



## PLANNING STATEMENT

**SINGLE STOREY LINK EXTENSION TO REAR**

**AT**

**5 COACHGATES, FLOCKTON, WEST YORKSHIRE, WF4 4TT**

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## **1.0 INTRODUCTION**

This statement has been prepared to support the submission of an application for full permission for a single storey link extension to the rear of 5 Coachgates, Flockton, West Yorkshire. The extension is to provide a link between the host dwelling and a detached swimming pool building. The swimming pool has not yet been constructed but building benefits from a Lawful Development Certificate pursuant to application 2016/CLD/92434/E and subsequent appeal reference APP/Z4718/X/16/3163422. The swimming pool building therefore does not form part of this application.

This statement should be read in conjunction with the supporting plans supplied by SBP Architects which demonstrate the credentials of the scheme in more detail. It is anticipated that the Local Planning Authority (LPA) will adopt a progressive approach to this sustainable scheme.

This statement now proceeds to give details of the site. The details of the proposal are then set out. The planning merits of the scheme are then discussed in relation to relevant planning policies contained in the statutory development plan, together with Government guidance principally set out in the NPPF. In particular, it will be demonstrated that the proposal would result in a sustainable form of development, would have no detrimental impact on the openness of the greenbelt and would have no adverse visual or landscape impact.

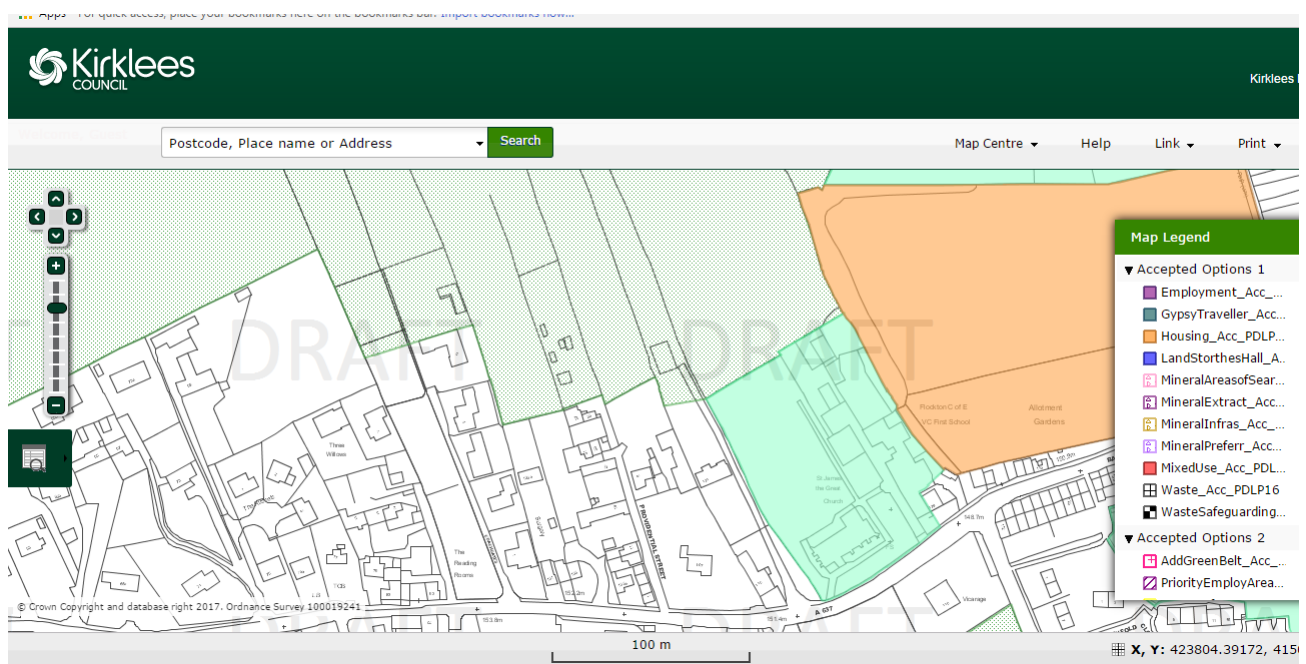
As is discussed in further detail below, it is strongly maintained that the proposed development is an extension to a building that does not result in disproportionate additions over and above the size of the original building. As such, the proposal constitutes a form of development that is not inappropriate in the Green Belt by the NPPF definition.

Notwithstanding the above, if the LPA take a different view and consider for any reason that the extension would result in disproportionate additions and therefore would constitute an inappropriate form of development in the Green Belt, it will be demonstrated that very special circumstances exist so this is not a barrier to the approval of the application. As such planning permission should be granted for the proposed development.

## 2.0 THE SITE

The application site is 5 Coachgates; a detached dwelling within the village of Flockton. In addition to the host dwelling, the site comprises of garden and parking areas. The land to the rear, on which the swimming pool is to be constructed, has been confirmed to be part of the residential curtilage in the aforementioned appeal decision.

The host dwelling is located within a group of existing dwellings which lie adjacent to the Green Belt. The host dwelling is outside of the Green Belt boundary but the swimming pool building will be within the Green Belt. As the Green Belt boundary runs along the rear elevation of the host dwelling, the link extension would also be within the Green Belt. For ease of reference, an extract of the Local Plan Proposals Map showing the host dwelling to be outside of the Green Belt and the garden area to the north within the Green Belt is provided below:



The rear garden of the host dwelling in which the swimming pool and link extension will sit is bordered to the west by very dense mature tree planting that affords excellent screening to the site. There is further, albeit more sparse, planting to the eastern site boundary. The land to the north is predominantly open. It is noted however that the nearby Green Belt land is not free from development and includes a motocross race track, horse exercise arena and cricket club. This therefore is not an area of Green Belt that is characterised by swathes of open, undeveloped land.

### **3.0 THE PROPOSAL**

Full planning permission is sought for a single storey extension to the rear of the host property in order to form a link between the host dwelling and the swimming pool building which is to be constructed utilising permitted development rights, the permitted development status of the building having been confirmed through the previous lawful development certificate application appeal decision. It should be noted that the swimming pool building would still be used in a manner incidental to the enjoyment of the host dwelling, rather than as primary living accommodation in accordance with the requirements of class E of the GPDO so there is no question that the swimming pool building would no longer constitute permitted development.

Full design details of the scheme can be found in the supporting documentation supplied by SBP Architects. However, at this stage the main details of the proposal are as follows:

- Flat roof, single storey link extension with split-level design to take account of the change in land levels between the host dwelling and the site of the swimming pool building.
- Extension would project 7 metres from the north facing elevation of the host dwelling.
- Extension to have predominantly glazed size to give sleek, contemporary and low profile appearance.
- The swimming pool building is to be constructed using permitted development rights that have been confirmed through the issue of a Lawful Development Certificate.

### **4.0 PLANNING HISTORY**

The planning history for the site which is of particular relevance to this application is application comprises of the following applications:

Application 2016/90078 for a certificate of lawfulness for existing use of land as domestic garden was approved in 2016.

Application 2016/92434 for a certificate of lawfulness for proposed erection of a detached swimming pool and detached barn store was refused by the LPA on 13 October 2016. However, a subsequent appeal against the refusal was allowed on 12 May 2017.

The above applications are of relevance to this proposal as they confirm that the swimming pool building can be built using permitted development rights and also that the land to the north of the site, including the land on which the proposed extension would be built, is within the domestic curtilage of the host dwelling.

Other planning history for the site includes:

2017/90459 Installation of ground mounted solar panels and associated landscaping works. Application approved.

2015/92950 Erection of extensions and alterations to raise existing roof to form accommodation, alterations and extensions to existing attached garage to form guest suite and erection of new attached garage with office over. Application approved.

## **5.0 PRE-APPLICATION DISCUSSIONS**

Given the simplistic nature of the scheme, and the resource pressures facing the LPA, the Applicant has not discussed the scheme with the council at pre-application stage. However, the Applicant has enlisted the services of SBP Architects and JR Planning in the drafting of the scheme.

## **6.0 ALLOCATION AND POLICIES**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this instance the Development Plan consists of the saved Unitary Development Plan (UDP) policies. The UDP was adopted in 1999 and given the period of time which has passed since adoption it is considered that only limited weight can be attached to the saved policies.

Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

## **National**

The NPPF is reflective of the guidance contained within the NPPG. The following sections of the NPPF are considered of direct relevance to the current proposal:

Paragraph 14 states that at “...the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.”

The NPPF makes it clear that sustainable development comprises three strands; economic, social and environmental. It also states that sustainable developments should be approved without delay.

Paragraph 19 states that planning “...should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.”

Chapter 9 is concerned with protecting Green Belt land.

Paragraph 87 establishes that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*

Paragraph 88 states that *“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”*

Paragraphs 89 and 90 establish a ‘closed list’ of the types of development that are not inappropriate within the Green Belt. Significantly for this application, paragraph 89 makes it clear that the extension or alteration of a building is not inappropriate in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building.

The overarching message of the NPPF is that LPAs should adopt a positive and pro-active approach to planning proposals, particularly those that result in sustainable development. LPAs should not place unnecessary burdens on developers.

### **Saved UDP Policies**

- Policy G1 is concerned with the general regeneration of Kirklees and the need to attract inward investment via appropriate schemes.
- Policy G4 aims to ensure new developments achieve high standards of design.
- Policy BE1 is concerned with the promotion of high quality design which takes advantage of opportunities to enhance local distinctiveness.
- Policy BE2 states that new developments should be in keeping with the character of the site and surrounding area within which they are located.
- Policy T10 aims to ensure that new developments do not result in excessive pressure on existing transport infrastructure and do not materially harm vehicular or pedestrian safety.
- Policy D11 sets out the considerations that should apply to proposals for extensions to existing buildings in the Green Belt.

## **7.0 ASSESSMENT**

### **Principle**

The application proposes a small scale domestic extension within the Green Belt.

The proposal will result in inward investment into the area to meet the stated need to boost regeneration. Therefore the proposal accords with policy G1.

The proposal would be wholly sustainable using the definition set out in the NPPF for the following reasons:

- Social: The proposal would enhance the enjoyment of the home by the applicants and any future occupiers whilst having no detrimental impact whatsoever on any neighbouring residents or users.

- Economic: The proposal would benefit the local economy during the construction phase.
- Environmental: The scheme would be visually acceptable and would have no detrimental impact on the built environment or landscape of the locality. Significantly, the proposal would have no detrimental impact on the openness of the Green Belt.

It is clear that the proposal represents a sustainable form of development that is promoted by the NPPF.

### **Green Belt**

Policy D11 reflects the guidance contained within section 9 of the NPPF and establishes that proposals for extensions of buildings within the Green Belt will be considered having regard to the impact on the openness of the Green Belt and the size of the extension in relation to the existing building which should remain the dominant element.

The proposed extension would not result in a disproportionate addition to the original host dwelling and as such constitutes a form of development that is not inappropriate in the Green Belt. As can be seen from the submitted plans, the extension is of very minor scale when compared to the host dwelling. In fact, the extension would represent an addition to the original host dwelling of only approximately 7% in terms of the building footprint.

It is acknowledged that the host dwelling has been previously extended and it would be normal practice for the LPA to consider cumulative extensions over and above the original dwelling when assessing a proposal for development within the Green Belt. However, in this specific case as the host dwelling is outside of the Green Belt, it would not be appropriate to add the size of this extension to any previous extensions to the host dwelling since those extensions are outside of the Green Belt.

Furthermore, given that the swimming pool building is to be constructed using permitted development rights, and therefore does not form part of the development that is subject to this application, it is considered that it would not be appropriate to base any calculations of the extension as a percentage of the original host dwelling on a cumulative addition of both the link extension and the swimming pool building.

It is maintained that the application should be determined based only on the very limited scale of the extension in isolation. However, for completeness, it noted that if for any reason the LPA take a different view

and do feel that it is appropriate to consider the link extension and the permitted development swimming pool building together then this would amount to an increase over and above the original dwelling of approximately 50% in terms of volume given that the link extension and swimming pool building are single storey and the original dwelling is a two storey building.

The NPPF does not offer any definition of a percentage increase to a dwelling that might be considered to be proportionate or disproportionate. The Council's development plan policies also offer no such figures, sensibly noting instead that the impact on openness and ensuring the original dwelling remains the dominant element are the pertinent considerations. In other words, there is no upper limit of extensions as a percentage of the size of the original dwelling before they become disproportionate set out in local or national policy. The reason for this being that each case must be considered on its own merits depending on individual site circumstances. In some instances an extension with a relatively low percentage increase could appear to be disproportionate and in other circumstances relatively large extensions can be easily achieved without resulting in any particular harm to the openness of the green belt or appearing to be disproportionate additions.

This property is a large, detached property set in generous grounds. It is important to reiterate that the house itself, and all the land to the south or the rear elevation of the host dwelling, is outside of the Green Belt. In this instance, it is considered that the cumulative increase of 50% in terms of volume is entirely appropriate and would clearly not result in a disproportionate addition. Given the low-profile nature of the link extension and swimming pool, the original part of the host dwelling would clearly remain the dominant part of the built form, entirely in accordance with policy D11.

### **Impact on Openness and Green Belt Purposes**

The proposed extension is an extremely discreet flat roof structure with a height of less than 3 metres. The extension projects only 7 metres from the rear elevation of the host dwelling. Because the extension would form a link between the host dwelling and the swimming pool building, it would only be seen in side-on views of the property from the east and west. The link extension would not be visible in views from the north or south. It would therefore have no impact on the Openness of the Green Belt when viewed from the vast majority of views to the site from areas within the Green Belt and also from views from within the settlement towards the Green Belt. In those very limited views in which the extension would be visible, it would only be seen to consolidate the built forms of the host dwelling and the swimming pool building. The extension would not appear to cause any deviation away from the built form of Flockton Village and into open land.

Furthermore, the site is extremely well screened to the western boundary and is also screened to the east. As well as the applicant's dwelling immediately to the south of the site, there are numerous other examples of development in close proximity to the application site, including dwellings to the west and the cricket club a short distance away to the north east.

It is therefore considered that the impact on openness would be extremely limited, and when viewed from the vast majority of vantage points would in fact be nil.

It is also considered to be relevant to consider the development against the purposes of including land within the Green Belt. The NPPF establishes that the five purposes of Green Belt are:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

As referred to above, as the extension would consolidate the built form of the host dwelling and the swimming pool building, it would lessen the impact of any sprawl rather than increase it. The scale of the development would not result in any merging of towns or conflict with any urban regeneration objectives. The proposal would have no detrimental impact on the setting of Flockton Village.

Given that it would be sited in between two buildings, the development would not appear to cause any deviation away from the built form of Flockton Village and into open land. The definition between the village and the adjoining Green Belt land is physically and visually less obvious in this location than in many cases. In fact, the proposed development would sit comfortably within the existing landscape. The proposal would therefore not result in any unacceptable encroachment into the countryside in this instance.

### **Very Special Circumstances**

Whilst it is maintained that it has been demonstrated above that the proposal would not result in disproportionate additions, if for any reason the LPA take a different view and believe that the extension

would result in a disproportionate addition and therefore constitutes inappropriate development in the green belt, it is maintained that very special circumstances exist in any case.

The NPPF makes it clear that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Whilst the position of inappropriate development being harmful by definition is fully acknowledged, it must also be acknowledged that it has been established above that the extent of harm to the Green Belt in this instance is extremely minor and could in fact reasonably said to be nil in this instance. As such, the threshold at which the harm can be considered to have been clearly outweighed is low.

In addition to the fact that the development would result in no harm to the openness of the Green Belt, the very special circumstance that exists in this instance is the fall back position. The fall back position is that an extension of the scale proposed, or indeed larger, could be achieved utilising permitted development rights. An extension with a projection of up to 4 metres and up to the entire width of the host dwelling could be constructed at any time. Furthermore, until May 2019 an extension with a projection of up to 8 metres could be constructed utilising permitted development rights subject to the requisite notification procedure.

It is acknowledged that planning permission is required for this specific development as it would form a link with the detached swimming pool building and the total projection would then exceed the limits set out within Class A of the GPDO. However, an extension with only a minimal physical break to the swimming pool building would be permitted development. Furthermore, the extension would also be permitted development if the detached swimming pool building was not built.

The fact that an extension that would have a very similar impact on the Green Belt, or indeed that a much larger extension that would have a significantly greater impact on the Green Belt than the one proposed here, is a material consideration that amounts to a very special circumstance that would clearly outweigh the minimal harm to the Green Belt. This would justify approval of development within the Green Belt even if the LPA take the view that the proposal is by definition inappropriate in the Green Belt.

The fall back position applies equally if the LPA consider that the development has to be considered as whole comprising of both the link extension and the swimming pool building. Clearly the swimming pool can be built at any time without the link extension so it would not be reasonable for the LPA to promote a position that the swimming pool with the very minor link extension, that clearly would have no impact on the openness of the Green Belt, would together have an unacceptable impact on the Green Belt.

In respect of the Green Belt considerations, the following conclusions are therefore drawn:

- The scale of the link extension would not be a disproportionate addition.
- The scale of the link extension and swimming pool building together would not amount to a cumulative disproportionate addition.
- If the LPA take a different view and it is considered that very special circumstances are required, the existence of a Lawful Development Certificate and the scale of extensions that could be achieved by utilising permitted development rights, combined with the extremely low impact on the Green Belt, form a fall back position that amounts to a very special circumstance that clearly outweighs the very minor harm to Green Belt by way of inappropriateness.

### **Design and Visual Impact**

As discussed above, the proposed extension would only be visible in fleeting views from the east and west of the site. The scale of development proposed would not be invasive in the landscape.

The extension would provide a contemporary and low-profile link between the host dwelling and the swimming pool building and would be entirely in keeping with the character of the host buildings. The extensions would have no detrimental impact on the character of the locality.

The development would not detract from the character of the site or surrounding area and is in accordance with saved policies G4, BE1 and BE2 and the relevant guidance contained within the National Planning Policy Framework.

### **Residential Amenity**

The proposed link extension would be sited well over 21 metres from the nearest third part residential dwellings at numbers 4 and 7 Coachgates. In any case, views of the extension from these properties are screened by the position of the host dwelling. Given this, along with the very limited scale of the proposed extension, the development would not have an oppressive or overbearing impact when viewed from any nearby dwelling in the locality, nor would there be any overshadowing. The position of the extension and intervening separation distances would not result in overlooking to any existing dwellings in the locality.

The development would not have any adverse impact on residential amenity and is entirely in accordance with local and national policy in this respect.

### **Drainage and Flood Risk**

The application site does not fall within flood zones 2 or 3 as identified by the Environment Agency. Furthermore, given the nature and scale of the development proposed, it is considered that there would be no detriment to drainage infrastructure and the proposal would have no significant flood risk impacts. The implications of the scheme in this regard are therefore considered acceptable.

### **Transport and Accessibility**

The application site is easily accessed via the applicant's property and there is sufficient room for construction and maintenance vehicles. The development is for the applicant's own private use incidental to the enjoyment of the dwelling and as such would not generate any intensification in the existing levels of normal domestic traffic movements once the development is completed and would not have any adverse impact on highways safety and efficiency. The proposal is in accordance with policy T10.

### **Ground Stability**

The proposal involves only minor ground works commensurate with the limited scale of the extension. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 109 and 121 of the National Planning Policy Framework.

### **Ecology**

Given the small scale nature of the proposed development it is considered that the proposal will not lead to any significant ecological implications. The proposal would not therefore be harmful to any protected species.

## **8.0 PLANNING BALANCE AND CONCLUSION**

In conclusion, it is considered that the development is of a form which is not inappropriate in the Green Belt, would not be harmful to the openness of the Green Belt and would not result in any adverse visual or amenity impact.

However, even if the LPA take an alternative view that the extension would represent a disproportionate addition to the host dwelling and is therefore a form of development which by definition is inappropriate within the Green Belt, it has been demonstrated that very special circumstances exist which clearly outweigh the very limited harm to the greenbelt by reasons of inappropriateness and any other harms.

It is has been demonstrated above that the harms by way of inappropriateness are in fact very limited in this instance. The proposal would have extremely minor impact on openness and would not conflict with any of the five Green Belt purposes. There would be no 'other harms' by way of visual impact, amenity issues or any adverse ecological or environmental impacts.

The fall-back position in respect of a very similar form of development that could be carried out utilising permitted development rights is a material consideration and, when combined with the extremely low-level of impact on the Green Belt, amounts to a very special circumstance that clearly justify the development being allowed in this instance.

The proposed development represents a sustainable form of development that would not have any unacceptable impact for the reasons set out above and the LPA are respectfully urged to grant permission for the scheme.

The Applicant is willing to discuss any issues that may arise during the consideration of the proposal with the LPA.

**James Roberts (BA, MSc, MRTPI)**

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