

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2018/62/90711/W

Site Address: Duke Ings, Slades Road, Bolster Moor, Huddersfield,
HD7 4NE

Description: Erection of two storey front extension

Recommending Officer: Laura Yeadon

DECISION – conditional full permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 02-May-2018

Officer Report

Site Description

Duke Ings is a large detached property located within an area defined as Green Belt within the Kirklees UDP. The two storey property is within a relatively remote location and is screened from the roadside by mature trees. The property has a driveway and parking area to the front, an attached garage to the side which is set at right angles to the dwelling and is surrounded by garden areas. To the front north-eastern corner of the property is an un-covered single storey structure with an arched opening with the front elevation providing an access into the property. Open fields surround the property with the village of Scapegoat Hill to the north and the village of Golcar is to the west which are predominantly residential areas.

Description of Proposal

Permission is sought for the erection of a two storey extension.

The proposed extension would be to the front of the property on the same footprint as the single storey structure to the corner of the property. The extension would be set back slightly from the front elevation of the property lying flush with the existing side elevation. The eaves would be 1.2 metres lower than the existing eaves and the roof line would be a continuation of the existing, forming a cat-slide design.

The proposed construction materials would be natural stone for the walls, stone slate for the roof, composite for the door and aluminium for the windows.

The resultant accommodation would be an entrance and WC at ground floor with an en-suite bathroom at first floor.

History of negotiations/amendments received

No negotiations have taken place nor have any amended plans been sought or received.

Relevant Planning History

No recent history

Representations

Final publicity date expired 12th April 2018 – no representations received

Consultation Responses

None required

Policy

The statutory development plan comprises:

The Unitary Development Plan (UDP). This report will refer only to those policies of the UDP 'saved' under the direction of the Secretary of State beyond September 2007.

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 Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined 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. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is Green Belt on the UDP Proposals Map and is proposed to be retained as such on Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

BE1 – Design principles

BE2 – Quality of design

BE13 – Extensions to dwellings (design principles)

BE14 – Extensions to dwellings (scale)

D11 – Extensions in the Green Belt

Kirklees Publication Draft Local Plan (PDLP):

PLP 1 – Achieving sustainable development

PLP 2 – Place shaping

PLP 24 – Design

PLP57 – The extension, alteration or replacement of existing buildings

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF)

published 27th March 2012, 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 7 – Requiring good design

Chapter 9 – Protecting Green Belt land

Chapter 11 – Conserving and enhancing the natural environment

Assessment

Principle of development:

The general principle of extending and making alterations to a property are assessed against Policies BE1, BE2, BE13 and BE14 of the UDP and advice within Chapter 7 of the NPPF regarding design. These require, in general balanced considerations of visual and residential amenity, highway safety and other material considerations.

The site is within the Green Belt and therefore the main issues are:

- Whether the proposal would be inappropriate development for the purposes of the NPPF, UDP Policy D11 and Policy PLP57 of the emerging local plan.
- The effect of the proposal on the openness of the Green Belt, and on the character and appearance of the area
- If found to be inappropriate development, whether the harm by reason of inappropriateness is clearly outweighed by other considerations , so as to amount to the very special circumstances, so as to amount to the very special circumstances necessary to justify development

Is the development inappropriate in the Green Belt?

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt, the most relevant in this case being to assist in safeguarding the countryside from encroachment. Paragraph 87 of the NPPF states that inappropriate development should not be approved except in very special circumstances. Certain forms of development are exceptions to 'inappropriate development'. These are set out within paragraphs 89 and 90 of the NPPF.

The construction of new buildings is regarded as inappropriate development in the Green Belt. Within paragraph 89, one of the exceptions to this is the extension or alterations of a building providing that this does not result in disproportionate additions over and above the size of the original buildings. Policy D11 continues that 'in the case of proposals to extend buildings which have already been extended the proposal should have regard for the scale and character of the original part of the building'.

Furthermore, the site is retained as Green Belt on the Publication Draft Local Plan. Policy PLP57 supports the advice within the NPPF and Policy D11 of the UDP by emphasising that previous extensions will be taken into account.

In terms of this particular proposal, the extension would replace the existing single storey open structure to the front corner of the building with a two storey structure which would provide accommodation for the dwelling. The extension would sit on a similar footprint to the existing structure and would have a cat-slide roof which would be a continuation of the existing roof line.

Although there is no recent planning history for the property, an application was submitted under number 1978/6101 however there are no details to the proposed development or decision result. Additions have been created to the property which includes a double garage and single storey extension to the east of the site which may have been the subject of that application.

Notwithstanding the above, there is no increase in footprint resulting from the proposed development other than altering the corner of the structure from being a curve to an angle and it is considered that the small increase of volume resulting from the first floor extension and cat slide roof would not form disproportionate additions to the original building or result in the original building not being the dominant element on the site. This is also considered to be acceptable when taking into account the cumulative impact of the scheme when viewed against what appear to be other extensions to the property.

Taking this into account, it is not considered that the extension would result in disproportionate additions to the host building and would therefore constitute appropriate development within the Green Belt and would accord with Policy D11 of the UDP, Policy PLP57 of the Publication Draft Local Plan and Chapter 9 of the NPPF.

Impact on visual amenity:

In terms of visual amenity, the proposed extension would be two storeys in height with a roofline which would be a continuation of the existing resulting in an eaves height which is clearly lower than the existing eaves. The proposed construction materials would match and the plans demonstrate that the corbel detailing to the eaves would be replicated within the extension. The mullion window design and header over the door would also be replicated and it is considered that the resultant development would be in keeping with the host property.

As such, in terms of visual amenity, the proposal is acceptable, in accordance with Policies BE1, BE2 and BE13 of the UDP, Policy PLP24 of the Publication Draft Local Plan and advice within the NPPF.

Impact on residential amenity:

In terms of residential amenity, the proposed extension proposes openings within the front elevation with no openings within the side elevation which would cause overlooking. With regards to the front elevation openings, the closest residential property would be approximately 200 metres from the front elevation of the extension and therefore, there are no concerns regarding overlooking. With regards to overshadowing or by being overbearing, there are no properties within close proximity of the site which would be affected by the proposal

It is therefore considered that in terms of residential amenity, the proposal is acceptable and would accord with Policies BE1, BE2 and BE14 of the UDP, Policy PLP24 of the Publication Draft Local Plan and advice within Chapter 7 of the NPPF.

Impact on highway safety:

The proposed extension would not have a result in the loss of any parking provision within the site and therefore would not impact on highway safety. As such, there are no concerns relating to the impact on the highway.

Other matters:

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been sought from the Ecology & Biodiversity Officer, it is considered that as the main body of the roof would not be affected by the proposal as the roofline is a continuation and also that there doesn't appear to be any cracks in the mortar which would be suitable for bats to gain access to the roof a Bat Survey is not required in this instance. However, as a cautionary measure, and to ensure accordance with the aims of Chapter 11 of the NPPF, a footnote should be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought,.

There are no other matters for consideration.

Representations:

No representations have been received.

Conclusion:

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.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number:

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies D11, BE1, BE2, BE13 and BE14 of the Kirklees Unitary Development Plan, Policies PLP24 and PLP57 of the Publication Draft Local Plan and Chapters 7, 9 and 11 of the National Planning Policy Framework.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policy BE13 of the Kirklees Unitary Development Plan, Policy PLP24 of the Publication Draft Local Plan and Chapter 7 of the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan, site plan, existing and proposed elevations and floor plans	18 J 03 - 01		2nd March 2018

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No negotiations have taken place or amendments sought as it was considered that the proposal was acceptable in its submitted format.

Report Dated:

2 nd May 2018
