

**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: 2019/62/93608/W

Site Address: 26, Stockwell Vale, Armitage Bridge, Huddersfield,
HD4 7PL

Description: Erection of greenhouse (within a Conservation Area)

Recommending Officer: Sam Jackman

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 10-Jan-2020

SITE DESCRIPTION

26 Stockwell Vale, Armitage Bridge is a stone detached property with concrete tiled roof, part of a residential development in the grounds of Armitage House a listed building within Armitage Bridge conservation Area.

DESCRIPTION OF PROPOSAL

The proposal is to erect a detached green house in the back right-hand corner of the rear garden. The green house would measure a maximum size of 3.3m by 3.7m by 2.9m high.

The green house would be constructed from grey aluminium roof on a cedar wood frame.

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

An extension of time was requested due to the lateness of the site visit which has been agreed by the applicant due to locked gates at the property and the applicant being away.

RELEVANT HISTORY

87/03160 – 11 dwellings – condition 6 permitted development rights removed for building and extensions

95/93436 –erection of extension over existing garage – CFP not built

2001/92960 – erection of extension - CFP

PUBLIC/MEMBERS RESPONSE

Final publicity date Expires: 20.12.19

No letters of representation have been received in respect of this application.

CONSULTATION RESPONSES

None

POLICY

The statutory development plan comprises:

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 designated Green Belt on the Kirklees Local Plan and within Armitage Bridge Conservation Area

Kirklees Local Plan (LP):

LP 1– Achieving sustainable development

LP24 – Design

LP 28 - Drainage

LP 30 - Biodiversity and geodiversity

LP 35 – Historic environment

LP 57 - 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, 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 the greenbelt
- **Chapter 14** – Meeting the challenge of climate change, flooding & coastal change.
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

ASSESSMENT

Principle of development:

The general principle of extending and making alterations to a property are assessed against Policy LP24 of the Local Plan and Chapter 12 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 Local Plan Policy LP57. If inappropriate
- 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 LP57 continues that 'in the case of extensions the original building remains the dominant element both in terms of size and overall appearance. The cumulative effect 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.....'. It also goes on to say that the proposal should not result in a greater impact on openness in terms of the treatment of outdoors areas, including hard standing, curtilages and means of access.

In terms of this particular application, the detached greenhouse located along the rear boundary hedge. Although detached it is closely associated with the dwelling and is therefore being considered as an 'extension' for Green Belt Policy. It would be a small addition to the property however it is accepted that the property has been extended already with a small front porch and 2-storey rear and side extension. Despite this the size and design of the greenhouse is a small and lightweight structure that would not appear disproportionate when viewed with the cumulative additions to the original dwelling. Having assessed the plans and the site I conclude that the original building would remain the dominant element.. As such would comply with Policy LP57 of the Kirklees Local Plan and chapter 13 of the National Planning Policy Framework. As such there is no reason to consider bullet points 2 and 3 above.

Impact on visual amenity:

As the site is within a conservation area the impact of the development will need also to be assessed against national policy in Chapter 16 of the NPPF and the general duty in Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that “in the exercise of (of planning functions), with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area’. This is mirrored in Policy LP35 in the Kirklees Local Plan..

26 Stockwell Vale is a modern property built from stone, designed with a hipped roof. The detached greenhouse has a pitched roof and albeit the materials don't match the host property, a timber frame for the greenhouse are appropriate materials in this case and would have little impact on the character and appearance of the conservation area.

In terms of visual amenity, it is accepted that the greenhouse would be to the rear of the property with limited view from the front of the property. The greenhouse would also sit against a high evergreen hedge.

Therefore, the proposal is in accordance of Policy LP24 of the Kirklees Local Plan that states “extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details” & policy LP35 in that the proposal would maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets, along with paragraphs 190, 192 and 196 of the National Planning Policy Framework. No harm would be caused to the significance of the conservation area

Impact on residential amenity:

The proposed greenhouse would have little impact on neighbours with regards to overlooking, overbearing or overshadowing given its light weight structure located at the bottom on the garden and over 10m away from neighbouring properties.

The proposal therefore accords with policies LP1, LP2 & LP24 of the Kirklees Local Plan which states “extensions...minimise impact on residential amenity of future and neighbouring occupiers.” Having considered the above factors affecting neighbouring properties and relevant policies, the proposed greenhouse is not deemed to result in any significant harm upon the residential amenity, as well as chapter 12 of the National Planning Policy Framework.

Impact on highway safety:

In terms of highway safety there are no highway issues as the drive is not being affected by the proposal, as such would meet the aims of Policy LP22

of the Kirklees Local Plan with respect to highway safety and advice in Chapter 12 of the National Planning Policy Framework.

Other matters:

K.C. Biodiversity – the application site is within a ‘Bat Alert’ layer on the Council’s GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance.

This is due to the fact the proposal is a new detached structure and would have no impact on the main roof structure of the host property.

As such the development would have little impact on bats and would be in accordance with Chapter 15 of the National Planning Policy Framework and emerging Policy LP30 of the LP.

K.C. Lead Local Flood Authority – the property is within flood Zone 2 & 3a, however no comments have been requested as this is a minor development. Furthermore the greenhouse is not a habitable room, as such complying with the Policy LP28 of the local plan and chapter 14 of the National Planning Policy Framework.

Representations:

It should be noted that no representations have been received as a result of site publicity.

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.

Decision Authorisation - Delegated Powers

Application Number: 2019/93608

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 51 of the Planning and Compulsory Purchase Act 2004.

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 openness of the Green Belt and the significance of the Armitage Bridge Conservation Area and to accord with Policies LP24, LP35 and LP57 of the Kirklees Local Plan and advice in the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Date Received
Location Plan 1:1250		8.11.19
Block Plan 1:500	Plan 1	8.11.19
Proposed framework and base layout		8.11.19
Proposed elevations		8.11.19
Design & Access Statement		8.11.19

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 Planning 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 did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Recommendation and Authorisation Box

Report Dated:

10.1.20

Coal – low risk