

**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: 2019/62/90211/W

Site Address: 2, Drake Hill Cottages, Hey Slack Lane, Whitley
Common, Huddersfield, HD8 8YD

Description: Erection of first floor extension over detached garage

Recommending Officer: Callum Harrison

DECISION – Refused

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

Neil Bearcroft

AUTHORISED OFFICER

Date: 10-Apr-2019

Officer Report

Site Description

The application site is located at no.2 Drake Hill Cottages, Hey Slack Lane, Whitley Common. The dwelling is a semi-detached property with a detached garage and stables located to the rear. The site whilst being set within a large plot mostly of land is considered to fall outside of the domestic curtilage. The dwelling is faced in natural stone with stone slate roof tiles. The garage is also faced mostly with natural stone and stone slate roof tiles, but the north side elevation is rendered in a neutral colour. The host property has previously been extended through a first floor rear extension and the erection of said detached, double garage under a 1991 application to form 2no. dwellings on the site. The adjoining dwelling, no.1 Drake Hill Cottages is faced in similar materials however does have some render on the side elevation. No.1 has been extended via a two storey side extension to the north.

The application site is situated within the green belt. There are open fields to the south west and north of Drake Hill Cottages, whilst across to the east of Hey Slack Lane Drake Hill Farm can be found, which is the only other dwelling in the immediate area is.

Description of Proposal

The proposal is for the erection of a first floor extension over the detached garage. The existing garage which the proposal seeks to extend is situated approx. 5.5 to the south of the dwellinghouse. The garage is set to the side of the property, but back from the principle elevation by approx. 3.5m. The maximum height of the garage would be 5.5m, with the eaves at 4m. The extension shall be mostly set on the existing garage footprint, however it is proposed to form an external staircase to access the first floor which added a 1.35m x 1.2m porch like structure on the corner of the north side near to the corner with the rear elevation.

The proposed materials are to be to match the existing style of the garage, with it to be faced mostly in natural stone with a stone slate roof with the north side to be rendered as it currently is.

Relevant Planning History of the Site

91/02688 – Change of use of barn to form extension to existing dwelling/extension to existing cottage/erection of 2 detached garage/stable blocks/septic tank was granted conditional full permission.

94/91260 – Erection of stable block was granted conditional full permission.

History of Negotiations

The agent was contacted via telephone and email several times throughout the application process with amended plans being received on 12/03/19 and 25/03/19. The initial scheme saw the extension to appear 30cm higher than what is currently proposed as well as the south side to be rendered too and a rectangular window above the garage door. The proposed window and rendered south side were deemed to be unacceptable features on design grounds due to the prominent position of the garage, these were amended. Despite the overall height being slightly reduced, officer's still see this an incongruous and not respecting the host property nor the green belt in terms of design. The agent states that they have reduced the height as much as possible to allow for the space first floor space to be suitable for use and therefore no more negotiations regarding the height can be agreed.

Representations

The application was advertised by neighbour letters and a site notice.

Final publicity expired on 28/02/19

No representations were received.

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

Kirklees Local Plan

PLP1 – Presumption in favour of sustainable development

PLP2 – Place shaping

PLP21- Highway safety and access

PLP22 - Parking

PLP24 – Design

PLP57 – The extension of existing buildings in the Green Belt

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 13: Protecting green belt land

Assessment

The following matters are considered in the assessment below –

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

Principle of Development

The site is allocated as Green Belt on the Kirklees Local Plan. Chapter 13 of the National Planning Policy Framework states that the Government considers 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 can be acceptable provided it does not represent a disproportionate addition and does not have a detrimental impact on visual amenity, residential amenity, highway safety or any other material planning considerations.

Policy PLP57 (as modified) of the Local Plan reiterates the above.

Impact on the Green Belt and Design

The application represents an extension to an existing detached garage building. Whilst the garage is detached from the host properties it is within domestic curtilage of the host dwelling and the proposed use is for domestic purposes. Therefore it is considered to represent an extension to an existing building and therefore can be assessed against relevant Green Belt and design policies within the NPPF and Kirklees Local Plan.

Policy PLP57 (as modified) in the Kirklees Local Plan, states:

‘Proposals for the extension, alteration or replacement of buildings in the green belt will normally be acceptable provided that:

- a. *in the case of extensions the original building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building;’*

With respect to design Policy PLP24 states proposals should promote good design by ensuring:

“the form, scale, layout and details of all development respects and enhances the character of the townscape”

Specifically with regard to extensions PLP24 (c) states:

“Extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”

In this case the proposed extension to the garage, by virtue of its two storey scale and prominent position is not considered to respect the size and overall appearance of the dwellinghouse. The garage is positioned to the side of the host dwelling as you travel north up Hey Slack Lane and the garage would appear as being two storeys in height and would be 0.3 metres higher than the eaves of the adjacent dwellinghouse. Given this scale it is not considered that the extension would be a subservient addition. Furthermore it is considered that the garage would detract away from the host property and the scale would emphasises the incongruous size and nature of the proposed garage. It is therefore considered that the extension would appear out of character to the host property with regards to scale and character and be directly contrary to PLP57 a and PLP24.

Turning to the scale of extensions at the host property and cumulative impact of extensions to the original building. The original property within the site of no.2 Drake Hill was approx. 570m³, with the existing first floor rear extension combined with the existing garage and garage extension as proposed would in total add 225.7m³ of building form, or an addition of 39% to the original property. These figures were calculated from the approved plans for the 91/02688 application and the plans submitted for this application. An increase of 40% would represent a significant addition to the original building. This level of additions combined with scale and massing of the proposed garage extension particularly its two storey nature and appearance in relation to the host property, are considered to lead to the development representing a disproportionate addition to the original dwelling.

In light of the above the development is considered to represent inappropriate development within the Green Belt which as set out in paragraph 143 should not be approved except in very special circumstances.

The application has been submitted with a statement which details that the applicant wishes to work from home and the extension would facilitate this with the space used as a study. These points have been considered by Officers however they are not considered to represent very special circumstances that outweigh the harm to the Green Belt.

Given the above the application is considered to represent inappropriate development within the Green Belt and would be detrimental to the character and appearance of the host dwelling and the wider local area. The proposal would therefore be contrary to policies PLP24 and 57 of the Local Plan and Policies in Chapters 12 and 13 of the NPPF.

Impact on Residential Amenity

PLP24 (c) of the Local Plan states extension should:

“...minimise impact on residential amenity of future and neighbouring occupiers”

It is of officer's judgement that the proposal does satisfy PLP24 (c).

Given the rural location of the application site and the proposed extension being to the rear, the closest dwelling that would possibly be effected by the proposal in regards to residential amenity is no.1 Drake Hill Cottages. The garage is set approx. 20m away from any land owned by no.1 and as the host property is set between no.1 and the garage, it can be stated that the proposed extension, despite the scale, would not have any notable effect on the residential amenity of no.1 Drake Hill Cottages.

Impact on Highway Safety

As the proposed extension would not seek to add any additional rooms that would intensify trips to and from the site, the proposed plans are acceptable in regards to parking and highway safety and therefore adhere to PLP21 and PLP22 of the Kirklees Local Plan.

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 proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

Decision Authorisation - Delegated Powers
Application Number: 2019/90211
Officer Recommendation: Refuse

Reasons for Refusal:

1. The proposed extension to the garage, by reason of its two storey scale and design would result in an incongruous feature in the street scene due to its prominent position and when viewed in the context of host residential property to the detriment of the character of the local area. To permit such a development would be contrary to Policy PLP24 (a) and (c) (as modified) of the Kirklees Local Plan, and Chapter 12 of the National Planning Policy Framework.

2. The proposed garage extension when considered cumulatively with the previous extensions to the host property combined with its overall two storey scale would result in the development representing a disproportionate addition, over and above the size of the original building, which would have a greater impact on the openness of the Green Belt. The proposed development would therefore represent inappropriate development within the Green Belt. No very special circumstances have been put forward to outweigh the harm to the Green Belt by reason of its inappropriateness and other harm. The proposal would therefore fail to accord with the requirements of Policy PLP57 (as modified) of the Kirklees Local Plan and Policies in Chapter 13 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations - Existing	19_100.1	1	25/01/19
Grouped Plans and Elevations - Proposed	19_100.2A	3	25/03/19
Existing Site / Block Layout	19_100.1A	1	29/01/19
Proposed Site / Block Layout	19_100.2.1A	1	29/01/19
Location Plan		1	29/01/19
Supp Info - General	Statement	1	25/01/19

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 agent was contacted via telephone and email several times throughout the application process with amended plans being received, however these amended plans did not address Officers concerns in relation to Green Belt and Design and the application was determined based on the reasons set out above.

Report Dated: 05/04/19