

**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: 2019/62/90402/E

Site Address: Schenro, 3, Shelley Woodhouse Lane, Shelley,
Huddersfield, HD8 8NB

Description: Erecton of detached dwelling, demolition of existing
dwelling and associated works

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.

Julia Steadman

AUTHORISED OFFICER

Date: 17-May-2019

Officer Report

Site Description

The application site is a two storey flat roofed detached property located within the small hamlet of Shelley Woodhouse; the address being Schenaro, 3 Shelley Woodhouse Lane. The existing property dates from around the 1960s and remains as originally constructed. In addition, there are two large detached garages located within the grounds – both garages are of modern construction (one of which has planning permission granted for conversion to a dwelling).

The site is served by two vehicular accesses to areas of off street parking in addition to the garage.

The site is in a rural location between the villages of Shelley and Skelmanthorpe. To the north is a detached property which is more traditionally designed. To the west is a large farm unit with various sheds and agricultural buildings. The site is open to the south with a pair of traditional small semi-detached cottages to the south west.

The site is allocated as Green Belt on the Kirklees Local Plan.

Description of Proposal

Planning permission is sought for the erection of a detached dwelling as shown on the submitted plans.

The dimensions are as follows:-

- 14.5 metres in width
- 8.1 metres in overall height (5.2 metres to the eaves)
- 9.2 metres in length

The dwelling will have glazing incorporated into the southern and northern elevations, with roof lights within the northern roofslope.

The dwelling will be constructed from natural stone for the external walls, natural blue slate for the roof and aluminium for the openings.

It will be accessed from Shelley Woodhouse Lane and there will be parking within the site as shown on the plan.

The existing dwelling will be demolished.

History of negotiations/amendments received

No amendments have been sought as the proposed development is acceptable in its current form for the reasons set out in the main assessment below.

Relevant Planning History

2016/92001 – Demolition of existing house and erection of detached dwelling APPROVED (3 Shelley Woodhouse Lane)

2017/94012 – Certificate of lawfulness for proposed erection of detached garage GRANTED (3 Shelley Woodhouse Lane)

2017/90534 - Alterations to convert detached garage dwelling – REFUSED but upheld at Appeal (3 Shelley Woodhouse Lane)

2012/91832 – Erection of garage and garden store APPROVED (3 Shelley Woodhouse Lane)

Representations

No neighbour representations have been received.

Final publicity date expires: 9th March 2019

No representations have been received.

Kirkburton Parish Council - No comment.

Consultation Responses

K.C. Highways DM – no objection subject to condition re storage and access details

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 the Kirklees Local Plan.

Kirklees Local Plan (LP):

- PLP1 (as modified) – Presumption in favour of sustainable development
- PLP2 (as modified) – Place shaping
- PLP3 (as modified) – Location of new development
- PLP11 (as modified) – Housing mix and affordable housing
- PLP21 (as modified) – Highway Safety
- PLP22 (as modified) – Parking Provision
- PLP24 (as modified) - Design

- PLP27 (as modified) – Flood Risk
- PLP28 (as modified) – Drainage
- PLP35 (as modified) – Historic environment
- PLP60 (as modified) – The re-use and conversion of 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 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 green belt land
- Chapter 14 – Meeting the challenge of climate change, coastal change and flooding
- Chapter 15 – Conserving the natural environment
- Chapter 16 – Conserving the historic environment

Assessment

1) Principle of development

The site is located within the Green Belt where it is intended that development is severely restricted in order to avoid impact to the openness. Paragraph 145 of the NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. There are however some exceptions to this which includes –

- The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

There is no definition as to what is meant by ‘materially larger’ so a judgement needs to be made on each particular application. However, matters such as height, footprint and number of floors proposed when compared with the original building could be considered to be material planning considerations, as could the effect of the proposal on the character and appearance of the area.

The replacement dwelling will have the same use and would be two storeys which is the same as the existing building. The footprint is similar, although proposed to be longer when compared to the existing. Whilst the proposed dwelling is larger it is not considered to be in excess of what would constitute material particularly when you take into account the potential increase of the existing dwelling under permitted development. The replacement dwelling is considered to contribute more positively to the area adding weight to the

justification to approve the development. As well as this, the development would not contradict the five purposes of including land within the green belt. The site is already in domestic use surrounded by other residential buildings. The dwelling would not encroach into the countryside.

It is not considered that the replacement dwelling will have any detrimental impact on the character or openness of the green belt and as such would not be inappropriate development. That said it is considered that any further increase in size may not be in the interest of retaining the open character of the green belt and as such permitted development rights should be removed to allow further control.

The principle of development on the application site is acceptable and shall be assessed against other material planning considerations below.

As well as the above, the site has a previous planning permission for one dwelling (approved under 2016/92001) and therefore the principle of residential development on this site has been established.

The scale and footprint of the proposed dwelling is the same as that previously approved – the previous permission has expired. It is noted that since the previous permission a garage has been erected as permitted development (2017/94012). Whilst this is additional built form that impacts on the openness of the green belt, this is not considered to alter the above policy stance regarding the proposed dwelling.

Since the previous permission was granted, 2017/90534 was granted at appeal. This application was to make alterations to convert the detached garage to a dwelling, thus intensifying the residential use of the site. Because this was approved after the previous 2016 permission was granted for the replacement dwelling, and at the time of the appeal, could have been implemented, the cumulative impact of both developments was considered by the Planning Inspectorate to have an acceptable impact on the openness of green belt.

2) Impact on visual amenity

The impact on visual amenity is acceptable. Policy PLP24 (as modified) of the Kirklees Local Plan seeks to ensure that all development is of good quality design, creating and retaining a sense of local identity, is visually attractive and promotes a healthy environment. It also stipulates that new development should be in keeping with any surrounding development in respect of design, materials, scale, density, layout, building height or mass, and that the topography of the site is taken into account and satisfactory access can be obtained, and existing and proposed landscape features are incorporated as an integral part of the proposal.

Although the site is located within a rural area within the green belt, the position of the proposed house is not considered to be open due to its screening from the road and to the rear and side by existing buildings.

The increase in scale therefore is not considered to detract from the character of the green belt or the character of the area as a whole.

Whilst the design of combines traditional features with contemporary elements, it is considered to be of a good quality and is more appropriate to its rural location. When taking into account the existing building which does not contribute significantly to the character of the area, the demolition of this building is not a concern. The proposed dwelling will contribute positively to the area. The design includes a glazed canopy and triangular projections to add architectural quality to the design. Although it does not replicate those buildings in the near vicinity, the architectural features are more agricultural in character, thereby complimenting the building and the area.

The scale and design of the existing buildings within the vicinity of the site is considered acceptable. The previous permission has also been considered and given significant weight in the balance of material planning considerations.

The materials proposed are considered acceptable when taking into account the context and character of surrounding development.

Existing boundary treatments will be retained as soon on the approved plan.

In all, the proposal is considered acceptable from a visual amenity perspective and would accord with the aims of policy PLP24 (as modified) of the KLP and chapter 12 of the NPPF.

3) Impact on residential amenity

The impact on residential amenity is acceptable. The Kirklees Local Plan does not specify distances between dwellings but states that an assessment shall be made to ensure a good level of residential amenity for the occupiers of neighbouring dwellings, as well as future occupiers. This is similar to the National Planning Policy Framework.

There are habitable room windows in the north and south elevations of the dwelling and therefore overlooking/loss of privacy from these windows needs to be considered.

The previous planning approval in 2016 has been given significant weight and the proposed dwelling will be centrally placed in the site, in a similar position to the existing dwelling.

Impact on Woodhouse Farm

There is an indirect relationship between the existing Woodhouse Farm and the proposed dwelling with approx 6.2 metres to the boundary, with a further 6 metres to the neighbouring dwelling which is set back from Shelley Woodhouse Lane. This distance, along with the indirect relationship is satisfactory to ensure no overbearing impact.

In terms of overlooking/loss of privacy, there are non-habitable rooms in the side elevation facing this site and therefore there would be no harm. Future first floor side openings are controlled by the General Permitted Development Order and any future ground floor openings would be screened at ground floor level to ensure no harmful overlooking in the future.

Impact on no. 9 Shelley Woodhouse Lane

There are proposed habitable room windows facing this site at a distance of 20 metres between the elevations. This distance is considered to be acceptable to ensure an acceptable level of amenity for the occupiers of this dwelling. Considering the screening on the boundary, along with the fact that this relationship has previously been approved under the 2016 application, the proposed dwelling is not considered to harm residential amenity to occupiers of this dwelling.

Impact on no. 3 and 4 Shelley Woodhouse Lane

The proposed and existing dwellings do not have a direct relationship, with the proposed dwelling being set further back from Shelley Woodhouse Lane. There is a distance of 20 metres between the sites, with no direct relationship between habitable room windows. There will be no direct overlooking into the amenity space or habitable room windows of the neighbouring dwelling.

The proposed relationship between these sites will not cause significant harm over and above the existing situation to constitute a reason for refusal.

Impact on no.1 Shelley Woodhouse Lane

This dwelling was approved at appeal and has a close relationship with the proposed dwelling being considered under this application. No. 1 has habitable room windows in its side (south) elevation and western elevation. Whilst the dwellings are closely spaced, the relationship between dwellings has been established. This is because the appeal decision was granted after the 2016 decision and therefore was considered by the Planning Inspectorate when deciding 2017/90534.

Overall

The proposal complies with Policy PLP24 (as modified) of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

4) Impact on Highway Safety

The impact on highway safety is acceptable. Following a formal consultation with Highways DM, there is no objection to the proposal. It is also noted that the same access arrangements and parking are proposed as per the previously approved application. Since the 2016 decision, an appeal has been granted for another dwelling at the site. Whilst the increase in vehicular movements and parking requirements has been noted by the Planning Inspector, it was not raised as a concern in terms of highway safety.

It is doubtful that the access can achieve the recommended visibility for a 60mph road. However, the access is existing and there is no intensification of the use of the site, as well as there being no accident records connected with the access. Considering the above, the access is, on balance, acceptable in terms of highway safety.

In terms of parking requirements, 3 parking spaces are required to comply with Policy PLP21 (as modified) of the Kirklees Local Plan. The submitted plan shows 4 spaces (2 on the driveway and 2 in the garage), as well as sufficient turning space within the site.

Whilst Highways DM have recommended a condition about bin storage points and access for collection of waste, this condition was not part of the previous permission. Considering the previous permission and the fact that the agent has stated that the bin collection and storage will remain as existing, it is not considered reasonable to impose this condition.

The proposal complies with Policy PLP21 (as modified) and Policy PLP22 (as modified) of the Kirklees Local Plan.

5) Other matters

Ecology –

The application has been assessed to ensure compliance with the aims of the National Planning Policy Framework (NPPF).

The existing building is in good condition and as such it is not necessary to seek further investigations with regards to bat activity. The proposals are considered to not be detrimental to any species and in accordance with Policy PLP30 (as modified) and Chapter 15 of the National Planning Policy Framework.

A footnote has been added to the decision notice to provide advice to the applicant if bats or bat roosts are found during construction.

Archaeology (as per previous approval) -

The application site is located in an area of archaeological potential and the suspected site of a medieval and early post medieval settlement (West

Yorkshire Historic Environment record PRN 2535). The archaeological potential relates to the documented presence of more than one property or tenement at Woodhouse Farm by the 14th century.

Later medieval and post medieval activity is attested to be a timber framed aisled house which was located at Woodhouse Farm until 1973 when it was dismantled for re-erection at the Avoncroft Museum of Building, Worcestershire. Aisled houses are a regionally distinctive group of buildings that date to the late medieval period and are closely associated with the then expanding manufacture of woollen cloth.

Any excavation for footings, services and landscaping should be subject to an appropriate level of archaeological observation and recording (an archaeological watching brief). The WY Archaeology Advisory Service has recommended that an appropriate level of archaeological observation and recording is carried out during the excavation of footings, access tracks, service runs or landscaping (an archaeological watching brief). As such a condition is imposed to ensure that the proposals are in accordance with Chapter 16 of the NPPF.

6) 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 – Conditional Full Permission

Decision Authorisation - Delegated Powers

Application Number: 2019/90402

Officer Recommendation: Conditional Full Permission

Conditions and Reasons:

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.

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 PLP1 (as modified), PLP2 (as modified), PLP3 (as modified), PLP21 (as modified), PLP22 (as modified), PLP24 (as modified), PLP30 (as modified), PLP35 (as modified) and PLP60 (as modified) of the Kirklees Local Plan as well as the aims of Chapters 12, 13, 14, 15 and 16 National Planning Policy Framework.

3. The development shall not be brought into use until the access, vehicle parking, and turning areas on the approved plans have been laid out, surfaced, and drained 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 (ISBN9781409804864) as amended or superseded; 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 specified on the submitted plans.

Reason: So as to achieve a satisfactory layout in the interest of highway safety and in the interest of satisfactory drainage of the parking areas, in accordance with Policy PLP21 (as modified) and Policy PLP28 (as modified) of the Kirklees Local Plan as well as Chapter 14 of the National Planning Policy Framework.

4. No demolition shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: In order to ensure appropriate investigation and recording of archaeological information and to accord with Policy PLP35 (as modified) of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

5. 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, B, C and 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 disproportionate additions to the dwelling which is located within the Green Belt and to accord with guidance contained within Chapter 13 of the National Planning Policy Framework.

6. The development hereby approved shall be constructed of coursed natural walling stone, ashlar dressings and timber boarding with natural blue slate as set out on Plan reference 3878 03.

Reason: In the interests of visual amenity and to accord with Policy PLP24 (as modified) of the Kirklees Local Plan and Chapters 12 and 13 of the National Planning Policy Framework.

7. All existing boundary treatments shall be retained. Should an alternative boundary treatment be required, it shall be constructed from close-boarded fencing measuring 1.8 m in height from the finished ground level.

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), the fencing shall thereafter be retained.

Reason: So as not to detract from the amenities of the adjoining neighbouring occupants

by reason of loss of privacy and to accord with Policy PLP24 (as modified) of the Kirklees Local Plan and guidance with the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
General Arrangement – proposed	3878 03	-	11.2.2019
Site plan – proposed	3878 04	A	11.2.2019
Location plan	3878 01	-	11.2.2019
Supporting Statement	Feb 2019	-	11.2.2019
Topographical Survey	3878 02	-	11.2.2019

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 amendments have been sought as the proposed development is acceptable in its current form.

Report Dated:

16.5.2019