
Report of the Head of Development Management

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Mar-2017

Subject: Planning Application 2016/91343 Erection of attached dwelling and erection of extensions and alterations to existing dwelling (Listed Building) 141A, Church Street, Netherthong, Holmfirth, HD9 3EA

APPLICANT

Mr & Mrs Farmiloe

DATE VALID

25-Apr-2016

TARGET DATE

20-Jun-2016

EXTENSION EXPIRY DATE

17-Mar-2017

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: Holme Valley South

No

Ward Members consulted
(referred to in report)

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development Management in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1. The application seeks permission for the erection of an extension to 141a Church Street at Netherthong, and for the erection of an attached dwelling within its amenity space. 141a Church Street is a Grade II listed dwelling located within the Netherthong Conservation Area. The scheme proposes to extend and reconfigure the layout of the listed property, and to erect a three storey attached dwelling within the residential curtilage to the west.
- 1.2. The proposal would not have a detrimental impact on the existing listed building, the setting of neighbouring listed buildings or the Netherthong Conservation Area. There would be no detrimental impact on highway safety or residential amenity.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site comprises 141a Church Street at Netherthong, a three storey listed weavers cottage located on the corner of Church Street and New Road. The dwelling is attached to the more substantial 141 Church Street.
- 2.2 141a Church Street has an existing vehicular access off New Road leading to a paved area of off-street parking and a grassed amenity space. A stone boundary wall screens the site from Church Street and New Road, and an internal stone wall separates the rear of 141a and 141 Church Street from the amenity space.
- 2.3 The site is unallocated on the Unitary Development Plan Proposals map. It is however included within the Netherthong conservation area which extends from the north of the village and includes 141 and 141a Church Street and its amenity spaces. Land to the south of the application site is not included within

the Conservation Area. The nearest listed buildings include 128 Towngate to the west of the site, and 131-135 School Street to the east of the site.

3.0 PROPOSAL:

- 3.1 The application seeks permission for the erection of a three storey extension and alterations to the existing 141a Church Street to reconfigure the internal space. The proposed extension would be constructed of natural stone and stone slate.
- 3.2 Permission is also sought for the erection of an attached dwelling in the existing amenity space to the west of the existing dwelling. The proposed dwelling would also be three storeys in height. Externally it is proposed to divide the space to the rear into two private amenity spaces.
- 3.4 It is proposed that both the extended and newly created property would utilize the existing vehicular access onto New Road leading to an area of off-street parking. It is also proposed to create a new exit point onto Church Street. It is intended vehicles would enter from New Road and exit onto Church Street. Visibility at the Church Street exit would be improved by the reduction in height of the existing boundary wall to 900mm, which would also give some visibility improvement at the Church Street / New Road junction.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2015/93291 – Change of use of dwelling (C3) to hotel use (C1) (Listed Building within a Conservation Area) - Withdrawn
- 4.2 2015/93274 – Listed Building Consent for change of use from a dwelling (C3a) to hotel use (C1) (within a Conservation Area) – Withdrawn
- 4.3 2016/91344 – Listed Building Consent for erection of attached dwelling and erection of extensions and alterations to existing dwelling – pending a decision
- 4.4 2016/91356 – Erection of two detached dwellings – pending a decision

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 A reduction in the height of the attached dwelling by 600mm to mitigate the impact on neighbouring properties directly opposite the site.

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 (saved 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 BE1 – Design principles
BE2 – Quality of design
BE5 – Preservation/enhancement of conservation areas
BE12 – Space about buildings
T10 – Highway Safety
EP11 – Ecological landscaping
NE9 – Retention of mature trees

Supplementary Planning Guidance / Documents:

- 6.3 None

National Planning Guidance:

- 6.4 Chapter 6 – Delivering a wide choice of high quality homes
Chapter 7 – Requiring Good Design
Chapter 12 – Conserving and Enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was initially publicised by neighbour letter, site notice and press notice. The period of publicity expired on 3rd June 2016. 16 letters of objection were received.

7.2 Highway Issues

- Access through the village is restricted with frequent blockages as lorries and buses are unable to negotiate the bends. Any further development will cause congestion. The application is hazardous proposing access and egress very near to the junction of Church Street and New Road. At school opening and closing times Church Street clogs with traffic, inevitably tempting drivers exiting the site to use the entry point with a risk of accidents.
- Few houses have off-road parking where the proposed development is.
- School pupils walk to school in both directions adjacent to the site
- The area cannot accommodate more traffic, the streets are narrow with parked cars. There is no capacity for on-street parking.
- Concern how construction traffic would reach the site.

- Query how cars would exit when residents park opposite.
- The ingress from New Road could be problematic, school parents park there.
- The private access could become a short cut to miss the top of New Road.
- The entrance from New Road is close to a junction with Towngate and a 90 degree badly sighted bend. This is a blind spot and potentially dangerous.
- The entrance would impact on people walking on New Road which is currently dangerous given that there is no footpath.
- This area is difficult to access at certain times of the day and if parking is restricted on Church Street vehicles will park on New Road.
- On-street parking effectively means all three roads at and leading away from this junction are limited to single file traffic.

7.3 Heritage Issues

- The proposal would damage the character and environment of the village, this land is the only open space. The proposal would destroy views and alter the spatial relationship between buildings.
- There has never been any previous building on site. The listed cottage has no land of its own and belongs to the attached house.
- Key views and vistas in the conservation area including the view from Towngate and the war memorial south east across the valley will be lost.
- There are two sites on the north site of the village (St Mary's and Deanhouse) proposed for development, both are outside of the village and the conservation area. No more development sites need adding with the inadequate infrastructure.
- The building and its gardens and mature trees add to the character of the conservation area and are a good example of Georgian building and gardens which should be preserved.
- The proposal will have a detrimental impact on the conservation area. The development is on the main approach route into the village.
- The extensions are staggered in height and width which looks disjointed and unnatural to the existing building and surrounding rural area.
- The large house and listed building are a centre piece to the older part of Netherthong
- The proposals are without sympathy to the conservation area and distinctive rural location. The buildings will diminish the character of 'the big house'.

7.4 Amenity Issues

- The distance between the front elevation of the proposed new dwelling and existing properties on Church Street is less than 21m.
- The proposed dwelling will harm residential amenity by virtue of overshadowing/overbearing.

7.5 Other Matters

- Wildlife and green space will be lost forever
- Concern about an increases in noise, dirt and dust
- A new build will not blend in with the village, will spoil views, cut out light and sense of space.
- Concern about loss of view.
- The primary school is over-subscribed, this would entail further use of cars
- The built on terraced houses will de-value Holmleigh.

7.6 Holme Valley Parish Council – Support the application subject to Listed Building Officer being satisfied.

7.7 The amended plans were advertised by neighbour letter. The period of publicity expired on 23rd November 2016. 4 letters of objection and 6 letters of support have been received. A summary of the comments received is set out below:

7.8 Points in Support:

- The proposals have been sympathetically designed to fit into the village. The development will be in keeping with the organic way in which the centre of the village has evolved throughout its history.
- The dwellings follow the lines of existing properties and have been sensitively arranged to be consistent in both proportion and in their materials, echoing the local identity and fitting in with listed buildings.
- The houses are designed to provide privacy and open space for their occupants as well as good physical separation from adjacent properties.
- The proposals will help address the under supply of housing in Netherthong and will provide much needed accommodation for people and families who will support local amenities.

Additional objections:

7.9 Whilst acknowledging the design is better in terms of windows the plan seriously impacts on the visual amenity in the centre of the village with its height and taking up space.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:** None

8.2 **Non-statutory:**

K.C Conservation and Design – No objections

K.C Ecologist – No objections

K.C Arboricultural Officer – No objections

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Ecology issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004). The application site is located within the Netherthong Conservation Area. The site is otherwise unallocated on the Unitary Development Plan. Policy D2 of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. All these considerations are addressed later in this assessment. Subject to these not being prejudiced, this aspect of the proposal would be acceptable in principle in relation to policy D2.
- 10.2 The NPPF sets out a presumption in favour of sustainable development. For decision taking this means ‘approving development proposals that accord with the development plan without delay’. The application site is a greenfield site which forms part of the curtilage to No’s 141 and 141a Church Street. The site is located within a sustainable location in Netherthong village with local amenities, and the principle of housing development is considered to be acceptable in accordance with the sustainability principles of the National Planning Policy Framework.

Urban Design / Heritage issues

- 10.3 The site forms part of the curtilage to No’s 141 and 141a Church Street which is a grade II listed, three storey, early/mid 18th century weavers cottage and adjoining 19th century dwelling. The site also sits within the Netherthong Conservation Area.
- 10.4 A number of concerns have been raised in the representations received regarding the impact on views within the conservation area, and the design and proportioning of the extensions.

- 10.5 Paragraph 128 of the NPPF stipulates that 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. Paragraph 131 states local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and the desirability of new development making a positive contribution to local character and distinctiveness. There are views looking towards the southern boundary of the Conservation Area from New Road, and views of the site from within the village.
- 10.6 Alterations and extensions to a building should be designed to be subordinate to the main building (both physically and visually) and sympathetic to its character, both original and existing. Extensions need to respect the form and character of the listed building and its setting and be subordinate in nature to the existing building. Where a traditional approach is intended proportions, detailing and materials need to be appropriate for the context of the site, including the roof form. Conservation and Design are satisfied that the proposed development, whilst being of an uncharacteristic and unprecedented scale would not adversely impact upon the architectural significance of the adjoining Grade II listed building, 141 Church Street as it largely complies with the points raised above. Whilst it could be argued that its scale and height are not reflective of a subordinate structure, officers consider that what is being proposed does not prejudice the heritage assets as a structure any lower would appear contrived in the given context.
- 10.7 With regards to its impact upon the Netherthong Conservation Area, officers are satisfied that the development has been designed with consideration to Netherthong's organic and haphazard form, and therefore conclude that the development will preserve its special character and appearance in accordance with UDP policy BE5 and the objectives of paragraph 131 and 137. The proposal would be seen from immediate views within the centre of the village, but would be relatively concealed from views looking towards the southern boundary of the conservation area due to the existing mature trees.
- 10.8 It is concluded that in terms of their size, scale, design and material palette the addition of the proposed extension and dwelling would not cause undue harm to the setting of the adjoining listed buildings and furthermore would not undermine the character of the Netherthong Conservation Area. The application is considered to be compliant with the objectives of paragraphs 131, 132, 134 and 137 of the NPPF as well as policies BE1, BE2, BE11 and BE13 of the UDP. This is subject to the imposition of appropriate conditions to secure appropriate materials and design features.

Residential Amenity

- 10.9 A core planning principle set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. Policy D2 of the UDP stipulates that development should protect the residential amenity of neighbouring residential properties and policy BE12 sets out the normally recommended minimum distances between habitable and non-habitable room windows. The nearest neighbouring properties to the site which would be affected by the development include Nos 116 and 116a Church Street; a pair of semi-detached two storey dwellings: and Nos 118-122 Church Street; a terrace of three dwellings, all of which are located to the north of the site.
- 10.10 Concerns have been raised in the representations received that the distance between the front elevation of the proposed new dwelling and existing properties on Church Street is less than 21m, and that the proposed dwelling would harm residential amenity by virtue of overshadowing/overbearing.
- 10.11 The relevant distances are:
- A distance of 15 metres from the principal elevation of the proposed extension to 141a Church Street to the principal elevation of No.116 Church Street
 - A distance of 14 metres from the principal elevation of the new dwelling to the principal elevation No.118 Church Street
- 10.12 These distances will accord with policy BE12 of the UDP, subject to their being no habitable room windows proposed on the principal elevations of the proposed extension and attached dwelling. Policy BE12 requires a distance of 12 metres between habitable room windows and a blank wall or a wall containing non habitable room windows.
- 10.13 The layout of the extension and attached dwelling has been designed such that only non-habitable room windows on the principle elevation at first and second floor level in accordance with policy BE12 of the UDP. Habitable room windows are proposed at ground floor level, however due to the difference in land levels between the application site and the neighbouring properties, there would be no direct relationship to the existing ground floor windows in neighbouring properties. This would be further mitigated by the stone boundary wall, which although this would be lowered to 900mm, would due to the differences in levels screen these windows.
- 10.14 There would be no impact from the proposed reconfiguration of 141a which has existing habitable room windows on the principal elevation.
- 10.15 There would be a distance of between 14 and 15 metres from the proposed extension and attached dwelling to neighbouring properties directly to the north of the site. There are level differences between the site and neighbouring properties which assist in mitigating the impact of the proposed extension and attached dwelling. Notwithstanding this however, officers have

negotiated with the applicant to lower the height of the proposed attached dwelling by 600mm to further mitigate the impact. It is acknowledged there would be some loss of outlook to these neighbouring properties, however it is not considered this would be unduly detrimental. The close siting of neighbouring properties reflects the existing character of the area.

- 10.16 It is considered, on balance, there would not be a detrimental impact on residential amenity and the proposal would accord with policies D2 and BE12 of the UDP.

Highway issues

- 10.17 The development site is currently a residential garden and parking area associated with 141A Church Street. The site is located on the junction of New Road (B6107) and Church Street with vehicle access directly onto New Road. The application is supported by a Highways Statement. A number of objections have been received regarding the impact on highway safety which are précised in the representations section above.
- 10.18 The application includes proposals for new access arrangements but also amendments to the access to an adjoining property. The extended and newly created property will utilize the existing vehicular access onto New Road and have a new access onto Church Street. The proposals include vehicles entering the parking area from New Road and exiting the parking area onto Church Street. Visibility at the Church Street exit would be improved by the reduction in height of the existing boundary wall to 900mm, which would also give some visibility improvement at the Church Street / New Road junction. In addition it is advised the wall to the New Road frontage be reduced to 900mm to further improve visibility. The adjoining property 141 Church Street has an existing gated vehicular access in close proximity which is far from ideal, however the application proposed to close this vehicular access point which would remain for pedestrian access.
- 10.19 The parking provision for the size of the dwellings is in line with current Council parking standards and therefore acceptable. The parking layout is also acceptable. Highway Services suggest a condition of the drainage on the parking and access areas to ensure it is sustainable.
- 10.20 In terms of traffic generation, the extension on one dwelling and the creation of a new dwelling is unlikely to generate traffic to a level that would have any detrimental impact on the local highway network.
- 10.21 The development will use an existing vehicular access to enter the site, the impact of the new vehicle access onto Church Street will be offset by the closure of a substandard vehicular access. The reduction in the height of the boundary walls will offer some additional visibility improvements to the existing junction and the proposed parking arrangements are in line with Council standards. Highway Services raise no objections subject to the inclusion of suitable conditions. The proposal would accord with policy T10 of the UDP and there would be no detrimental impact on highway safety.

Ecology

- 10.22 UDP Policy EP11 requests that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. The application is supported by a Bat Survey. The report indicates the presence of at least two common pipistrelle roosts on the southern elevation of 141a Church Street. These roosts will not be directly affected by the proposals, although there is a possibility of some disturbance caused by noise / vibration. The ecologist has no objections to the proposals, as there is little likelihood of the proposals resulting in significant long-term ecological impacts. A condition is suggested, that all ecological measures and/or works be carried out in accordance with the Bat Survey Report. Subject to the inclusion of this condition, ecological matters are addressed.
- 10.23 There are protected trees within the site but these are located to the south of the site and would be unaffected by the proposals. The proposal would accord with policy NE9 of the UDP.

Representations

- 10.24 21 letters of objection and 6 letters of support have been received. In so far as they have not been addressed above:
- 10.25. Wildlife and green space will be lost forever
Response: The site is a private amenity space enclosed by a stone boundary wall. It is not considered the proposal for one dwelling and an extension to the existing dwelling would have a detrimental impact on greenspace provision, taking into account the undeveloped Green belt land to the south of the site. There are no objections from an ecological perspective to the application.
- 10.26 Concern about an increases in noise, dirt and dust
Response: Disruption caused during the construction phase is a normal part of the planning process and is not a reason to refuse the application.
- 10.27 A new build will not blend in with the village, will spoil views, cut out light and sense of space.
Response: The proposal has been designed with consideration to Netherthong's organic and haphazard form and it is considered the proposal would not have a detrimental impact on the character of the conservation area. As noted above, a proposal for one dwelling would not have a detrimental impact on greenspace provision.
- 10.28 Concern about loss of view.
Response: The impact on views into and out of the Conservation Area has been considered. Otherwise the loss of a view is not a material planning consideration.

10.29 The primary school is over-subscribed, this would entail further use of cars
Response: The proposal does not trigger a contribution towards school places. It is likely residents would use a private car(s), however Highway Services are satisfied that this proposal for one dwelling and an extension would not have a detrimental impact on highway safety.

10.30 The built on terraced houses will de-value Holmleigh.
Response: this is not a material planning consideration.

10.31 The Holme Valley Parish Council support the application subject to the Listed Building Officer being satisfied.

11.0 CONCLUSION

11.1 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.

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

1. Time limit for development
2. Development to be carried out in accordance with the approved plans
3. Vehicle parking areas shall be surfaced and drained.
4. No gates or barriers shall be erected across the vehicular access
5. Nothing to be planted or erected within a strip of land 2.0m deep from the carriageway edge of New Road and Church Street along the full frontage of the site which exceeds 0.9m in height above the adjoining highway.
6. Signing of the vehicle ingress and egress with 'IN' 'OUT'.
7. Development to be constructed of regular coursed natural stone and the roofing materials of natural stone slates
8. Specification of any structural support required and a method statement for installation
9. Details of boundary treatments

10. All ecological measures and/or works to be carried out in accordance with the Bat Survey Report.

11. Removal of PD rights

Background Papers:

Website link to be inserted here

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f91343>

Certificate of Ownership – Certificate A signed: