

**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: 2020/62/91145/W

Site Address: Hassocks Cottage, 7A, Hassocks Lane, Honley,
Holmfirth, HD9 6RF

Description: Erection of single storey extension and decking and
associated works

Recommending Officer: Laura Yeadon

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: 17-Aug-2020

Officer Report

Site Description

Hassocks Cottage, 7A Hassocks Lane is a former building conversion which is partly single storey in height with a two storey gable end and an existing white framed conservatory. The property is set back significantly from the adopted Hassocks Lane and accessed from a private drive which provides access to the site, The Woodlands and Woodlands Barn. The property is constructed from stone with a stone slate roof and hosts a rear amenity area which projects approximately 7 metres from the rear elevation of the property. It is noted that the land beyond the curtilage is under the same ownership.

Description of Proposal

Permission is sought for the erection of a single storey rear extension, decking and associated works.

Single storey extension

The proposed single storey extension would be located to the rear of the dwelling and would replace the existing conservatory. The proposed extension would be set in from the side elevation of the two storey gable by 1.75 metres and would project 3.5 meters from the rear elevation of the property. The extension would have a width of 5.44 metres with an overall height of 2.61 metres to the ridge of the flat roof.

The proposed construction materials would be stone for the walls with a dark grey/slate aluminium/similar roof capping.

Decking

The proposed decked area would also be located to the rear elevation of the property and would abut the proposed extension. The decked area would lie flush with the rear elevation of the proposed extension and would project a total of 7.35 metres in width. The total height of the decking would be 0.3 metres.

Associated works

The associated works proposed relate to the rear fenestration details within the rear and side elevation of the property. It is proposed that one window within the rear elevation would be enlarged to create a floor to ceiling opening, the existing patio doors within the rear elevation would also be enlarged and it is also proposed to remove 3 no. windows within the side, western elevation.

History of negotiations/amendments received

Whilst no negotiations have taken place, the Agent, at the request of the applicant submitted amended plans which have resulted in the removal of the balcony and external staircase and also reduced the number of openings within the western elevation of the property. In response, the description of development was amended and agreed by the Agent.

Relevant Planning History

1995/90754 Change of use of outbuildings and alterations to form granny flat extension to existing dwelling
Conditional Full Permission

2000/92557 Erection of new chimney stack, formation of dormer window and infill of loggia
Conditional Full Permission

2008/91744 Extension and alteration to roof, installation of new French door and windows to gable elevation
Conditional Full Permission

Representations

Final expiry date: 9th June 2020 – one letter of representation received (in relation to the original plans) with the following being a summary of comments:

- Proposed balcony removes privacy
- Building works could damage the function of a shared septic tank and soakaway – imperative that any works would be fully planned to mitigate risks regarding damage and pollution
- Disagree with statements in the covering letter regarding residential amenity

Holme Valley Parish Council – support subject to there being no overlooking

Consultation Responses

None required

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 within the Green Belt on the Kirklees Local Plan.

Kirklees Local Plan:

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 24 – Design
- 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 14 – Meeting the challenge of climate change, flooding and coastal change

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. 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 aligns with 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 hardstanding, curtilages and enclosures and means of access.

The planning history for the site indicates that the building was converted circa 1995 and a subsequent planning application was submitted under 2008/91744 for the extension and alteration to roof, installation of new French door and windows to gable elevation. The extensions in this case were to the roof area of the property which resulted in an extension to and amended roof line that was lower than the previous roof. The submitted plans, at that time, indicated that the conservatory which is currently in situ on the site was also on the site in when that application was submitted, however it is not clear if this was part of the original conversion of the property. The proposed extension, whilst has a larger footprint than the existing conservatory, would be single storey in height and considered to be subservient to both the two storey and single storey elements of the host building which accords with Policy LP24 of the Kirklees Local Plan and along with the previous alteration to the roof form is not considered to result in disproportionate additions to the original property in accordance with Policy LP57 of the Kirklees Local Plan.

The decked area is of a minimal height, being 0.3 metres in overall height and would have a minimal impact in terms of the impact on the openness of the Green Belt. As such, it is considered that the proposal is an appropriate development within the Green Belt in accordance with local and national policy.

Impact on visual amenity:

In terms of visual amenity, the single storey rear extension would be subservient when viewed against the dwelling. Due to the extension being to the rear and set in from both side elevations of the dwelling it would be a discreet feature that would be more in keeping than the existing conservatory.

The fenestration details within the original building do not require planning permission as these are at ground floor level. The proposed fenestration details to the extension comprise of 2 no. elongated openings within the rear elevation with no proposed openings within the side elevations and would be in keeping within the existing openings within the rear elevation of the property. The proposed construction materials for the extension are to match the host property and therefore considered acceptable.

Taking into account the total development proposed and the size of the curtilage within the red line boundary, not taking into account the land within the blue line boundary, whilst the area is limited in size (smaller than that demonstrated in the 2008 application) it has been demonstrated on the proposed site plan the extension would not result in an overdevelopment of the site. The decked area would be sited upon an existing patio and at a low level and therefore there are minimal concerns from this element of the proposal. As such it is considered that the overall impact on visual amenity is

considered to be acceptable in accordance with Policy LP24 of the Kirklees Local Plan.

Impact on residential amenity:

With regards to residential amenity, there are proposed openings within the rear elevation of the extension with no openings within either side elevation. Due to the location of surrounding properties, it is not considered that overlooking would occur from either the extension or the terraced area, as shown on the amended plans. With regards to overshadowing and/or being overbearing the property is detached and whilst the rear elevation of the adjacent property is set significantly back from the rear elevation of the application site, this arrangement is as existing. Given the location of the extension with the projection being similar to that of the existing conservatory, coupled within the existing screening between the two properties and the extension being single storey in height, it is not considered that there would be significant undue harm as a result of the proposed extension.

It is therefore considered that the proposal is acceptable in terms of the impact of the proposal on residential amenity and would accord with both the Kirklees Local Plan and NPPF policy.

Impact on highway safety:

None

Other matters:

Climate Change - On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. The proposed extension would be constructed from natural stone to match the host property. This is likely to be locally sourced and is considered to be a sustainable construction material.

Representations:

One letter of representation received with the following being a summary of comments:

- Proposed balcony removes privacy

Response: This element of the scheme has been removed

- Building works could damage the function of a shared septic tank and soakaway – imperative that any works would be fully planned to mitigate risks regarding damage and pollution

Response: This is a private matter between land owners and not an issue the Local Planning Authority can assess

- Disagree with statements in the covering letter regarding residential amenity

Response: Noted

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: 2020/91145

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

3. The external walls 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 BE13 of the Kirklees Unitary Development Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	CAL020120 – 01 Rev: B		15 th April 2020
Existing floor plans	CAL020120 – 02		15 th April 2020
Existing elevations	CAL020120 – 03		15 th April 2020
Proposed floor plan	CAL020120 – 04 Rev: D		22 nd May 2020
Proposed floor plan with dimensions	CAL020120 – 04 Rev: D		22 nd May 2020
Proposed elevations	CAL020120 – 05 Rev: C		22 nd May 2020
Proposed elevations with dimensions	CAL020120 – 05 Rev: C		22 nd May 2020
Proposed elevations	CAL202120 – 06 Rev: B		22 nd May 2020
Proposed site plan	CAL020120 – 07 Rev: C		22 nd May 2020

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 Whilst no negotiations have taken place, the Agent, at the request of the applicant submitted amended plans which have resulted in the removal of the balcony and external staircase and also reduced the number of openings within the western elevation of the property.

Report Dated: 6th August 2020

Coal – low