

**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: 2018/62/94218/E

Site Address: Fox View, Dry Hill Lane, Denby Dale, Huddersfield,
HD8 8YN

Description: Change of use of land to extend domestic garden,
erection of extensions and alterations and demolition
of attached outbuilding

Recommending Officer: Nia Thomas

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: 05-Mar-2019

Officer Report

Site Description

Fox View is an end of terrace property constructed from stonework for the external walls, with an area of render on the front elevation. The house faces onto Dry Hill Lane and there is small area of amenity space to the front of the site. To the rear of the site, there is an outbuilding which is used as a utility room.

Surrounding the site is predominantly green belt with the application site located in a small cluster of existing buildings. There are residential dwellings attached to the site to the north and also a small row of houses to the southeast of the site. There are barn like structures to the rear of the site.

The site is located in the green belt on the Kirklees Local Plan.

Description of Proposal

Planning permission is sought for the change of use of land to extend domestic garden, erection of extensions and alterations and demolition of attached outbuilding

Change of use of land to extend domestic garden

The site plan shows the extent of land that is proposed to be domestic garden – this is proposed to be paved.

Erection of extensions

The proposed extension will project 2.7 metres from the rear of the building at single storey, it will be 6.3 metres in width and will be 2.6 metres in overall height (flat roof).

The extension will be constructed from natural stone for the external walls and grey fascias.

Alterations

There will be a 2.4 metre high fence and wall to the rear and side of the site.

The proposal would also include the demolition of the existing outbuilding.

The proposals also involve alterations to the existing openings.

History of negotiations/amendments received

No amendments have been made as the proposal is considered to be acceptable in its current form.

Relevant Planning History

2018/92609 – Demolition of attached outbuilding and erection of rear two storey extension WITHDRAWN

2018/92610 – Demolition of attached outbuilding and erection of single and two storey rear extension WITHDRAWN

2018/92608 – Demolition of attached outbuilding and erection of single storey front and two storey rear extensions APPROVED

Several applications for residential development at Dry Hill Farm – REFUSED AND WITHDRAWN: 2016/93148, 2017/91267 and 2015/93255.

2014/93357 – Prior approval for proposed change of use of agricultural building to dwellinghouse and associated operational development DETAILS APPROVED

2018/90188 – Change of use and alterations to existing agricultural barn to form dwelling APPROVED (Dry Hill Farm)

2018/94211– Change of use of land to extend domestic garden, erection of extensions and alterations and demolition of attached outbuilding PENDING CONSIDERATION

96/ 92722 – Erection of 2 storey extension APPROVED (Fox View)

Representations

Final publicity date Expires: 20.02.2019

No representations have been received.

Denby Dale Parish Council – “no objections”

Consultation Responses

KC Conservation and Design (informal) – no objection.

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is allocated as green belt on Kirklees Local Plan.

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP21** – Highway Safety
- **PLP22** – Parking Provision
- **PLP 24** – Design
- **PLP27** – Flood Risk
- **PLP57** – The extension, alteration or replacement of existing buildings
- **PLP58** – Garden extensions

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial 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 13 – Protecting the Green Belt
- Chapter 14 – Challenging the need for climate change, coastal change and flooding
- Chapter 15 – 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) Conclusion

1 – Principle of development:

Chapter 13 of the National Planning Policy Framework states that the Government consider that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of the Green Belt being their openness and permanence. It also states that an extension or alteration of a building (providing that it does not result in disproportionate additions over and above the size of the original building) need not be inappropriate in the Green Belt. Therefore, the principle of extending a dwelling which is located within the Green Belt is acceptable providing that it does not have a detrimental impact on visual/residential amenity, highway safety or on the Green Belt.

The matters of visual amenity, Green Belt, residential amenity and highway safety will be considered in this report.

2 –Impact on visual amenity and the Green Belt

This section of the report will also look at the impact of the proposed development on the green belt and visual amenity considering advice in Policy PLP57 of the Local Plan and Policies in Chapter 13 of the NPPF.

Consideration has to be given to whether the proposed development would represent be a disproportionate addition over and above the original building to ensure that the development complies with Chapter 13 of the NPPF and Policy PLP57 of the Kirklees Local Plan. The existing two storey side extension was approved in 1996 and therefore has to be considered in the calculations of disproportionate additions.

The rear extension would replace an existing outbuilding which would be demolished with the new rear extension of a low overall height with the flat roof reducing the bulk of this part of the development. It is therefore considered that the proposed extension due to its scale would not represent disproportionate additions to the host property (even when considering the two storey side extension and porch that has been erected at the site). The rear extension would be read subserviently with the main dwelling and would be enclosed within the cluster of existing built form and hardstanding surrounding the site. Given the scale of the dwelling, the proposed modern addition does not represent significant additions. Given the scale of the addition, it is not considered to adversely affect openness, which is a consideration under policy PLP57 and Chapter 13 of the National Planning Policy Framework.

A contemporary design approach was originally suggested by the agent during pre-application discussions but this was not considered to be appropriate in this traditional farm building context. The materials that are now proposed are to match the existing building which is stone for the external walls on the rear elevation. The roofing material is traditional and will match the existing host dwelling's roof. The changes to the openings to create larger glazing panels are acceptable and are in keeping with the modern appearance that the extension is trying to create.

The roof of the extension would be grey GRP. Although this is a contemporary material, the proposed extension, by virtue of its glazing and materials, is a contemporary feature of the dwelling that is considered to improve the appearance of the existing front elevation where there is an existing grey felt roof. At the rear of the site, this will not be visible from the streetscene.

Given the small scale of the extensions and the justification for the design and materials as discussed above, it is not considered necessary to require samples of materials to be provided.

It is important to note that the proposed single storey extension will replace an existing outbuilding at the site that is to be demolished – this is shown on the site plan.

The increase in domestic curtilage has the potential to impact on the openness and character of the green belt and therefore consideration has to be given in this regard. Policy PLP58 states that changes of use of the land to domestic garden will not normally be permitted unless there are very special circumstances that warrant the proposal. The below paragraph is the justification in this regard.

The area to the rear of the site is currently hardstanding (with a significant amount of clutter and farm buildings within this cluster of built form). Although the proposed increase of domestic curtilage would change the character of this area by virtue of fencing and domestication, it is not visible from the streetscene and would not harm openness above the existing situation as described above. As well as this, the domestic garden ends where the extension of no. 5 Dry Hill Lane ends, thus ensuring that the domesticated areas are within the existing cluster of built form, and not encroaching into the countryside/open land.

A condition is recommended to remove permitted development rights for outbuildings associated with the dwelling. This is because an outbuilding may have the potential to be disproportionate additions that would harm the openness of the green belt, as well as create a very domestic character that would be harmful to the rural character of the site.

Design of Rear extension

The rear extension will project 2.7 metres at single storey scale which is acceptable in order to be considered an extension that is sympathetic in scale to the host dwelling. The design of the extension is not consistent with a traditional roof form for farm buildings, and a flat roof is not generally considered as good design, in this case, the extension is considered acceptable on balance. It is constructed of mainly stonework to match the existing materials and the openings are considered to be in keeping with the existing design/scale of openings in the main building. The extension would not detract from the overall traditional appearance of the building or from the rural character of the site.

Furthermore, it is important to note that planning permission has been granted at no. 5 Dry Hill Lane for an extension with a contemporary appearance.

Overall

Consideration has been given to the relationship with extensions that are pending a decision in close proximity to the site.

The proposal will comply with Policies PLP24 and PLP57 of the Kirklees Local Plan and Chapters 12 and 13 of the National Planning Policy Framework.

3 – Impact on residential amenity:

The impact on the development on surrounding residential properties are considered in turn below. It is noted that no objections have been received.

Impact on no. 7 Dry Hill Lane (and live application pending consideration)

No. 7 Dry Hill Lane adjoins the application site and the extension will project 2.3 metres from the rear of the dwelling at two stories. Given the small projection of the extension and the distance between the application site and the neighbouring property of 2.8 metres (and the extension that is proposed at this site), there will be no overbearing impact as a result of this single storey extension despite there being habitable room windows in the side elevation of the proposed extension at no. 7. This is because of the single storey nature of the proposed extension.

In terms of overlooking/loss of privacy, there are no openings in the side elevation meaning that there will be no impact on residential amenity in this regard. At ground floor level, if openings are inserted in the future, there would be no overlooking or a loss of privacy given that there are no openings in the side elevation of the extension at no. 7 either.

Impact on surrounding land

To the rear of the site is an area of hardstanding with some farm buildings on it. The dairy farm is further to the rear of the site. K.C Environmental Services have been informally consulted on the application and raise no objections in relation to noise or odour from the adjoining dairy farm use. These are existing residential properties and the erection of extensions will not cause any harm to the occupiers of this site. Additionally, there is existing overlooking from habitable room windows at first floor of Fox View to the rear of the site.

Conclusion on amenity

In conclusion the proposal is considered to have an acceptable impact on residential amenity.

4 – Impact on highway safety:

The impact on highway safety is acceptable. The scale of the development is small and will not increase the number of bedrooms at the site. The extension will not be erected on land that is currently used for parking and therefore the existing parking provision at the front of the site will not change. Given the existing situation which will not lead to additional trips to the site, there will be no highway safety issues and the proposal complies with Policies PLP21 and PLP22 of the Kirklees Local Plan.

A condition has been recommended to ensure that the proposed paving will be made from permeable surfacing in order to comply with Policy PLP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

5 – Other matters:

No other matters

6 – Representations:

No representations have been received.

7 – 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: 2018/94218

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, in the interests of the protection of the character and appearance of the Green Belt and to accord with Policies PLP1, PLP2, PLP21, PLP22, PLP24, PLP27, PLP57 and PLP58 of the Kirklees Local Plan and Chapters 12, 13, 14 and 15 of the National Planning Policy Framework.

3. The hereby approved development shall be constructed from the materials set out on the hereby approved Dwg. No. T879-PL42. The natural stone used in the development 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 PLP24 and PLP57 of the Kirklees Local Plan and Chapter 12 and 13 of National Planning Policy Framework.

4. The hereby approved development shall be constructed from grey GRP for the roofing materials and retained as such.

Reason: In the interests of visual amenity and to accord with Policies PLP24 and PLP57 of the Kirklees Local Plan and Chapter 12 and 13 of National Planning Policy Framework.

5. The development shall not be brought into use until all areas indicated to be used for access and parking on the approved plans have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance; 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) this shall be so retained, free of obstructions and available for the use(s) specified on the approved plan.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking, and in the interest of appropriate drainage of the site, in accordance with Policies PLP21 and PLP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification)) no development within Class E shall be erected within the red line boundary of the application site shown on the approved plans at any time.

Reason: In the interest of visual amenity and so as to preserve the character and green belt in accordance with Policies PLP24 and PLP57 of the Kirklees Local Plan as well as Chapter 13 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed arrangements	T879-PL42	-	28.12.2018
Existing site plan	T879-PL41	-	28.12.2018
Existing arrangements	T879-PL40	-	28.12.2018
Proposed site plan	T879 – PL43	-	28.12.2018

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. The case officer had a meeting with the agent with regard to seeking amendments to the materials of the proposed extensions in relation to the materials that were previously proposed on the rear extension. The changes are considered to be acceptable.

Report Dated: 05.03.2019

