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**Report of the Head of Development and Master Planning**

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 22-Aug-2019**

**Subject: Planning Application 2019/92128 Erection of extensions and alterations to dwelling, erection of detached garage and related landscape works (within a Conservation Area) Eastwood House, 14, Green Cliff, Honley, Holmfirth, HD9 6JN**

**APPLICANT**

Mr & Mrs Bedford

**DATE VALID**

24-Jun-2019

**TARGET DATE**

19-Aug-2019

**EXTENSION EXPIRY DATE**

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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 Development and Master Planning in order to complete the list of conditions including those contained within this report.

**1.0 INTRODUCTION:**

1.1 The applications is brought to Sub-Committee for determination at the request of Cllr Lyons, as this application is a modified proposal from application 2018/93717 which was determined by Sub-Committee on 6<sup>th</sup> June 2019.

**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 the dwelling, erection of detached garage and related landscape works. The extensions to the dwelling are the same as those proposed on application 2018/93717 whilst the garage is smaller in scale. 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 single storey, double garage with a pitched roof. 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 5.2m above the existing driveway level with the eaves at 2.6m above ground level. The ridge height is 1.3m below the height of the garage proposed under the previous application.
- 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 for buildings for extension).
- 2014/90249 Works to tpo(s) 18/78 within a conservation area – part granted/part refused and implemented.
- 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. This permission has been implemented.
- 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) was refused at Huddersfield Sub-Committee on 6<sup>th</sup> June 2019. The reason for refusal is:

*The detached garage with store above, by reason of its height and scale, would appear as an overly prominent and incongruous feature when considered against the existing spacious and verdant setting of the host dwelling within its curtilage. This would be harmful to the visual amenity of the area and contrary to Policy LP24 (A) and (C) of the Kirklees Local Plan and Policies in Chapter 12 of the National Planning Policy Framework.*

An appeal has been lodged against the refusal of planning permission. Planning Inspectorate ref APP/Z4718/D/19/3231787

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

5.1 None, taking into account the reduced scale of the garage and that the previous reason for refusal raised no objections to the extensions to the dwelling itself.

## **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 unallocated on the Kirklees Local Plan but is designated as being within the Honley Conservation Area.

### **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 via site notices, in the press and by neighbour letters.

7.2 Final publicity expired on: 2<sup>nd</sup> August 2019.

7.3 3no comments were received. One of which was on behalf of two separate neighbouring dwellings, therefore the comments received represented the view of 4no individuals. They raised the following points:

#### 7.4 Comments:

- Proposal encroaches on land not owned by the applicant - notice has not been served. (this was subsequently queried with the applicant)
- Garage would be intrusive on neighbouring dwellings.
- Dispute that the banking will not hide as much of the garage as shown on plans. Due to previous tree works, plot is now more opening and screening has been compromised.
- Over-development of the woodland setting.
- Garage would be incongruous.
- Tree replanting should be enforced.
- Proposal contrary to historical decisions.

### 8.0 CONSULTATION RESPONSES

#### 8.1 Statutory:

- KC Conservation and Design: were consulted informally and had no objections. This is the same response as received for the previous application.

#### 8.2 Non-statutory:

- KC Trees were consulted formally and stated the following:

‘The tree information provided is the same as provided for a previous similar scheme on the site. The information provided includes an Arboricultural Method Statement and tree protection plan which demonstrates that the proposals and associated ground works are positioned outside of the rooting area of the trees and can be constructed without causing any significant long term harm.

As such the proposals are in accordance with Policy LP33 and LP24 and as such I have no objection to them provided a condition be attached to any consent that the development be carried out in accordance with the AMS. ‘

### 9.0 MAIN ISSUES

- Principle of Development
- Design
- Residential Amenity
- Trees
- Highway Safety
- Land Ownership
- 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, reduced scale of 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 garage, now shown to be single storey, 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, as amended, is reduced in height to the ridge by 1.3 metres (overall 5.2m). This reduction in height when viewed together with the structure being located in regraded banking would appear subservient to the host dwelling.
- 10.10 The scheme, as amended, 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. Officers believe the roof pitch to the garage harmonises with the principal dwelling. The only other way to substantially reduce the scale of the garage would be to omit a roof all together. This would not be in keeping with the conservation area setting.

#### 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’ though 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 also accords with the Council's own mapping system. 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 proposal sees the garage ridge lowered by 1.3m from the previous proposal. The design of the garage 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 were 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, the reduction in height of the structure, and the other factors mentioned, it is considered there would not be an undue detrimental impact on the properties on St Marys 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 now single storey at 5.2m to the ridge and to the north and north west of St Mary's Mews, it is considered 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 the previous application was reported to sub-committee it was considered necessary to recommend the removal of permitted development rights to convert the garage into living accommodation and to remove the rights to insert additional windows into the walls or roof of the garage. This was so as to retain the privacy of neighbouring residents on St. Mary's Mews. Although the garage is now single storey it is considered reasonable and necessary to impose the same conditions. This would retain a good standard of amenity for the closest properties on St. Mary's Mews.
- 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). Whilst the trees were not replanted within this date, they have now been replanted. The applicant has also submitted an Arboricultural Method Statement to demonstrate how the works shall not impact upon the trees.
- 10.21 KC Trees state that 'the proposals are in accordance with Policy LP33 and LP24 and as such I have no objection to them provided a condition be attached to any consent that the development be carried out in accordance with the AMS. This condition shall be added to the proposed conditions if the application is accepted.

#### Highway Safety

- 10.22 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.
- 10.23 Given that the extension would not materially intensify trips to and from the site, highway safety and access is acceptable and accords with LP21.

#### Land Ownership

- 10.24 It was brought to Officer's attention from a representation received that a third party potentially owned part of the land included within the red line of the application site. Officers requested evidence of this which was submitted. The applicants were then asked to provide a formal response in which they maintain that they own all the land within the red line boundary.
- 10.25 The duty of the LPA is to solely consider the planning merits of the application in accordance with the Development Plan, the policies contained in the NPPF and other material considerations. It is not concerned with land ownership, other than to ensure that an application form is submitted with a certificate completed in accordance with the Development Management Procedure Order. In this case the 3<sup>rd</sup> party has been informed of both applications and has been

given the opportunity to take part in the planning process. The planning application form makes it clear that it is an offence to complete a false or misleading certificate, 'either knowingly or recklessly' and that there could be a fine on conviction should this occur. As stated above, we have raised this matter with the applicant and received a response to this.

10.26 The evidence submitted querying ownership was inconclusive. The applicant maintains they own the entirety of the land. This is how the application will progress. Any further action between the parties involved would be to be taken through separate legal proceedings.

### Representations

10.27 3no comments were received representing the view of 4no dwellings, these raised the following points:

10.28 *Visual Amenity Issues:*

- Dispute that the banking will not hide as much of the garage as shown on plans. Due to previous tree works, plot is now more opening and screening has been compromised.
- Over-development of the woodland setting.
- Garage would be incongruous.

**Response:** Assessed within the visual amenity section of the assessment.

10.29 *Residential Amenity Issues:*

- Garage would be intrusive on neighbouring dwellings.

**Response:** Assessed within the residential amenity section of the assessment.

10.30 *Tree Issues:*

- Tree replanting should be enforced.
- Proposal contrary to historical decisions.

**Response:** Assessed within the trees section of the assessment.

10.31 *Land ownership issues:*

- Proposal encroaches on land not owned by the applicant - notice has not been served.

**Response:** Assessed within the land ownership section of the assessment

## **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, as amended, 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. (PD rights for extensions and buildings already removed under 1992 application).

Background Papers

Application File:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f92128>

Certificate of Ownership – Certificate A signed and dated 24<sup>th</sup> June 2019