

**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: 2018/62/91235/E

Site Address: The Lodge, Shelley Woodhouse Lane, Shelley,
Huddersfield, HD8 8NB

Description: Erection of two storey front extension

Recommending Officer: Jennifer Booth

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 11-Jun-2018

OFFICER REPORT

Site Description

The Lodge is a detached stone built dwelling. The property is a dormer bungalow with south facing dormers. There is a first floor element with a steep gable over the garage. The property has a driveWAY to the front and gardens, a large detached summerhouse to the west side and gardens to the south with a patio area.

There are farm buildings to the north and opens fields to the west, south and east.

Description of Proposal

The applicant is seeking permission for a two storey extension to the front.

The extension would be set in 4.3m from the west side and 16.2m from the east side. The extension would project 4.4m from the front elevation and the width of the extension would be 4m with a pitched roof form. The eaves height of the extension would be 4.5m and the overall height of the extension would be 6.3m to the apex.

The walls of the extension would be constructed using stone with tiles for the roof covering.

Relevant Planning History

1989/05969 – erection of triple garage – granted although not implemented

1998/92272 – erection of extension – granted and built

2003/92528 – erection of conservatory – granted although not implemented

Representations

The application was advertised by site notices and neighbour letters, which expired on 16/05/2018

As a result of the above publicity, no representations have been received.

Kirkburton Parish Council has been consulted and have responded with no objections.

Consultation Responses

None

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 currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). 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 within the PDLP

Kirklees Unitary Development Plan:

- **D11** – Green Belt
- **BE1** – Design principles
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)
- **T10** – Highway Safety
- **T19** – Parking

Kirklees Publication Draft Local Plan Policies

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP 22** – Parking
- **PLP 24** - Design
- **PLP 30** – Biodiversity
- **PLP 57** – Extension, alteration or replacement within Green Belt

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 – Development in the green belt
- Chapter 11 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Negotiations
- 7) Conditions
- 8) Conclusion

1 – Principle of development:

The site is within the Green Belt on the UDP Proposals Map. As such it will be assessed having regard to Policy D11 and NPPF chapter 9 which advise that extensions should be considered having regard to their impact on the openness of the Green Belt and the extent to which the existing building remains the dominant element, and should not result in disproportionate additions. Furthermore Policy D11 states that in the case of ‘traditional’ buildings in the Green Belt, consideration is to be given to ‘the effect on the character of the existing building’.

The National Planning Policy Framework and the Kirklees Unitary Development Plan both support limited extensions to buildings within the green belt. For extensions within the green belt to be considered acceptable, it is essential that they should neither prejudice the open character of the green belt nor be discordant in themselves or in relation to the host property.

The host property is a sizable domestic property set in substantial grounds although it is noted that there has been an extension added to the east side of the dwelling. Having examined the historic applications for the site, this extension replaced a car port and garage, albeit with a larger structure which extended out past the front and rear elevations of the main house. The original property, as evidenced within the 1998 planning file, had a volume of 923.6m³ (approx.) and the extension approved in 1998 increased this to 1257m³ (approx.) resulting in an increase of approx. 36%.

The proposed extension would add a further 81m³ and an element which is a two storey extension against the dormer bungalow style of the host property. However, the extension would not result in a disproportionate addition to the dwellinghouse given the proportions of the existing dwelling. It would however be reasonable to remove permitted development rights for further extension to the host property inclusive of outbuildings to minimise potential for any future development to result in harm to the character of the green belt.

These issues along with other policy considerations will be addressed below.

2 –Impact on visual amenity:

The property is sited within a rural area with limited surrounding development. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

The extension is located on the front elevation and is clearly a larger extension than would normally be supported on the principle elevation in terms of policy BE14. However, the property is located in a rural area with no neighbouring properties in close proximity and indeed no views of the front elevation of the dwelling unless the viewer is positioned within the grounds of the dwelling itself. The preamble to policy BE14 in terms of front extensions explains that the reason behind the requirement for small front extension is to prevent inappropriate or incongruous development within the street scene which is clearly not likely to occur with this proposal. The property is set in substantial grounds and as such, the proposed extension would not result in overdevelopment. The materials proposed for the extension would match the main dwelling and the detailing, although different especially in terms of the eaves height from the main dormer bungalow house, would not result in an incongruous form of development. It is considered therefore that the extension proposed is acceptable in terms of visual amenity.

Having taken the above into account, the proposed extension would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policies D11, BE1, BE13 and BE14 of the UDP, Policy PLP24 of the PDLP and the aims of chapter 7 of the NPPF.

3 – Impact on residential amenity:

There are no neighbours in the vicinity which could be affected by the proposed extension.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with policies BE1 and BE14 of the UDP as well as PLP24 of the PDLP.

4 – Impact on highway safety:

The proposals will result in some intensification of the domestic use. However the parking area to the front of the property would not be affected by the proposed extension and is considered to represent a sufficient provision. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with policies D11, T10 and T19 of the UDP and Policy PLP22 of the PDLP.

5– Other matters:

Biodiversity

After a visual assessment of the building by the officer, it appears that the building is in good order, well-sealed and unlikely to have any significant bat

roost potential. Even so, a cautionary note should be added that if bats are found during the development then work must cease immediately and the advice of a licensed bat worker sought.

There are no other matters for consideration.

6 – Representations:

None

7 – Negotiations:

None

8 – Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Matching materials to ensure that the extensions harmonise with the host property as using alternative materials would look out of place within the street scene.

It is considered to be reasonable and necessary to remove permitted development rights to prevent inappropriate development within the green belt.

9 – Conclusion:

This application to erect a two storey extension to the front of the lodge has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be acceptable.

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.

As set out above, 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: 2018/91235

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 schedule 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, and T10 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan, and the aims 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 Policies D11 and BE1 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan, and the aims of chapter 7 of the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A-E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To ensure that unsatisfactory extensions do not result in unacceptable development within the green belt and to accord with policies D11 and BE1 of the Kirklees Unitary Development Plan, Policy PLP57 of the Kirklees Publication Draft Local Plan and the aims of chapters 7 & 9 of the National Planning Policy Framework.

NOTE: Due to its location, 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 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	Web ID	Date Received
Location plan	-	686663	16/04/2018
Block plan	18/57	686665	16/04/2018
Existing plans	18/60	686674	16/04/2018
Proposed plans	18/57	686675	16/04/2018

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 Planning 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.

As the submitted plans were considered to be acceptable, no changes were sought.

Report Dated 08/06/2018