

**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:	2024/62/91501/W
Site Address:	16, Nabbs Lane, Slaithwaite, Huddersfield, HD7 5AU
Description:	Erection of front porch (within a Conservation Area)
Recommending Officer:	Molly Storer

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: 24-Jul-2024

Officer Report

Site Description

16 Nabbs Lane is a two storey, semi-detached property located in Slaithwaite it is also situated within the Slaithwaite conservation area. It is located in a prominent elevated location within the village, directly in front of the Grade II listed Slaithwaite viaduct. The pair of dwellings (14 and 16 Nabbs Lane) are constructed from natural stone with a blue slate pitched roof and they have a symmetrical form, with a pair of large front east gables and a central chimney stack, with tall doorways with top lights, shallow arched heads and projecting mouldings. Number 16 has been extended to the north side elevation with the extension following the line of the boundary and constructed in coursed natural stone to match the host building.

Description of Development

The applicant seeks retrospective planning permission for a glazed oak framed front porch which projects 1.78m from the front elevation and has a width of 1.67m. The porch has a dual-pitched blue slate roof, with a coursed stone north elevation and dwarf wall. The structure is visible when viewed from the east from both Nabbs Lane and Howgate Road, due to its position to the right of the façade, the elevated position and the low boundary wall of the front garden.

Relevant Planning History

No relevant planning history.

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015).

The application was publicised by site notice, press advertisement and neighbour notification letters, which expired on 5th July 2024. As a result of the above publicity, three representations have been received. These can be summarised as follows:

1.no letter in support setting out the following summarised points:

- The porch fits beautifully and has weathered well
- benefits for the occupiers such as retaining heat.

2.no letters of objection, setting out the following summarised concerns:

- Extension out of character with the area and situated in a prominent location.
- Does not match property next door and does not fit in with the surrounding area.
- Rear of property likely better location for the development.

These will be explored within the following report and within the representations section.

Consultation Responses

KC Conservation and Design

KC Conservation and Design were formally consulted on the scheme and do not support the development.

Network Rail

No response within the timeframe.

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 located within the Strategic Green Infrastructure Network and within the Slaithwaite Conservation Area as indicated within the Kirklees Local Plan.

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity and Geodiversity
- **LP 31** - Strategic Green Infrastructure Network
- **LP 35** - Historic Environment
- **LP 51** - Air Quality

Supplementary Planning Document on House Extensions and Alterations adopted June 2021.

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 and beautiful Places
- **Chapter 14** - Meeting the Challenge of Climate, Flooding and Coastal Change
- **Chapter 15** - Conserving and Enhancing the Natural Environment
- **Chapter 16** - Conserving and Enhancing the Historic Environment

Legislation:

The Town & Country Planning Act 1990 (as amended).

The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990

The Planning and Compulsory Purchase Act 2004.

Assessment

1. Principle of development

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions and Alterations SPD and Chapter 12 of the NPPF, regarding design.

The application site is also located within the Slaithwaite Conservation Area. Section 72 of the Listed Buildings & Conservation Areas Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area. This is also mirrored in Chapter 16 of the National Planning Policy Framework and LP35 of the Kirklees Local Plan.

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 Historic Environment

Key Design Principle 1 of the House Extensions & Alterations Supplementary Planning Document (SPD) does state 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. Furthermore, Key Design Principle 2 of the SPD goes onto state 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 details.

Paragraph 135 of the NPPF sets out that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, Policy LP24 of the Kirklees Local Plan states that developments should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.

LP35 of the Kirklees Local Plan requires development 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 developments maintain and reinforce local distinctiveness.

Paragraph 196 of the NPPF is also of relevance and states that 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;*
- a) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;*
and
- b) the desirability of new development making a positive contribution to local character and distinctiveness.*

Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) is relevant, and requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.

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. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the development on their significance. (NPPF Paragraph 200).

At paragraphs 205 – 208 the NPPF is clear, that where development leads to substantial harm, this is necessary to achieve substantial public benefits that outweigh that harm or, in the case of less than substantial harm this should be weight against the public benefits of the development including, where appropriate, securing its optimum viable use.

The application is accompanied by a Heritage Statement which meets the requirements of the NPPF in describing the significance of the heritage asset and further assessing the works required in the context of its location and heritage merit. The assessment extends to discuss the physical and visual impacts and measures taken to maximise enhancement and minimise harm.

The property situated within the Slaithwaite conservation area and appearing on the OS map of 1893. It is in a prominent elevated location within the village, directly in front of the Grade II listed Slaithwaite viaduct. The pair of dwellings (14 and 16 Nabbs Lane) are constructed from natural stone with a blue slate pitched roof and they have a symmetrical form, with a pair of large front east gables and a central chimney stack, with tall doorways with top lights, shallow arched heads and projecting mouldings. Number 16 has been extended to the north side elevation with the extension following the line of the boundary and constructed in coursed natural stone to match the host building.

The conservation Team have been stated in their consultation response regarding the development that the substantial porch structure obscures the doorway up to the height of the moulding and disrupts the symmetry of the elevation by introducing a large dual-pitched structure on this otherwise low-key elevation. They go on to set out that the development is highly visible when viewed from the east from both Nabbs Lane and Howgate Road, due to its position to the right of the façade, the elevated position and the low

boundary wall of the front garden. The materials – a heavy oak frame and expanse of glazing, are considered to be out of character with the local vernacular by the Conservation Team, whereby they point out this is typified by natural stone.

The Conservation and Design Team has concerns about the development on heritage and design grounds particularly with regards to our statutory duties under sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, policies LP24 and LP35 of the Local Plan and paragraphs 205, 206, 208 and 212 of the NPPF (20 December 2023). They state they consider the porch extension does not preserve or enhance the character or appearance of the conservation area or preserve the setting of the Grade II listed viaduct directly behind the dwellings. They expand on this stating that the form, scale, materials and details of the porch do not respect or enhance the character of the townscape or designated heritage assets – the conservation area and viaduct. They conclude that the development causes less than substantial harm to their significance, no justification has been provided for that harm and no public benefits have been demonstrated and that they are unable to support this application.

Although it is acknowledged that the extension has been designed to attempt to harmonise with the applicant property, given its location, scale and design, the enlargement appears unduly prominent within the curtilage of the house and is highly visible when viewed from the east from both Nabbs Lane and Howgate Road, due to its position to the right of the facade, the elevated position and the low boundary wall of the front garden. The development represents a poorly designed addition as the materials of a heavy oak frame and an expanse of glazing, are out of character with the local vernacular which is typified by natural stone. In addition, the porch extension does not preserve the setting of the Grade II listed viaduct directly behind the dwellings. Therefore, the addition detracts from the character of the host property and Slaithwaite Conservation Area. Furthermore, it is noted no public benefits have been submitted or are considered to be present which outweigh the harm.

On this basis, it is considered that the development detracts from the character and appearance of the non-designated heritage asset and the Slaithwaite Conservation Area and fails to accord with Policies LP24 and LP35 of the Kirklees Local Plan, KDP 1 & 2 of the House Extensions and Alterations Supplementary Planning Document and policies within Chapters 12 and 16 of the National Planning Policy Framework and Sections 66(1) and 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.

3. 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 development should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

It is considered that that no properties located north of the application site are affected by the development due to a separation distance to the nearest property in this direction of 23m. This is regarded as the same for property to the east and west with even more significant separation distances.

Impact 14 Nabbs Lane

14 Nabbs Lane is a residential property adjoined to the applicant property to the south of the application site. Whilst it is noted that there is glazing to the elevation facing this property it is considered that due to the porch being located at the other side of the property to that adjoining this neighbour it is considered that this window only looks back onto the remaining front elevation at No.16. with regards to overshadowing or any overbearing impact, a separation distance of 1.5m is retained between the porch and the boundary with this neighbour. It should also be noted that the low eaves and overall height of the extension lessen any residential amenity impact. Therefore, it is considered that the development does not result in any further harm to the neighbour's residential amenity over the current situation.

Having considered the above factors, the development is not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions and Alterations SPD and Paragraph 135 (f) of the National Planning Policy Framework.

4. Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principles 15 and 16 of the adopted House Extensions & Alterations SPD seek to ensure that

acceptable levels of off street parking / waste storage areas are retained and are also considered to be relevant.

The development does not intensify the domestic use at the dwelling and does not affect the existing parking / waste storage arrangements on site. Therefore, the development is considered acceptable in accordance with Policies LP21 and LP22 of the KLP, Chapter 9 of the NPPF, Principles 15 and 16 of the Kirklees House Extensions and Alterations SPD and the Highways Design Guide SPD.

5. Other Matters

Carbon Budget

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.

Considering the scale and nature of the development, especially that it is for private use, it is considered that the development does not have an impact on climate change that needs mitigation to address the climate change emergency. The development therefore complies with Chapter 14 of the National Planning Policy Framework.

Biodiversity

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 developments 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 given the development has been undertaken and is seeking retrospective consent.

There are no other matters relevant to the determination of this application.

6. Representations

The third party representations received are addressed below:

- The porch fits beautifully and has weathered well
- benefits for the occupiers such as retaining heat.

Officer Response: This is addressed in section 2 of this report. Whilst a small scale benefit of improving insulation properties of the building, this is not considered to be a public benefit which outweighs the identified harm.

- Extension out of character with the area and situated in a prominent location.
- Does not match property next door and does not fit in with the surrounding area.
- Rear of property likely better location for the development.

Officers response: These are addressed in section 2 of this report. With regard to the comment the rear of the property is likely the better location, this application is assessed on its own merits on the basis of the development as applied for.

7. Negotiations

Given this is a retrospective application no amendments were sought or received during the course of the application.

8. Conclusion

This application for the erection of a porch at 16 Nabbs Lane has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations SPD, the National Planning Policy Framework and other material considerations.

The porch extension by reason of its location, scale and design has a harmful impact upon the historic character of the applicant property and the Slaithwaite Conservation Area. There are no public benefits identified, or considered to exist more generally which justify the identified harm to the setting and character of the host property and the harm to the setting of the Grade II listed viaduct directly behind the dwellings. The development therefore contravenes Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

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. For the reasons set out above, it is considered that the development does not constitute sustainable development and is therefore recommended for refusal.

The development is therefore considered to be contrary to policy LP2 which seeks to ensure all development builds on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places.

Recommendation: Refuse

Decision Authorisation: Delegated Powers

Application Number: 2024/91501

Officer Recommendation: Refuse

Reason for Refusal

1. The development, by reason of its prominent location, scale, form, materials, expanse of glazing and design has a harmful impact upon the historic character of the host property, the Slaithwaite Conservation Area and the setting of the Grade II listed viaduct. The development constitutes a visually harmful addition which does not respect or enhance the character of the townscape or designated heritage assets. There are no public benefits identified, or considered to exist more generally which justify the identified harm to the setting and character of the host property and the harm to the setting of the Grade II listed viaduct directly behind the dwellings. The development is therefore contrary to Policies LP24 and LP35 of the Kirklees Local Plan, Principles 1 & 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document, policies within Chapters 12 and 16 of the National Planning Policy Framework and Sections 66(1) and 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Application form	-	-	28/05/2024
Climate change statement	-	-	28/05/2024
Conservation/heritage statement	-	-	28/05/2024
Location plan	2408/100	-	29/05/2024
Existing and proposed side elevation 1	2408/102	-	28/05/2024
Existing and proposed side elevation 2	2408/103	-	28/05/2024
Existing and proposed plan and front elevation	2408/101	-	28/05/2024

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 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.

Although the Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. In this instance, due the retrospective nature of the application, no amendments were sought.

Report Dated: 24th July 2024