
Report of the Head of Development Management**HEAVY WOOLLEN PLANNING SUB-COMMITTEE****Date: 15-Dec-2016****Subject: Planning Application 2016/90093 Demolition of existing single storey side extension and erection of two storey side extension (within a Conservation Area) 16, Hall Lane, Highburton, Huddersfield, HD8 0QW****APPLICANT**

R Gill

DATE VALID

22-Mar-2016

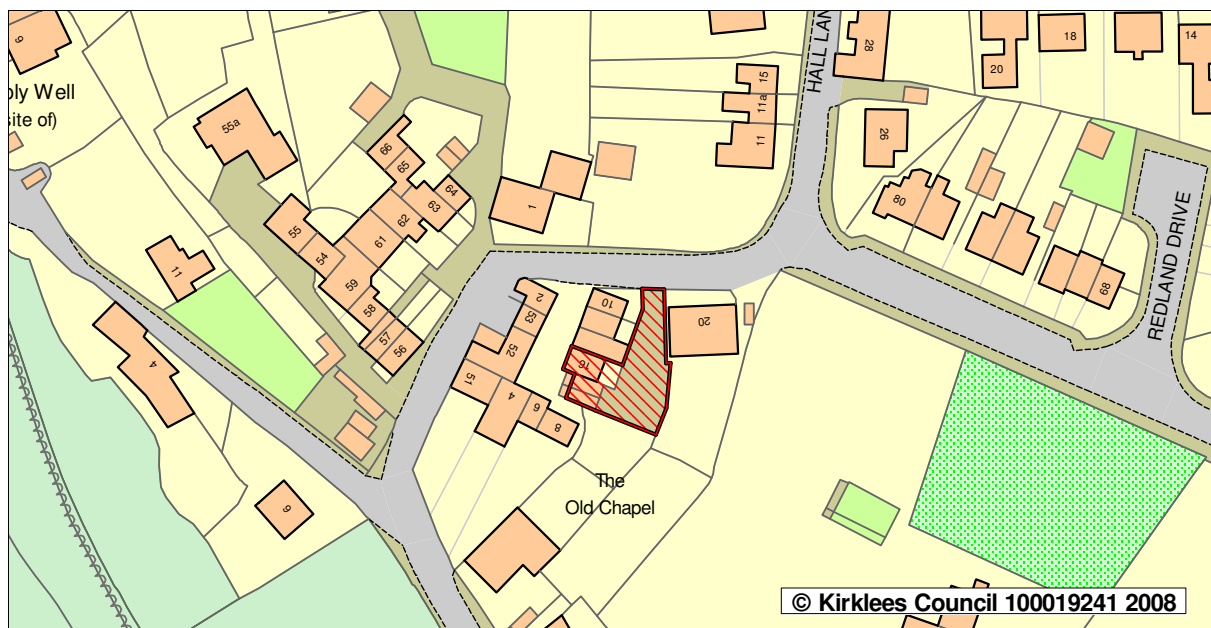
TARGET DATE

17-May-2016

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN

Map not to scale – for identification purposes only

Electoral Wards Affected:

Kirkburton

YES

Ward Members consulted
(referred to in report)

RECOMMENDATION: Grant Conditional Full Permission subject to the delegation of approval to the Head of Development Management in order to complete the list of conditions contained within this report (and any added by Committee).

1.0 INTRODUCTION:

- 1.1 The application is brought to Heavy Woollen Planning Sub-Committee at the request of Ward Councillor Bill Armer on the grounds that *'this extension is a second one on this property, would be overbearing in relation to neighbouring properties leading to loss of residential amenity and is out of keeping with the conservation area'*
- 1.2 The Chair of the Sub-Committee has confirmed that Councillor Armer's reason for making this request is valid having regard to the Councillor's Protocol for Planning Sub Committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site comprises a two-storey end terraced dwellinghouse with single storey store attached to the side and single storey front extension. The external walls are predominantly natural stone to the front with white render elsewhere. The roof to the main part of the house is dual pitched, whilst that to the single storey side element is mono-pitched with parapet to the front and sloping down to the back.
- 2.2 The site is located at the end of a short cul-de-sac road from Hall Lane. The rear of the main part of the house backs onto narrow courtyard giving access to neighbouring 2-storey terraced properties at 2 to 8 Hall Lane, and 52 & 53 Slant Gate. The rear of the single storey side element is attached to two small outbuildings, and the side elevation of this element forms part of the boundary with 8, Hall Lane.

- 2.3 The site is within Highburton Conservation Area, where this particular part is characterised by traditional 2-storey terraced cottages with a mixture of natural stone and white rendered walls in close proximity to each other.

3.0 PROPOSAL:

- 3.1 Full planning permission is sought for demolition of existing single storey side extension and erection of 2-storey side extension (within a Conservation Area).
- 3.2 The proposed extension would replace the existing extension with a slightly reduced footprint (150mm reduced to the side nearest no8), to account for the provision of foundations and rainwater goods. It is designed with a mono-pitched roof approximately 4.2m to eaves level (30cms above the highest part of the current extension) and overall height adjacent to the existing gable end of approximately 6.0m (same as eaves level to the existing house).
- 3.3 It would provide a kitchen / dining room at ground floor level and one bedroom directly above. There would be window openings at ground and first floor level in the front elevation only.
- 3.4 The external wall materials would be stone and the roof would be surfaced in blue slate, both to match the existing.

4.0 RELEVANT PLANNING HISTORY:

2001/92521 – erection of kitchen / living room extension. Granted conditional full permission.

2010/92233 – erection of extension to the front. Granted conditional full permission.

At 8, Hall Lane:

2009/90586 – Erection of single storey & part 2-storey extension. Granted conditional full permission.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The application was initially submitted with a dual pitched roof and side facing gable end design. Following concerns about the massing at first floor level the design was amended to a mono-pitched roof and the eaves level and overall height reduced. It is the amended scheme which is under consideration.

6.0 PLANNING POLICY:

- 6.1 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

Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (adopted 1999) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 D2 – land without notation
BE5 – preserving and enhancing the character conservation areas
BE1 – design principles
BE2 – quality of design
BE13 – extensions to dwellings (design)
BE14 – extensions to dwellings (scale)

National Planning Guidance:

- 6.4 National Planning Policy Framework

Chapter 7 - Requiring good design
Chapter – Conserving and enhancing the natural environment
Chapter 12 – Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 Four neighbouring properties have made representations. The main points of concern are summarised as follows:
- Given its close proximity to neighbouring properties (including 6, Hall Lane and 52, Slant Gate), but particularly the front elevation to 8, Hall Lane (containing door, lounge, staircase and landing windows) and its main access, it will have an overbearing and overshadowing impact which would be prejudicial to residential amenity and contrary to policy BE14 of the UDP.
 - The property at the application site is in a Conservation Area and already has a ground floor extension to the front. The cumulative impact of the existing extension and the proposed extension would no longer leave the original part of the house as the dominant element. The projection of the proposal would also be visible from public spaces, notably the nearby public road. As such it would be contrary to policy BE13 of the UDP.

- There is concern that rain water and snow run-off from the roofs will be shed onto the path at the front of 8, Hall Drive.
- It may have an overlooking impact upon the neighbouring properties.
- It will reduce the value of their property.
- The party wall agreement needs to be observed

7.2 The applicant, through an agent, has submitted responses to the representations relating to impact upon 8, Hall Lane. The main points are summarised as follows:

- The proposed extension would replace an existing with a slightly reduced footprint (approximately 150mm reduction in width to account for foundations and rainwater goods).
- The highest part of the current extension on the boundary with no8, is 3.95. The proposed extension is designed with lean-to extension to mitigate impacts on no. 8, and is only 30cms above the highest part of the current extension. It is acknowledged that the proposed extension would result in slightly higher mass of walling (1.65m tapering to 0.3m high), however in the existing context of orientation to the north and aspect and purpose of windows in north elevation of no.8, it is not judged to be significant.
- Although the north elevation of no 8 contains a door to a kitchen, the main elevation quite naturally on the opposite side facing south. This elevation contains all but one of the habitable room windows and doors to hall and dining room, gathering natural day light.
- The windows on the north elevation (facing the proposed extension) serve non-habitable rooms (landing and bathroom at first floor level and secondary lounge window at ground floor level. These windows currently provide only limited light compared to those on the south facing elevation.
- In terms of overlooking, the proposed extension would have 2 windows only in the front elevation, overlooking amenity space belonging to the applicant. The oblique angle towards only a small area of garden to the side of no. 8 would not result in any significant loss of enjoyment of the wider garden which is considerable in size
- In respect of impact upon Highburton conservation area, the proposed extension will replace an existing extension partially constructed of brick - a material not in keeping with the surrounding materials with a reclaimed natural stone and matching timber sash windows.. In addition the proposal will be barely seen from Hall Lane and the wider conservation area.

- With regards to the original building no longer being dominant, the volume of the original house (including brick / stone side area) is 310 cu.m. The existing front extension and proposed side extension (subtracting the volume to be demolished) would be 83 cu.m. Therefore the proposed extension together with the existing front extension would represent a 27% increase over the size of the original property, which is not considered to result in over dominance.

7.3 Kirkburton Parish Council: No comments received

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

None

8.2 Non-statutory:

K C Conservation & Design – In relation to the initially submitted design with gable end, they were concerned about the massing at first floor level in relation to the neighbouring properties. They suggested a mono-pitch with reduced eaves level together with method statements for demolition of existing structure and construction of proposed extension.

K C Ecologist – Request condition relating to the provision of a method statement for the avoidance of impacts upon roosting bats during demolition and construction.

9.0 MAIN ISSUES

- Principle of development
- Visual amenity including impact upon Conservation Area
- Residential amenity
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The NPPF provides a presumption in favour of sustainable development.
- 10.2 The site is within Highburton Conservation Area. Section 72 of the (listed Buildings and Conservation Areas) Act (1990)'the Act' 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 mirrored in Policy BE5 of the Unitary Development Plan together with guidance in Chapters 7 and 12 of the National Planning Policy Framework.

Impact on Visual Amenity including Highburton Conservation Area

- 10.3 The application site is located at the end of a short cul-de-sac row of 2-storey traditional terraced cottages that are perpendicular to Hall Lane. The front elevations are predominantly natural stone to the front and white render to the rear and side. Several have porches or single storey extensions to the front including that at the application site.
- 10.4 There is a narrow courtyard immediately to the rear associated with an L-shaped row of more traditional 2-storey cottages to the south and west. This part of Highburton Conservation Area is characterised by closely spaced 2-storey terraced cottages with a variety of extensions of various designs including mono and dual pitched roof styles and matching materials.
- 10.5 The proposed extension would be on a slightly reduced footprint of the existing side extension, and is designed with a mono-pitched roof; natural stone walls and a blue slate roof. It is considered by officers that these design features would respect the architectural qualities of the surrounding buildings and their materials of construction. It would also replace an existing extension partly constructed with red brick – a material not in keeping with most external materials in the area.
- 10.6 A concern raised in the representations was that the combined impact of the existing front extension and the proposed side extension would no longer leave the original part of the house as the dominant element.
In this respect the volume of the original house (including the existing single storey side element) is approximately 310 cu.m and the new front extension together with the proposed side extension (excluding the volume to be demolished) would be around 83 cu m. As a result the proposed extension with the new front extension would represent a 27% increase over the size of the original property and it is considered that this would not be overly dominant.
- 10.7 Another concern raised in representations was that the extension would be clearly visible from public places, namely Hall Lane.
In this respect, when viewed from Hall Lane, the location of the proposed extension is obscured by other buildings, and although the proposed extension would project approximately 1.2m to the front, much of its appearance from Hall Lane would be blocked by the existing single storey front extension. As such it is considered that it would have very limited, when viewed from public places.
- 10.8 As such it is officers' opinion that the proposal would not prejudice visual amenity, retains a sense of local identity and contributes to the preservation and enhancement of the character Highburton Conservation Area. This is compliant with policies D2, BE1, BE2, BE5 and BE13 of the Unitary Development Plan.

Residential Amenity

10.9 *In relation to 8, Hall Lane;*

- 10.10 This neighbouring property is a traditional 2-storey end terraced cottage with later extensions to the side and rear. It is located to the south of the application site and accessed from Hall Lane via courtyard to the rear of the application. There is a narrow passage
- 10.11 In terms of overbearing, oppressive and overshadowing impact, currently there is a relatively narrow passage way from the courtyard to kitchen door of 8, Hall Lane, and beyond to its garden. It is enclosed by the 2-storey elevation of 8, Hall Lane and the side elevation of existing single storey element to the house at the application site together with smaller outbuildings attached to the back. As such this space is already quite cramped.
- 10.12 However, the proposed side extension would replace the existing extension with a slightly reduced footprint and fractionally further away. In addition the highest part of the current building is approximately 4.0m and the eaves level of the proposed extension would be around 30cm above this. It is also designed with a mono-pitched roof sloping away from the mutual boundary with 8, Hall Lane.
- 10.13 It is acknowledged that further massing at first floor level will increase the feeling of overbearing when walking in this area and it is a finely balanced judgement. However, the main aspect of 8, Hall Lane is on the opposite side of the house with open aspect to the south and majority of habitable room windows and doors facing in that direction. In addition the house has associated south facing patio and garden area together with raised lawn and garden space to the side which is relatively open aspects to the south and east.
- 10.14 Those windows and doors looking in a northward direction onto the existing passage way are to non-habitable rooms (stairs, landing and bathroom) together with a small ground floor secondary window to lounge. Given this context it is officers' opinion that the additional massing of the proposed extension would have relatively limited additional impact upon residential amenity within the rooms which face northwards
- 10.15 In terms of overshadowing effect given that this passage way is already significantly overshadowed by its own building mass and the proposed extension is to the north, it is considered that there would be very limited, if any additional overshadowing impact.
- 10.16 During the course of the application negotiation has taken place to reduce the overbearing impact by changing the initially proposed gable end to currently proposed mono-pitched roof with lower eaves level so that it is now at the minimum height to allow some usable internal space at first floor level, but removes some massing immediately adjacent to the boundary. In addition the overall height of the proposed extension is well below that of the main part of

the house. Furthermore, a velux window in the roof slope has been removed, so there is now no overlooking and it is recommended that new openings are controlled by condition.

10.17 On balance it is officers' opinion that the level of overbearing, oppressive and overshadowing impact over and above that of the existing side element would not be significantly prejudicial to the residential amenities of the occupiers of 8, Hall Lane.

10.18 *In relation to 6, Hall Lane;*

10.19 This neighbouring property is a 2-storey inner terraced cottage to the south east of the proposed extension. Its nearest elevation is north facing and at right angles to the proposed extension, looking directly onto a courtyard at the back of the application site.

10.20 In terms of overbearing and overshadowing impact, there would be a separation distance of around 5.0m between the nearest corner of 6, Hall Lane and the rear elevation of the proposed extension. Whilst there is potential for the increased massing at first floor level to make the external area directly outside the northern elevation of 6, Hall Drive feel more enclosed, it is thought that the impact upon the internal rooms of this neighbouring property would be minimal, if at all. In addition, over and above the existing circumstances at the site, it is thought that there would be limited overbearing and overshadowing effect.

10.21 There would be no openings in the rear or side elevation of the proposed extension and again new openings could be controlled by condition. In these circumstances there would be no invasion of privacy.

10.22 *In relation to 52, Slant Gate:*

10.23 This is a 2-storey inner terraced cottage located to the west of the application site. Its nearest elevation faces eastward and onto the rear elevation of the proposed extension, with courtyard and small outbuilding in between and a separation distance of around 1.0m

10.24 The external space directly in front of the east elevation of this property is already significantly enclosed and overshadowed by the neighbouring properties. In officers' opinion the additional massing at first floor level will have some additional such effect, but over and above the existing circumstances, it is considered that the impact would be relatively limited.

10.25 Again as there are no openings proposed in the rear elevation of the proposed extension, and new openings could be controlled by condition, there will be no invasion of privacy.

Representations

10.26 To date the occupants of 4 neighbouring properties have made representations. The main points of concern being:

10.27 Given its close proximity to neighbouring properties (including 6, Hall Lane and 52, Slant Gate), but particularly the front elevation to 8, Hall Lane (containing door, lounge, staircase and landing windows) and its main access, it will have an overbearing and overshadowing impact which would be prejudicial to residential amenity and contrary to policy BE14 of the UDP.

Response: *These issues are addressed above in 10.10 to 10.12*

10.28 The property at the application site is in a Conservation Area and already has a ground floor extension to the front. The cumulative impact of the existing extension and the proposed extension would no longer leave the original part of the house as the dominant element. The projection of the proposal would also be visible from public spaces, notably the nearby public road. As such it would be contrary to policy BE13 of the UDP.

Response: *These issues are addressed above in points 10.4 to 10.9*

10.29 There is concern that rain water and snow run-off from the roofs will be shed onto the path at the front of 8, Hall Drive.

Response: *There is an existing structure in this location. As such, it is not anticipated that the proposed development would result in increased run-off from the site.*

10.30 It may have an overlooking impact upon the neighbouring properties.

Response: *This issue is addressed above in points 10.10 to 10.12*

10.31 It will reduce the value of their property.

Response: *This is not a material planning matter.*

10.32 The party wall agreement needs to be observed

Response: *This is separate from the planning regulation and is a civil matter.*

Other Matters

10.33 Impact upon bats: The application site is in a bat alert area. Whilst the existing building has low bat roost potential it is considered prudent to condition a method statement for the avoidance of impacts to roosting bats during demolition and construction to be submitted to and approved in writing by the local planning authority.

- 10.34 Demolition of existing building and construction of proposed extension: A statement accompanying the application states that the rear and side walls of the existing structure will be demolished course by course, with all debris falling into the building. The rear wall will be demolished until the roof of the outbuildings is reached, then only the inner leaf of the wall will be removed and the outer leaf to be back pointed.
- 10.35 The new wall to the extension will be built up to the retained leaf, with the wall foundation taken below and under the existing foundation.
- 10.36 After erection of the new wall, additional slates will be fitted over the retained masonry, and lead flashing installed with a minimum 150mm upstand and cavity tray d.p.c over. The side wall of the proposed extension will be set in from the ownership boundary, to allow for the foundation below ground, and the gutter to the extension not to encroach on the adjacent property.
- 10.37 If permission cannot be obtained to build the wall from the outside, then the side wall will be built over hand.

11.0 CONCLUSION

- 11.1 It is acknowledged that this is a finely balanced recommendation, however the design of the proposed extension is considered acceptable in terms of visual amenity and impact on Highburton Conservation Area. Whilst the extra massing at first floor level has potential to have some additional impact upon residential amenity of the neighbouring properties, it is considered that over and above the current circumstances this would be relatively limited. Furthermore, negotiations have taken place to reduce the massing at first floor level to that currently being considered.
- 11.2 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, on balance, recommended for approval.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Development Management)

It is proposed that the following planning conditions would be included should planning permission be granted:

1. Time limit for implementation (3 years).
2. Development carried out in accordance with the plans and specifications.
3. Removal of permitted development rights for new openings in the side or rear elevations.
4. Provision of a bat method statement.

Background Papers:

Application and history files.

Current application 2016/90093:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f90093>

Certificate of Ownership – Certificate B serving notice on the following addresses:

- 11 Matthew Scholey, 10 Hall Lane
- 12 Vanessa Turner, 12 Hall Lane
- 13 Janine Tazazi, 14 Hall Lane
- 14 The owner, 4 Hall Lane
- 15 The owner, 6 Hall Lane
- 16 The owner, 8 Hall Lane