

**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: 2020/62/91558/W

Site Address: Spring Wood End, Hill Top Bank, Netherton,
Huddersfield, HD4 7DS

Description: Erection of single storey front and side extension with
terrace above

Recommending Officer: Ellie Worth

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: 16-Oct-2020

Officer report

Site description

Spring Wood End, Hill Top Bank is a large, detached property faced in white render with a stone slate roof. The building is centrally placed within the plot and benefits from hardstanding to the front. To the rear is a retaining wall, given the significant changes in levels within the landscape. Vehicular and pedestrian access can be taken from the track to the North West, onto Hill Top Bank.

The site is situated within the Green Belt on the Kirklees Local Plan and it is also noted that two Public Right of Ways run to the South and South West of the application site. There are a number of mature trees within the vicinity of the application site.

Description of development

The applicant is seeking permission for the erection of single storey side and front extensions with a terrace above. This would form a wrap around extension. The measurements of the proposal are as follows:

Single storey front extension

- 2m in projection
- 7.2m in width
- 2.6m in height (3.8m to include terrace)

Single storey side extension

- 2.9m in projection
- 5.2m in length
- 2.6m in height (3.8m to include terrace)

The extensions will be constructed from blockwork and finished in a white render to match the host property. The terrace would also benefit from a glazed balustrade for enhanced security. Internally the works will provide a dining room, utility room and pantry.

History of negotiations/amendments received

The officer raised concerns with the agent regarding the impact in which the scheme would have upon the green belt, as the works proposed would intensify the built form at the site. However, the agent has provided historic photos to demonstrate that the majority of the building is original and therefore an on balanced decision has been made.

Relevant Planning History

None at the application site.

Representations

The application has been advertised by site notice, neighbour notification letters and the press.

Final publicity expired: 21st August 2020.

As a result of the above publicity, no representations have been received in response to the application to extend the property.

Consultation responses

KC Ecology (informal): No objections as the works proposed would not interfere with the eaves or the roof on the host property.

KC Trees: No objections subject to a condition being attached to the decision notice which states that the development will be constructed in accordance with the Tree Protection Plan.

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 located within the Green Belt on the Kirklees Local Plan.

Kirklees Local Plan Policies:

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP21 – Highway safety
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity
- LP33 - Trees
- LP57 - Extension, alteration or replacement within Green Belt

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 design places
- Chapter 13 – Protecting the Green Belt
- Chapter 15 – Protecting the natural environment

Assessment

The following matters are considered in the assessment below:

1. Principle of development
2. Impact on visual amenity
3. Impact on residential amenity
4. Impact on highways
5. Other matters

6. Representations

7. Conclusion

1. Principle of development

The site is located within the Green Belt on the Kirklees Local Plan (KLP). As such, the impact of the extensions on the Green Belt needs to be considered. In this case, Policy LP57 of the Kirklees Local plan is relevant which states that extensions within the Green Belt, are normally acceptable provided that the host property remains the dominant element in terms of size and overall appearance. The policy further states that the cumulative impact of previous extensions and other associated buildings should also be taken into account when new development within the green belt is put forward.

These aims are also set out within Chapter 13 of the NPPF which outlines that alterations and extensions to existing buildings could be supported, subject to them having an acceptable impact on openness and that the proposal will not result in a disproportionate addition over and above the size of the original building.

As such, a review of the historic maps has been undertaken. It is considered based on the information available that the original building is the main dwellinghouse, alongside the detached outbuilding to the South West. The additional extension to form the semi-circle to the rear of the property is considered to be a later addition prior to 1965, however, there is no available record of planning permission for this.

The scale of the proposed extensions has been assessed against the scale of the original dwelling. In essence given the scale of the dwelling as it existed in 1948, the single storey front and side extensions would not result in disproportionate additions to the dwelling house. Furthermore, the extensions would not compete for dominance with the original building, as these would be retained single storey with a lightweight terrace above.

In summary, it has been considered that the proposal would not result in a disproportionate addition at the host property, when its original 1948 form is assessed. However, in order to ensure that the openness of the Green Belt is preserved, a condition will be added removing permitted development rights for extensions and outbuildings at the site in order to comply with Policy LP57 of the Kirklees Local Plan and Chapter 13 of the NPPF.

2. Impact on visual amenity and the openness of the Green Belt

It has been considered that the proposed extensions would appear subservient to the host property, as these would be relatively small in size and scale when compared against the backdrop of the main dwelling. Whilst part of the wrap around extension would project beyond the principal elevation at the dwelling, the plans show the majority of the bulk and massing to be retained at single storey with a terrace above. Nonetheless, it would still be possible to read the original dwelling in which would sit comfortably within its curtilage. There would also be some additional amenity space developed under this proposal, however, this would not result in the overdevelopment of

the site, as the host property is a detached dwelling, with an ample of amenity space.

The design of the extensions has been considered acceptable in terms of visual amenity as they would be simple and seen against the original dwelling having an insignificant impact on the character and setting of the green belt in accordance with Policy LP57 of the KLP. This is due to the fact that the proposal would follow a simple form and would be finished in white render to match the host property.

In terms of new openings, any impact upon visual amenity has been considered acceptable, on balance. The large bi-folding doors within the front elevation will allow passive solar gain. More importantly, officers have noted that the host dwelling is a stand-alone unit, in which is obscured by the surrounding trees and the changes in land levels. As such, any impact is not considered to be undue.

The proposed terrace would also increase the bulk and massing at the site, as a glass balustrade will be provided for security. However, this feature will have a lightweight transparent design and will allow long distance views.

Having taken into account the above, the proposed extensions would be of a satisfactory design quality for the reasons set out above and would be sensitive to the character and setting of the green belt in accordance with Policies LP24 and LP57 of the Kirklees Local Plan.

3. Impact on residential amenity

Given the site's isolated location, officers do not consider there to be any undue impact upon neighbouring amenity. More specifically, the significant changes in levels and the existing screening would also help alleviate any material overbearing, overshadowing and overlooking.

For these reasons, the proposal is considered to comply with Policy LP24 of the KLP.

4. Impact on highway safety

Given that the proposal is unlikely to materially intensify the domestic use nor would it result in any changes to the existing parking arrangement, the proposal is considered to have an acceptable impact upon highway safety, in accordance with Policies LP21 and LP22 of the KLP.

5. Other matters

Public right of way (PROW)

It has been noted that two public right of ways MEL/57/10 and MEL/20/10 run through the application site, which have the potential to be impacted on. However, given the nature and scale of the development, it is unlikely that the works would obstruct or create an adverse impact upon the setting of the footpath or its users.

Nonetheless, a note will be attached to the decision notice which states that footpaths shall not be interfered with or obstructed, prior to, during or after development works. This would be in accordance with Policy LP24 (D) of the Kirklees Local Plan.

Bats

The application site lies within the bat alert layer on the Council's GIS system. In this instance KC Ecology have been formally consulted, whereby the officer has raised no objections to the scheme, as the development proposed would be single storey in height and therefore would not interfere with the eaves or the main roof on the host property. This is to accord with Policy LP30 of the KLP.

Trees

The application site is surrounded by an ancient woodland and is protected by Tree Preservation Order HO1/49/w1. In this instance the tree information provided meets the council's validation checklist and provides good information to enable the impact of the proposal to be assessed.

More specifically the information provided assures officers that measures can be taken to prevent significant damage to the adjacent trees. The theoretical Root Protection Area of the trees will be infringed by the proposal, however, the current site use, levels and retaining walls will have prevented extensive root damage in the immediate vicinity of the property. Therefore, no objections have been raised by the Trees Officer, and the proposal is considered to comply with Policy LP33 of the KLP.

Nonetheless, it has been advised that should the planning permission be granted that the Tree Protection Plan submitted as part of this application, should form part of a compliance condition to ensure that the protected measures are proposed. This has been considered reasonable and therefore will be attached to the decision notice.

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 predates 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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures. However, the submitted plans show large areas of glazing to be inserted into

the Southern elevation of the extension, in which will reduce the need for artificial light and improve solar passive gain.

6. Representations

As a result of the above, no representations have been received in respect of the development applied for.

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 materials considerations. It is considered that the development would constitute to sustainable development and is therefore recommended for approval.

Recommendation Approve

Decision Authorisation - Delegated Powers

Application Number: 2020/91558

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 and in the interests of the openness of the Green Belt, protection of trees and in accordance with Policies LP1, LP2, LP24, LP30, LP33 and LP57 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external walls of the extensions hereby approved shall be finished in white render to match the host property, in accordance with the details show on the approved plan.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A to E inclusive of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority within the site outlined in red on the hereby approved location plan detailed 01 C.

Reason: In the interests of visual amenity and to preserve the openness and character of the Green Belt taking into account the extent of the development

hereby approved and in accordance with Policy LP57 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

5. The development shall be completed in accordance with the advice and directions (recommendations) contained in the Arboricultural Method Statement and Tree Protection Plan, reference (Crown Tree Consultancy,10516 revision 1 dated 13/05/2020). These shall be implemented and maintained throughout the construction phase and retained thereafter.
Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy LP33 of the Local Plan.

NOTE: Public Right of Ways MEL/57/10 and MEL/20/10 run through the application site. These Public Right of Ways shall not be interfered with or obstructed at any time before, during or after the construction period. For further information, please contact publicrightsofway@kirklees.gov.uk.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours Mondays to Fridays 08.00 and 13.00 hours Saturdays With no working Sundays or Public Holidays In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan, site plan and existing and proposed floor plans and elevations	01 C	-	15th June 2020
Tree schedule	10516	-	15th June 2020
Method statement	10516	1	15th June 2020
Spring Wood Bank Tree Report	10516	Dated 13 th May 2020	15th June 2020
Tree report drawings	10516	-	15th June 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 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. In this instance, the officer raised concerns with the agent regarding the impact in which the scheme would have upon the green belt, as the works proposed would intensify the built form at the site. However, the agent has provided historic evidence to demonstrate that the majority of the building is original and therefore an on balance decision has been made.

