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**Report of the Head of Strategic Investment**

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 06-Jun-2019**

**Subject: Planning Application 2018/93717 Erection of extensions and alterations to dwelling, erection of detached garage with office/store above and related landscape works (within a Conservation Area) Eastwood House, 14, Green Cliff, Honley, Holmfirth, HD9 6JN**

**APPLICANT**

K Bedford

**DATE VALID**

23-Jan-2019

**TARGET DATE**

20-Mar-2019

**EXTENSION EXPIRY DATE**

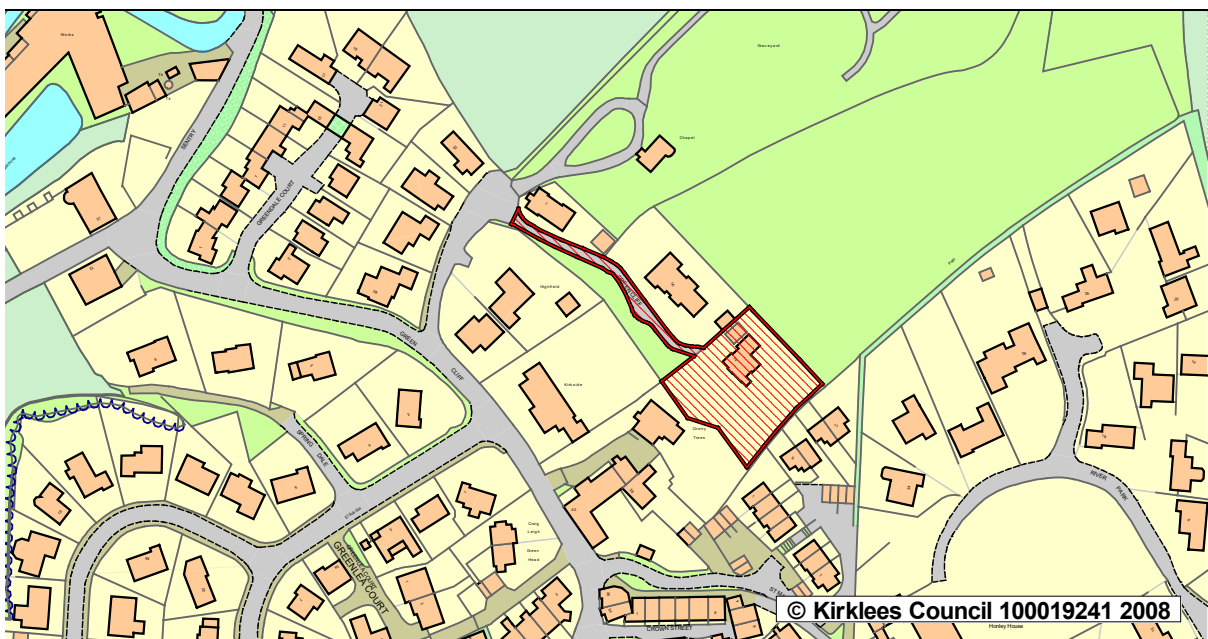
11-Apr-2019

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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**

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**Electoral Wards Affected:** Holme Valley North

No

Ward Members consulted

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**RECOMMENDATION:**

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

**1.0 INTRODUCTION:**

1.1 The applications is brought to Planning Committee at the request of Cllr Greaves who has provided the following reason:

“Immediate neighbours are concerned about the impact that the tree work and the proposed development will have upon their privacy and the enjoyment of their homes and have asked for the opportunity to raise their issues and concerns directly with the planning committee so that they are on an equal footing with the applicant.

As ward councillor I am happy to support this, and to request a site visit together with a full history of the tree protections and issues at this site since the applicant's home was built.”

1.2 The Chair has confirmed that Cllr Greaves’ reason is in accordance with the Councillor’s Protocol for Planning Committees.

**2.0 SITE AND SURROUNDINGS**

2.1 Eastwood House, 14 Green Cliff, Honley is a substantial, two storey, detached dwelling faced with coursed natural stone walls and a concrete tiled roof. The property, granted permission in 1992, is set within a large curtilage of approximately 1,480m<sup>2</sup>. The property benefits from a detached garage to the north of the site, as well as a large garden which wraps around the south and east of the site. The land in to the south west of the application site is steeply banked and is difficult to access. Land within the application site is designated as part of a Tree Preservation Order (TPO) which stretches towards no.16 Green Cliff and into the Green Belt. The site is also located within the Honley Conservation Area.

2.2 The north west of the site is bound by no.16 Green Cliff. The south west of the site is bound by a very steep bank with a dwelling ‘Cherry Trees’ on the top of the bank which is set approximately 10m higher than the application property. To the south east of the site are nos. 1, 8, 9, 10 and 11 St Mary’s Mews and to the north east is field owned by the Village Trust, which is designated as Green Belt.

### **3.0 PROPOSAL**

- 3.1 The application seeks permission for the erection of extensions and alterations to dwelling, erection of detached garage with office/store above and related landscape works. The extensions are to both side elevations of the dwelling and the detached garage is to the south east of the site. The landscape works are to form space for the garage and see the part of the bank to the south west of the site excavated and a driveway formed.
- 3.2 The larger extension to the dwelling is to be two storey and on the north-west facing side elevation. It shall see the existing garage demolished and an extension built on a similar footprint. This extension would project 5.5m from the main dwelling which is the same distance as the side elevation of the existing garage. The width of this extension is 6m, with a maximum 6m with the eaves at 3.8m.
- 3.3 The smaller extension on the south east side will see the existing utility roof removed and the extension incorporate this footprint. The extension is to be two storey also. It has a projection of 2.6m, the same as the utility room; a width of 5m with a maximum height of 6.4m which would see the dwellings ridge height maintained, with the eaves at 4.6m.
- 3.4 The proposed garage is to be a double garage, two storey with an office/store above and set to the south east corner of the site. The footprint is 6.7m wide by 7.7m long which creates a 6m x 7m internal footprint. The maximum height of the garage is 6.1m with the eaves at 3.8m above ground level. The garage is dug in below the ground level by 0.3m.
- 3.5 The materials of the extensions and garage are all to match the existing property in its entirety with natural coursed stone for the walls, concrete tiles for the roof and timber/aluminium windows and doors.

### **4.0 RELEVANT PLANNING HISTORY**

- |            |  |
|------------|--|
| 87/03583   | Outline application for erection of 2 No. dwellings – refused, appeal subsequently upheld  |
| 92/02182   | Erection of detached dwelling with integral garage (revised house type). – approved and implemented (Permitted Development rights removed).  |
| 2014/90249 | Works to tpo(s) 18/78 within a conservation area – rg part granted/part refused  |
| 2017/90170 | Works to TPO(s) 18/78 within a Conservation Area - Part granted/part refused. It would appear this permission allowed for certain trees to be felled and then replanted, however they have not yet been replanted. |

## **5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):**

- 5.1 Initially the scheme did not take into consideration the necessary replanting of the trees required under Tree Work application no. 2017/90170. The agent was asked to include the trees that needed replanting on the proposed plans.
- 5.2 The garage was also initially proposed to be at the southernmost point of the proposed driveway area, 3.8m away from the boundary with no.8 St Mary's Mews. Due to this close proximity to dwellings and the potential overbearing impact it could cause, amendments were sought to either reduce the scale or relocate the garage. The initial plans also saw an indicative access track created through the adjacent green belt land owned by the village trust.
- 5.3 Revised plans were received on 26/03/19 to show the garage dug further in to the ground by 0.3m which in turn reduced the overall height by 0.3m. The agent also had relocated the garage to the opposing side of the proposed hardstanding area, 4.71m further away from 8 St Mary's Mews, meaning the separation distance from the dwelling of 8 S Mary's Mews is 15.47m, and 8m from the shared boundary. The access track through the adjacent field was also removed. The revised plans also included details regarding the location of where the trees will be replanted. This was deemed, on balance, to overcome residential amenity issues arising from the original scheme.

## **6.0 PLANNING POLICY**

- 6.1 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 Development Plan for Kirklees is the Local Plan adopted February 2019.

The application site is allocated with the Honley Conservation Area on the Kirklees Local Plan

### **6.2 Kirklees Local Plan**

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP21- Highway safety and access
- LP22 - Parking
- LP24 – Design
- LP33 – Trees
- LP35 – Historic Environment

### **6.3 National Planning Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published February 2019, together with Circulars, Parliamentary Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

**Chapter 12:** Achieving well-designed places.

**Chapter 16:** Conserving and enhancing the historic environment.

## **7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 The application was advertised by site notice on 07/02/18, press notice on 8<sup>th</sup> February and neighbour letters for the initial proposed scheme on 24/01/18.
- 7.2 The application was re-advertised for a further 21 days by neighbour letters on 29/03/19 due to the submission of amended plans.
- 7.3 7no. comments were received during these periods of publicity. 4no. comments by 3no. individuals were received during the publicity through the first set of neighbour letters/press notice and the site notice; 3no. comments were received from 3no. individuals during the second publicity period.
- 7.4 Comments regarding to initial proposal; all comments opposed the application. Below is a summary of the points raised:

### Residential Impact

- Overlooking/loss of privacy due to position.
- Overshadowing from garage scale and location.
- Due to foliage removal dwellings now appear too closely together and impact privacy.
- Concerns regarding future use of garage could change.

### Visual Amenity

- The scale and two storey nature is incongruous on the setting.

### Trees

- The application for the approved reserved matters for the dwelling went to committee and clear parameters were set for building line to protect woodland area – the garage breaches these.
- 7 mature trees were removed and 6 others pruned, which emphasises impact of this garage. This tree work may not have had permission.

### Highways

- Access track through Village Trust land is unsuitable for heavy traffic.

### Non-material Planning Considerations

- Value of neighbouring properties would decrease.

- 7.5 Comments regarding to the revised proposal; all comments were against the application. Below is a summary of the points raised:

### Residential Impact

- Further to original objections concerned regarding overlooking and privacy issues.
- Natural light would still be blocked – overshadowing.
- Concerns over true use of first floor store, may in future become living quarters/social space and cause noise and loss of privacy.
- Despite reposition and being dug in, two storey nature still overbearing.
- Noise from traffic relating to garage and proposed hardstanding area/driveway.

### Visual Amenity

- Still appears incongruous.

### Trees

- Same concerns as previously raised

### Other

- Site Visit to see from St Mary's Mews is welcome.

### Non-material Planning Considerations

- Devaluation of adjacent properties.

Holme Valley Parish Council: "Support the application in principle subject to no overlooking and residents' concerns about removal of trees being addressed."

## **8.0 CONSULTATION RESPONSES**

### 8.1 Statutory:

- KC Conservation and Design: were consulted informally and had no objections.

### 8.2 Non-statutory:

- KC Trees on 13/02/19 in regards to initial scheme:

The site is covered by TPO 18/78/A9 and the Honley Conservation Area, consequently all the trees should be considered to be protected that are over 75mm in diameter when measured at 1.5m.

The tree survey provided gives a good level of detail to assess the potential impacts and was necessary given the site levels and the excavation required to provide the garage and turning area at the same level as the house.

The proposals are positioned outside the root protection area of the most important trees on the site, T7 and T27, and therefore I am satisfied that despite the excavations required the required levels can be achieved without harming the long term viability of the retained trees.

The amount of ground works and confined nature of this site does give me cause for concern however and I would ask that a Tree Protection Plan be provided either to demonstrate how the trees will be protected during the construction work. This should include a specification for tree protection barriers.

Another consideration on this site is the replacement trees that need to be planted in the same area as the proposed garage as a result of the condition on planning consent 2017/90170. Sufficient space needs to be afforded for these new trees to enable them to grow and with the proposed layout if they cannot be planted in the same place as the original trees.

## 9.0 MAIN ISSUES

- Principle of Development
- Design
- Residential Amenity
- Trees
- Highway Safety
- Representations

## 10.0 APPRAISAL

### Principle of Development

- 10.1 The site is within the Honley Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that LPAs have a general duty in that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”. Similarly paragraphs 193 and 194 of the NPPF indicate that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 10.2 Policy LP35 of the Local Plan follows the theme of national legislation and guidance. It states amongst other things that:
- Proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development.*
- 10.3 The application site is located centrally within the conservation area and therefore, despite only being constructed in the 1990s, its design has a more vernacular appearance than other dwellings erected in the same period. Due to the relatively modern nature of the property, it does not hold specific importance to the significance of the conservation area, rather it has a neutral impact. The building makes use of traditional features such as stone lintels, sills and archways to create a grand appearance which is appropriate for the area. It sits comfortably in extensive grounds and is respectful of the established landscape features which surround it.
- 10.4 The proposed extensions and garage continue the design features of the main dwelling throughout and incorporate matching materials creating a cohesive appearance with the original building and wider area. The proposed extensions, garage and landscape works, in conjunction with the replacing of trees, would not cause harm to the significance of the conservation area. The scale of the extensions and the detached outbuilding would retain substantial open areas within the curtilage of the site, retain and replant trees to the extent that the dwelling would continue to sit comfortably within extensive grounds.

- 10.5 Therefore the proposed development would accord with Policy LP35 and national policy, notably Chapter 16 of the NPPF, the principle of the development is acceptable and therefore shall be assessed against further policy to ensure it is acceptable in every other respect.

### Design

- 10.6 The NPPF provides guidance in respect of design in chapter 12 (Achieving well designed places) with 124 providing an overarching consideration of design stating:

*'124. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'*

- 10.7 Local Plan policies LP1, LP2 and importantly LP24 are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive. LP24 (a) states that proposals should promote good design by ensuring:

“the form, scale, layout and details of all development respects and enhances the character of the townscape”

(c) of the LP24 states:

“Extensions [should be] subservient to the original building...in keeping with the existing buildings in terms of scale, materials and details...”

In this case it can be determined the application satisfies LP24 in regards to visual amenity for the reasons as explained below:

- 10.8 The proposed extensions and garage continue the high quality of design seen in the host dwelling throughout the scheme. The proposed use of coursed natural stone on all elements is visual satisfying in terms of cohesion with the original building. The use of gables, ridge heights and traditional vernacular features such stone mullions, kneelers, lintels and sills continues the same quality of design and character throughout the application site. This use of architecture wholly respects the design of the existing building as does the material and details.
- 10.9 The location of the extensions, where the majority of the development is on existing developed land, ensure the plot will not appear overdeveloped whilst the host dwelling still appears the dominant element. The garage is relatively low for a two storey unit and its use of a pitched roof and the setting in to the bank ensure this too appears subservient to the host dwelling.
- 10.10 The scheme is therefore considered to be in keeping with the existing buildings in terms of scale, materials and details and respect the form, scale, layout and details of the area in regards to design and therefore is considered to accord with LP24 (a) and (c) as well as chapter 12 of the NPPF in regards of design. Matching materials shall be conditioned as a fundamental part of this assessment to conserve visual amenity of conservation area.



### Residential Amenity

- 10.11 The NPPF seeks to create places that promote 'health and well-being with a high standard of amenity for existing and future users' through chapter 12.

LP24 (c) of the LP states that development should seek to:

"...minimise impact on residential amenity of future and neighbouring occupiers".

- 10.12 The proposed extension to the north-west side would be erected on a similar footprint to the existing garage, however would be notably taller. The dwelling of No.16 Green Cliff is situated approx. 11m away from the proposed north west side elevation of the extension. Given the size of the plot of no.16, the separation distance from the dwelling and given there are no windows in the proposed north west elevation facing towards no.16, it is considered there would be no significant harm in regards to privacy, overbearingness or overshadowing towards no.16 Green Cliff.
- 10.13 The extension to the south east side would be in excess of 27m away from any other neighbouring properties. Given this distance there would be no significant harm in regards to privacy, overbearingness or overshadowing towards any neighbouring properties.
- 10.14 The proposed garage is to be placed towards the southern corner of the site. It is set approximately 15.5m away from the closest dwelling (no.8 St Mary's Mews) as shown on plan 18075d-04-P09 showing the garage specifically. This measurement accords with the Council's GIS systems also. The garage is to be set to the north west of no.8 St Mary's Mews with only a small amount appearing directly in line with the dwelling. Nevertheless it will be visible from this property. The latest amendment to the plans, which see the garage set down a further 300mm, the design set into the existing banking and side ridge facing towards St Mary's Mews are all positive factors in reducing the bulk and presence the garage would have particularly on no's 1, 8 and 9. Given that at least 2no. trees are to be replanted between St Mary's Mews and the garage, the mass of the garage would also be further reduced over time. Given this separation distance and the other factors mentioned, on balance it is considered there would not be an undue detrimental impact on the properties on St Mary's Mews in regards to overbearingness.
- 10.15 In relation to overshadowing, given the 15m separation distance of the garage away from any neighbours, and that the garage is to the north and north west of St Mary's Mews, there will not be any detrimental overshadowing from loss of sunlight and therefore the scheme is considered to be acceptable in regards to overshadowing.
- 10.16 The garage does not see any windows at any level facing towards St Mary's Mews, and therefore would not result in overlooking. When considering the privacy of the store/office proposed specifically, it is understood if the use of this were to change to living accommodation then it could become more substantial in regards to loss of privacy. To avoid any future loss of privacy to neighbouring properties it is proposed to impose a condition to remove the permitted development rights to convert the garage without written consent from the local planning authority. Furthermore to remove the rights for additional windows to be inserted in the walls or roof.

- 10.17 Cherry Trees, the dwelling to the west of the property, is set approx. 10m above the application site and 25m away from the dwelling. Therefore the proposed development is concluded to have no material impact on the amenities of this property. The driveway to the proposed garage runs approx. 10m away from Cherry Trees but, again, give the very steep bank between them, disturbance from vehicular movements is unlikely to have an impact on the residential amenity of Cherry Trees.
- 10.18 Vehicular noise associated with the use of the driveway and garage would be that normally associated with a domestic property. There are no concerns that this would have an adverse effect on the amenities of surrounding residents on St Mary's Mews or at 16 Green Cliff.
- 10.19 For these reasons set out above, on balance the scheme is deemed acceptable in regards to residential amenity and is assessed to accord with LP24 of the Kirklees Local Plan in respects of residential amenity. Most planning approvals are likely to interfere to some extent, with an adjoining occupier's enjoyment of their property. However, the test is whether this is proportionate. In this case it is considered that on balance, the harm is considered proportional.

### Trees

- 10.20 As mentioned above, the site is set within an area covered by TPO. Further to this, the trees are also protected by virtue of conservation area status. In 2017, permission was granted for Tree Works to 8 trees within the site under application 2017/90170. Conditions on this application stipulated that all replacement trees should be planted in the first planting season, which would be from November 2017 until March 2018 (inclusively). The trees had not been planted as of the site visit in February 2019, however it is understood that the tree replanting have very recently taken place. It is understood that all trees except one have been replanted in the positions as shown on the Arboricultural Method Statement (AMS) submitted for this application. Further information will be reported to Members in the update.
- 10.21 KC Trees have no objections to the scheme and replanting of the scheme providing a condition is inserted to ensure the construction, if approved, is built in accordance with the AMS to protect the trees and ensure the replanting scheme (in accordance with the previous Tree Works application) takes place and is successful. This shall be imposed condition in accordance with Policy LP33 of the Local Plan. KC Trees have requested an updated AMS plan to show the one tree out of position, however it is likely this tree position would not be detrimental to their assessment of the application. A formal response from KC Trees on this matter and if the replanting works affect the development applied for in the update.
- 10.22 After further consultation via discussions with KC Trees, it is understood that if this application is refused, enforcement action could still be taken to see the 1no tree planted out of position, replanted as originally approved.

## Highways Safety

- 10.23 Given that the application site has plenty of ability to park off street due to the large plot, there are no concerns regarding parking and therefore LP22 is satisfied.
- 10.24 Given that the extension would not materially intensify trips to and from the site, highway safety and access is acceptable and accords with LP21.

## Representations

- 10.25 For the purposes of clarity to the report, the comments received during both publicity periods have been combined and are set out below.

### 10.26 Residential Impact

- Overlooking/loss of privacy due to position.
- Overshadowing from garage scale and location.
- Despite reposition and being dug in, two storey nature still overbearing.
- Due to foliage removal dwellings now appear too closely together and impact privacy.
- Concerns over true use of first floor store, may in future become living quarters/social space and cause noise and loss of privacy.
- Noise from traffic relating to garage and proposed hardstanding area/driveway.

*Response:* These were all assess within the residential amenity section in the appraisal, sections 10.11 to 10.19.

### 10.27 Visual Amenity

- The scale and two storey nature of the garage is incongruous on the setting.
- Response:* This was assessed during the design section of the appraisal, sections 10.6 to 10.10.

### 10.28 Trees

- The application for the approved reserved matters for the dwelling went to committee and clear parameters were set for building line to protect woodland area – the garage breaches these.
- 7 mature trees were removed and 6 others pruned, which emphasises impact of this garage. This tree work may not have had permission.

*Response:* This was assessed through the trees section of the appraisal, sections 10.19 to 10.22. This application is assessed on its own merits and notwithstanding the previous grant of reserved matters for a dwelling, the development now applied for is considered acceptable.

### 10.29 Highways

- Access track through Village Trust land is unsuitable for heavy traffic.

*Response:* The access through the Village trust land is no longer a part of the scheme.

### 10.30 Other

- Site Visit to see from St Mary's Mews is welcome.

*Response:* The case officer has visited the site and visited the relevant properties on St Mary's Mews, a committee site visit will take place to view the application site.

### 10.31 Non-material Planning Considerations

- Devaluation of adjacent properties.

*Response:* This cannot be considered as it is not a material planning consideration.

## 11.0 CONCLUSION

11.1 In Conclusion, the proposal is recommended for approval subject to conditions below to preserve the Honley Conservation Area, protected trees and the residential amenity of neighbouring dwellings.

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.

11.3 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

1. Development within 3 years
2. In accordance with the approved plans
3. Matching materials
4. Construction in accordance with Arboricultural Method Statement
5. Garage cannot be converted from approved use without prior consent from LPA.
6. Withdraw PD Right for additional windows in garage.

## Background Papers

2018/93717 Link to website:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f93717>

Application Form submitted with Certificate A.