

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:	2024/62/92704/E
Site Address:	6, Garner Lane, Kirkburton, Huddersfield, HD8 0QX
Description:	Erection of two storey side extension and associated alterations (within a Conservation Area)
Recommending Officer:	Elenya Jackson

DECISION – Full Conditional 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 16-Dec-2024

Officer Report

Site Description

2024/92704– 6, Garner Lane, Kirkburton, Huddersfield, HD8 0QX

The application site relates to a large three-storey, residential, detached property in Highburton Conservation Area. The property is constructed in stone and is located at a lower level than street level, which results in the driveway to the site having an incline away from the dwelling. Due to the change in land levels, the property appears as a single storey dwelling from the street scene.

The properties private amenity space is located to the west, and at a significantly lower level than the properties entrance.

The local area is largely residential, constructed out of stone; however, properties are well spaced and the dwelling is largely read as a standalone property.

Description of Proposal

This application is for the erection of two storey side extension and associated alterations (within a Conservation Area).

The proposed extension would be located on the south-eastern elevation of the dwelling, extend 3.4m beyond the side elevation of the dwelling and have a depth of 6.5m.

The extension would feature a pitched roof with a maximum height of 7m and an eaves height of 5.1m.

The proposal would be constructed with all external materials matching the host dwelling.

History of negotiations/amendments received

Officers requested further details regarding how the proposal would be constructed due to the dwellings proximity to the retaining wall which supports Garner Lane.

Relevant Planning History

86/03631 - Extension to dining room and to form porch and lounge and extension to form utility room and double garage (Within Conservation Area) - Granted Conditionally

90/06050 - Erection of first floor extension - Conditional permission.

2000/91453 - Erection of detached dwelling - Refused.

2002/92976 - Outline application for erection of one dwelling (within a Conservation Area) - Refused

2003/92670 - Erection of detached dwelling with integral garage and installation of septic tank (within a Conservation Area) - Refused.

2004/92385 - Erection of detached dwelling with integral garage and installation of package treatment plant (within a Conservation Area) - Conditional permission.

2006/90850 - Erection of detached dwelling with garage (modified proposal) (within a conservation area -Conditional permission.

2016/90290 - Confirmation of compliance of conditions on planning permission 2006/90850 for erection of detached dwelling with garage (modified proposal) (within a Conservation Area) – Decision Made

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 8/11/2024.

No representations have been received.

Consultation Responses

KC Conservation and Design - Informal discussion and no further comments.

KC Highways Structures - Requested details relating to a cross section of the development and conditions relating to ongoing requirements for the retaining wall.

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 Highburton Conservation Area, in a Bat Alert layer and a high risk coal area.

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 20th 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 street scene and host dwelling.

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 in Highburton Conservation Area; however, the site is set down in the site which reduces its prominence in the street scene. 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.

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 proposal would adjoin an existing building on site and would have alterations to the external appearance of the structure. The dwelling is a later addition within the conservation area and is not a historical property. As to whether the proposed could be acceptable with respect to heritage amenity, it is considered that the proposal would have very limited vantage points from the Conservation area, due to its set down position in the site and location against the retaining wall associated with Garner Lane. Officers consider that the proposal would result in no harm to the character of the conservation area. KC Conservation and Design has reviewed the proposal and have no concerns with the extension. Due to there being no harm to the heritage assets, public benefits are not required to be considered.

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

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 135f) 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.

The property has no adjoining neighbours and therefore, no concerns are raised regarding the residential amenity of neighbouring residents and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, as well as policies within chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are relevant to the consideration of this application. The

Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

In this case there is ample parking provision on site to the north of the host dwelling.

The proposal would not alter parking provision on site.

The proposal would require excavations next to the retaining wall which supports Garner Lane. As a result, highways structures have been consulted on the application. A cross section was requested during the course of the application and agreed in principle with the Council's structures team. However, in the event that planning permission be approved, further conditions are recommended to be attached relating to the provision of structural dilapidation surveys and a 3m easement strip for future maintenance of the wall.

Therefore, subject to conditions, the proposal is considered to accord with LP21 and LP22 of the Kirklees Local Plan.

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 proposal would utilise an existing structure on site, 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: 2024/92704

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. Before the development commences, a full structural dilapidation survey of the existing retaining wall supporting Garner Lane shall be undertaken by a suitably qualified and experienced structural engineer and a copy of the report submitted to the Highway Structures team for review. A further structural dilapidation survey of the retaining wall shall also be required following the completion of the works and any defects arising in the wall due to the works associated with the proposed development shall be made good to the satisfaction of the Council's Highway Structures team, at the developer's expense.

Reason: To ensure the proposal would not result in stability issues for the retaining wall supporting Garner Lane in accordance with LP53 and LP21 of the Kirklees Local Plan.

4. An easement strip of no less than 3.0m wide shall be retained between the proposed extension/ buildings and the existing retaining walls supporting Garner Lane to facilitate access for their future inspection and maintenance.

Reason: To enable future maintenance, to ensure the proposal would not result in stability issues for the retaining wall supporting Garner Lane in accordance with LP53 and LP21 of the Kirklees Local Plan.

5. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the Local Planning authority shall be notified in writing within 2 working days.

Works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policies LP53 of the Kirklees Local Plan and the NPPF.

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	5083495	P2	20/09/2024
Block Plan			20/09/2024
Existing Plans and Elevations	01		20/09/2024
Proposed Plans and Elevations	02	P1	20/09/2024
Proposed Sections	03	B	6/12/2024
Heritage impact statement			20/09/2024
CCS			20/09/2024

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 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.

Further details requested relating to the proposal's proximity to a structural retaining wall.