

**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: 2019/62/90687/E

Site Address: Clough Gate Farm, Back Lane, Grange Moor,
Huddersfield, WF4 4EJ

Description: Erection of extensions to existing dwelling and
erection of gazebo and greenhouse

Recommending Officer: Josh Kwok

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: 29-Apr-2019

Officer Report

Site Description

The application site is Clough Gate Farm, Back Lane, Grange Moor. It consists of a two storey detached property with a natural stone and cream coloured render finish, a single storey extension with double garage to the front, a decking to the side and a single storey extension to the rear. The boundary treatment comprises timber fencing as well as high hedges. The property appears to be sited within a relatively large curtilage with a generous provision of garden space. The site is connected to Back Lane by a private road, which is shared among a number of neighbouring properties e.g. no.25 Back Lane. The land level drops considerably from the east to the west with the application property elevated from the garden to the side, where the decking is presented.

The site and its surrounding area are purely residential characterised by a mix of two storey detached and terraced properties. Whilst they are all constructed similar materials, the form, scale and design of which are considerably different from one another. There is not a locally distinctive character in this area. The site as well as the adjoining field are marked as safeguarded land on the Policies Map of the Kirklees Local Plan.

Description of Proposal

The development proposal is for the erection of extensions to the existing dwelling and the erection of a gazebo and greenhouse. The details of the proposal are provided in the following:

- 3.8m deep x 12.9m wide x 7.0m high (from ground level) (first floor extension)
- 3.8m deep x 4.0m wide x 4.0m high (ground floor extension – garden room)
- 7.0m wide x 10.5m deep x 5.9m high (two storey side extension – garage on ground floor and bedrooms on first floor)
- Extensions to have a natural stone and cream coloured render finish to match existing
- Roofing material to be grey slate tiles
- 3.8m wide x 3.8m deep x 2.5m high (greenhouse)
- 3.0m wide x 5.0m deep x 3.1m high (gazebo)
- Greenhouse to be constructed in aluminium frame and glass panel
- Gazebo to be constructed in timber

History of negotiations/amendments received

No amendments sought during the course of this application. However, further information were requested in relation to the dimension and materials of the

gazebo proposed in this application. This information was received on 24-Apr-2019.

Relevant Planning History

2016/91818 – Erection of first floor extension and porch (Clough Gate Farm, Back Lane) – Approved

99/91180 – Reuse, extension and adaptation of existing farm workshop to form extension to existing dwelling (Clough Gate House Farm, Back Lane) – Approved

Representations

This application was advertised by site notices, neighbour letters and press adverts, which expired on 09-Apr-2019. As a result of the above publicity, no representations were received from the occupants of the neighbouring properties.

Kirkburton Parish Council – no comment

Consultation Responses

KC Planning Policy Team – The policy position is that the garage appears to be on an unallocated piece of land. The garden room, gazebo and greenhouse are on safeguarded land. In this case, they could be seen as necessary for the existing use. The erection of garden room, gazebo and greenhouse do not prejudice the future use of safeguarded land for housing.

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 marked as safeguarded land on the Policies Map of the Kirklees Local Plan.

Kirklees Local Plan (as modified) (LP):

- **PLP 01** – Achieving sustainable development
- **PLP 02** – Place shaping
- **PLP 06** – Safeguarded land
- **PLP 21** – Highway safety and access
- **PLP 22** – Parking
- **PLP 24** – Design
- **PLP 30** – Biodiversity and geodiversity
- **PLP 31** – Strategic green infrastructure network

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 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 2 of the NPPF introduces the presumption in favour of sustainable development, which is enshrined in policy PLP1 (as modified) of the Kirklees Local Plan. This policy stipulates that proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise. Policy PLP24 (as modified) of the LP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development of the surrounding area as well as to preserve the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations are addressed in turn in the following sections in this report.

In this case, given the application site falls within safeguarded land, it has to be considered with reference to policy PLP6 (as modified) of the KLP that states that “(1) safeguarded land will be protected from development other than that which is necessary in relation to the operation of the existing use and; (2) all proposal must not prejudice the possibility of long term development on safeguarded land sites”. The proposal is for the erection of extensions, gazebo and greenhouse to the existing property at the application site.

Extensions

The two storey side extension as proposed would fall outside safeguarded land and therefore would not undermine the development potential of safeguarded land in the long term. With respect to the first floor extension as well as the ground floor extension, they are considered to be compliant with

the aims of policy PLP6 (as modified) of the KLP as they would only increase the footprint of the existing property by a small amount and they would be necessary for the operation of the existing property as a dwellinghouse. KC Planning Policy Team confirms that the proposed extensions can be deemed appropriate in terms of safeguarded land policy.

Outbuildings

Concerning the gazebo and greenhouse as proposed, they would appear to be relatively small in scale. Furthermore, given these buildings do not require a foundation and can be dismantled within a relatively short period of time, they are not deemed to conflict with the purpose of including the application site in safeguarded land. The Planning Policy Team has no objections or concerns in regard to these elements of the development proposal either.

For the reasons already outlined above, the proposed development would be in conformity with policy PLP6 (as modified) of the KLP and hence acceptable in principle, subject to no significant adverse impact on visual and residential amenity and highway safety.

2 –Impact on visual amenity:

The proposed two storey side extension whilst being relatively large in scale can be acceptable in this instance because of the fact that the application property is sited within a large plot of land. The extension would be set down considerably from the host property. This would ensure a subservient relationship between the side extension and the application property. In regard to the first floor extension, it would be situated above the existing single story mono-pitched roof extension and would not therefore increase the footprint of the existing property at the site. The height of this extension would be no greater than that of the host property either. For these reasons, the scale of the proposed first floor extension can be appropriate from a visual amenity perspective. There would also be a small single storey extension to the side, which would be used as a garden room. This extension is considered to be modest in scale, hence not causing any material harm to visual amenity. For the same reason already outlined above, the gazebo and greenhouse as proposed is deemed to be of an appropriate scale too.

The proposed extensions would be constructed in natural stones and grey slate tiles to match the existing property. The east (gable end) elevation of first floor extension would be rendered with cream coloured render. The materials of construction as proposed would be give the extensions a sympathetic appearance. It would not detract from the application property or the character of its immediate surroundings. The greenhouse and gazebo would be constructed in timber and aluminium frames respectively. These materials although not identical to the materials of the host property are nevertheless considered to be appropriate when taking into account their nature and intended purpose.

The application property was an agricultural building, which was altered and extended to form a dwellinghouse in the 1990s and later on extended further to form a double garage. The property consists of three discrete elements, which appears to be built in separate phases. These include a two storey building, a single storey extension as well as a two storey and single storey extension with double garage. Due to the above, the form, scale and design of the application property is already significantly different from an ordinary residential property. Meanwhile, it seems to be relatively isolated from the nearby residential properties and streets. Taking all these factors into account, officers consider the design of the proposed extensions to be in keeping with that of the existing property and acceptable from a visual amenity perspective. There is unlikely to be any material harm to the appearance of the application property and the neighbouring properties, the character of the surrounding area and the amenity of the street scene. In respect of the proposed gazebo and greenhouse, they are considered to be acceptable in design terms.

In summary, the development proposal would be of a satisfactory quality in terms of scale, design and material. It would be in keeping with the existing property at the application site and those in close proximity. Furthermore, due to the siting of the application property being relatively isolated from its surroundings, there would be no adverse impact on the character of the street scene. The proposal would be consistent with the aims of policy PLP24 (as modified) of the KLP and chapter 12 of the NPPF.

3 – Impact on residential amenity:

The application property is relatively isolated with the closest neighbouring property being no.3 Clough Gate Drive. There is a substantial hedge separating the application site from this neighbouring site. The proposed extensions would have no windows in the east elevation facing towards this neighbouring site. They would be in a reasonable physical separation from it as well. Furthermore, the proposed extensions are likely to be screened from the view of these neighbouring occupants by the hedge and the existing property at the application site. For these reasons, officers do not consider the proposal to result in any undue detrimental impact on the living conditions of these neighbouring occupants. To minimise the impact of overlooking, a condition shall be added to the decision notice to withdraw the permitted development rights for the insertion of openings in the east elevation of the two storey side extension proposed in this application. Any openings to be created in the east elevation of the first floor extension would have to be obscure glazed in order to benefit from the permitted development rights under Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Hence, it is not found necessary to impose a condition upon the first floor extension in this instance.

There are no other residential properties in close proximity to the application site. Taking these factors into account and subject to the recommended condition, the proposal is deemed to be appropriate from a residential amenity perspective. It would conform to policy PLP24 (as modified) of the KLP.

4 – Impact on highway safety:

The proposal would intensify the residential use of the application property and affect the parking arrangement of the site as well. The proposed floor plan shows that the extended property would have 7 bedrooms. For a residential property with more than three bedrooms, 3 parking spaces must be provided in accordance with policy PLP22 (as modified) of the KLP and the Kirklees Highway Design Guide. In this case, officers consider on the basis of the observations during the site visit that there would be adequate parking provision for the existing and future occupants of this property. Accordingly, the proposal would not give rise to any significant parking issues or conflicts with policy PLP22 (as modified) of the KLP.

The development proposal is for the erection of extensions, a gazebo and greenhouse. The extensions would become part of the property at the application site. Similarly, the gazebo and greenhouse would be situated within the site meeting the need of the occupants of this property. Taking these factors into account, the proposal is unlikely to cause a significant increase in traffic generation that can prejudice highway safety. On this basis, officers conclude the development proposal to be in line with policy PLP21 (as modified) of the KLP and acceptable in highway safety terms.

5 – Other matters:

Public Right of Way (PROW)

There is a public footpath (*KIR/36/10*) to the south of the application site boundary. This footpath also serves as a vehicle access of the application property. The proposed site plan indicates that the extensions as well as the gazebo and greenhouse would be situated on the north of the application site, which would be further away from the footpath than the existing single storey extension and garage. There is a large hardstanding area within the application site for the parking of construction vehicles and domestic vehicles. There also appear to be sufficient space for the storage of construction materials. Therefore, the development proposal would not obstruct the footpath nor would it adversely affect its setting. A footnote can be inserted to the decision notice to remind the applicant not to obstruct the footpath at all time. The proposal would accord with policy PLP31 (as modified) of the KLP.

Ecology

The site is located within a bat alert layer. Following a site visit, the building appeared to be well sealed and there was no evidence of bat roosts or bat roost potential was found. A footnote has been added to the decision notice to provide the applicant with advice should bats or evidence of bats be found during construction. This would accord with the aims of policy PLP30 (as modified) Of the KLP and chapter 15 of the NPPF.

There are no other matters considered relevant to the determination of this application.

6 – Representations:

No representations received as a result of the publicity.

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: 2019/90687

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, to ensure the development potential of safeguarded land in long terms in accordance with Policies PLP6 (as modified), PLP21 (as modified) and PLP24 (as modified) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. The external walls and roofing materials of the two storey side extension, first floor rear extension and single storey side extension hereby approved shall in all respects match those used in the construction of the existing building at the application site.

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

4. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed in the east (side) elevation of the two storey side extension hereby approved at any time without the prior written approval of the local planning authority.

Reason: So as not to detract from the amenities of the occupants of the adjoining property no.3 Clough Gate Drive, by reason of loss of privacy and to accord with Policy PLP24 (as modified) of the Kirklees Local Plan.

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.

NOTE: Public Footpath Kirkburton (*KIR/36/10*) is adjacent to the development and must not be interfered with or obstructed, prior to, during or after

development works. The Council's public rights of way unit may be contacted at Civic Centre 3, Huddersfield or by telephone 01484 221000 and ask for Sharon Huddleston.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan			04-Mar-2019
Supplementary information (greenhouse)			04-Mar-2019
Block plan	19-0063-04A		04-Mar-2019
Floor plans and elevations as proposed	19-0063-03A		04-Mar-2019
Floor plans and elevations as existing	19-0063-02A		04-Mar-2019
Supplementary information (gazebo)			24-Apr-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 are sought in this instance as the development proposal is considered acceptable in its submitted form.

Report Dated: 29-Apr-2019