Policy Framework.

4. The external walls and roofing materials of the extensions 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 and the aims of Chapter 12 of the National Planning Policy Framework.

NOTE: Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) to obtain this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays, 08.00 and 13.00 hours, Saturdays, with no working Sundays or Public Holidays. In some cases, different site-specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services may control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location Plan			30/07/2024
Proposed west elevation		P2	4/08/2024
Proposed north and south		P1	16/04/2024
Proposed ground floor plan		P1	16/04/2024
Proposed first floor		P1	16/04/2024
Existing North and South			18/01/2024
Existing ground floor		2003	18/01/2024
Existing roof		2004	18/01/2024
Proposed site plan		2430	18/01/2024
Existing site plan		2001	18/01/2024
Existing west		2005	18/01/2024

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 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.

Alterations were requested to the design of the proposal to reduce concerns regarding overlooking and prevent the proposal from causing harm to the character of the conservation area.