

**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: 2019/62/91603/W

Site Address: 2, Newland Fold, Linthwaite, Huddersfield, HD7 5GY

Description: Erection of single storey rear extension

Recommending Officer: Laura Yeadon

DECISION – Full Conditional 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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 23-Jul-2019

Officer Report

Site Description

2 Newland Fold is an mid terraced property located within the Green Belt. The dwelling forms part of a wider development which was formerly a redundant filter house and service building and is single storey in height and hosts a garden area to the rear of the property. The side of the property abuts the access to the development. The access is also shared with the access to the treatment works for Blackmoorfoot Reservoir which lies to the south of the site. The wider area consists of residential dwellings and a public house to the north, Water Treatment Works and residential properties to the east with Blackmoorfoot Reservoir to the south.

Description of Proposal

Permission is sought for the erection of a single storey rear extension. The proposed extension would be 9.4 metres length projecting 4 metres from the rear elevation of the property. The eaves height would be 2.5 metres rising to an overall height of 3.8 metres. The extension would be set in from the side elevation facing the access road by 6.2 metres and in from shared boundary with No. 3 by 1.8 metres.

The proposed construction materials would be natural sandstone for the walls, grey slate tiles for the roof and glazed bi-folding doors.

History of negotiations/amendments received

No negotiations have taken place nor have any amendments been sought or submitted.

Relevant Planning History

2005/94714 Change of use, alterations and extensions to convert redundant filter house and service buildings to 7 no. residential units with garages
Withdrawn

2006/90472 Change of use, extensions and alterations to convert redundant filter house and service buildings to 7 no. residential units with garages
Conditional Full Permission

Representations

Final publicity date: 8th July 2019 – no representations received

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

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 Green Belt on the Kirklees Local Plan.

Kirklees Local Plan:

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 24 – Design
- LP 30 – Biodiversity and geodiversity
- LP57 – The extension, alteration or replacement of existing 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 15 – Conserving and enhancing the natural environment

Assessment

Principle of development:

The general principle of extending and making alterations to a property are assessed against Policy LP57 of the Kirklees Local Plan and advice within Chapter 13 of the NPPF regarding design. These require, in general balanced considerations of visual and residential amenity, highway safety and other material considerations.

The site is within the Green Belt and therefore the main issues are:

- Whether the proposal would be inappropriate development for the purposes of the NPPF and Kirklees Local Plan
- The effect of the proposal on the openness of the Green Belt, and on the character and appearance of the area
- If found to be inappropriate development, whether the harm by reason of inappropriateness is clearly outweighed by other considerations, so as to amount to the very special circumstances, so as to amount to the very special circumstances necessary to justify development

Is the development inappropriate in the Green Belt?

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt, the most relevant in this case being to assist in safeguarding the countryside from encroachment. Paragraph 143 of the NPPF states that inappropriate development should not be approved except in very special circumstances. Certain forms of development are exceptions to 'inappropriate development'. These are set out within paragraphs 145 and 146 of the NPPF.

The construction of new buildings is regarded as inappropriate development in the Green Belt. Within paragraph 145, one of the exceptions to this is the extension or alterations of a building providing that this does not result in disproportionate additions over and above the size of the original buildings.

Policy LP 57 of the Local Plan supports the advice within the NPPF by emphasising that previous extensions will be taken into account and also that proposals do not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access.

It is noted that permitted development rights have been withdrawn for the host property by its original permission, 2006/90472 which approved permission for the formation of 7 dwellings in total. From reviewing the historic file it would appear that the host property once formed part of a larger building which was altered by the planning permission reducing its projection to the south but increasing its overall height, though keep in mainly single storey.

In terms of this particular application, the proposed works are for a single storey extension located to the rear of the property which faces Blackmoorfoot Road. The extension is not particularly visually subservient by virtue of the host property being a single storey dwelling however the extension would not interfere with the existing roof and is set in from both side elevations. The extension would increase the cubic volume of the dwelling by 17% and it is considered that while the original property may have been altered by the 2006 permission, the proposal would remain subservient in terms of its scale. The proposal would also not result in any greater impact on the openness of the Green Belt in terms of the treatment of outdoor areas as the development is confined within the garden space of the host property. It is therefore

considered that the works would not be disproportionate and therefore it is not necessary to consider very special circumstances.

As Permitted Development Rights have already been removed from the property it would limit any further additions protecting the Green Belt.

Impact on visual amenity:

In terms of visual amenity, the extension would be limited in height to sit under the eaves of the existing property and would be constructed of matching materials. Whilst the extension would be located on the prominent elevation of the property and the linear format of the existing elevation would be disturbed, Permitted Development Rights have not been removed from the property and there extensions and roof extensions could be constructed without the requirement of Planning Permission. Whilst there would be harm to the character of the dwelling as a result of the extension, for the reasons above, it is not considered that there would be such harm that there would be sufficient justification to refuse the application.

It is therefore considered that in terms of visual amenity, the proposed extension is considered acceptable in terms of the impact on the host building and wider area and would accord with Policy LP24 of the Kirklees Local Plan.

Impact on residential amenity:

Openings are proposed within the rear elevation of the extension facing the garden area of the property which are considered acceptable. There are no openings within the side elevations which would overlook the neighbouring dwellings and therefore, there are minimal concerns.

In terms of overshadowing and/or being overbearing, the extension would project to the north and therefore would not cause any direct loss of sunlight to the amenity area of rear elevation of No. 3. The extension would be set in from the shared boundary and a boundary fence is on situ separating the properties.

It is therefore considered that the proposal is acceptable in terms of the impact on residential amenity and would accord with both local and national policy.

Impact on highway safety:

There is no vehicular access to the proposed location of the extension. As such, there would be no impact on highway safety or parking provision.

Other matters:

Biodiversity – the application site is within a ‘Bat Alert’ layer on the Council’s GIS system. Whilst formal comments have not been received from an Ecology

& Biodiversity Officer it is considered that a Bat Survey was not required in this instance. However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

There are no other matters for consideration.

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

Approve

Decision Authorisation - Delegated Powers

Application Number: 2019/91603

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 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 Green Belt, and to accord with Policies LP1, LP2, LP24, LP30 and LP57 of the Kirklees Local Plan and advice within 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 Policy 24 of the Kirklees Local Plan and advice within that National Planning Policy Framework.

NOTE: The Council's GIS system indicates that 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 to 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	Version	Date Received
Location plan	1915 PL 100B		29 th May 2019
Existing site plan and floor plans	1915 PL 102		29 th May 2019
Existing elevations	1915 PL 103		29 th May 2019

Plan Type	Reference	Version	Date Received
Proposed site plan and floor plans	1915 PL 104A		29 th May 2019
Proposed elevations	1915 PL 105A		29 th May 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 it was considered that the application was acceptable in its submitted format.

Report Dated: 22nd July 2019