

**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: 2020/62/93435/E

Site Address: 175, Commercial Road, Skelmanthorpe, Huddersfield,
HD8 9DX

Description: Erection of single storey side extension

Recommending Officer: Katie Wilson

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.

Paul Dowd

AUTHORISED OFFICER

Date: 18-Feb-2021

Officer Report – 2020/93435

Site Description

175 Commercial Road, Skelmanthorpe is a two-storey detached house built into sloping ground, so that at the front it is single storey, whilst to the rear it is two-storeys high. There is an off-street parking area to the front and a garden area to the side and rear at lower level, with open fields beyond.

Description of Proposal

Planning permission is sought for the erection of a single storey side extension.

- Rectangular footprint – projecting approx. 3.7m to the side x 4.2m deep.
- Mono-pitched roof 2.5m eaves level x 4.2m overall height
- Windows to the front and side, and patio doors to the rear elevation.
- Walls in stonework to match existing and roof surfaced in stone effect also to match the existing.
- It would be located on the north-west facing side elevation

History of negotiations/amendments received

The application was acceptable as submitted.

Relevant Planning History

2014/91759 – Change of use from offices to dwelling with erection of side extension. Conditional full permission.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2014%2F91759>

2015/91998 – Demolition of existing offices and erection of detached dwelling. Conditional full permission.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2F91998>

2015/92738 – Discharge of conditions 4 & 9 on previous planning permission 2015/91998 for demolition of existing offices and erection of dwelling.

Approved.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2F92738>

Representations

Final publicity date Expired: 21st December 2020. No representations received.

Denby Dale Parish Council comments: No objections.

Consultation Responses

None carried out during assessment of the application.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 in the Green Belt on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway Safety and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 57** – The extension, alteration or replacement of existing buildings in the 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-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change.
- Chapter 15 – Conservation and enhancement of the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity (including any heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Representations
- 7) Conclusion

1 – Principle of development:

The application site is located on land allocated as Green Belt on the Kirklees Local Plan. The proposal is for the erection of extensions and alterations.

Chapter 13 of the NPPF requires local Planning Authorities to regard the construction of new buildings in the Green Belt as inappropriate development. Exceptions to this include the extension or alteration of a building providing that it does not result in disproportionate additions over and above the size of the original building.

Policy LP57 of the Kirklees Local Plan (KLP) states that extensions will normally be acceptable providing that the host building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and 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. Furthermore, the proposal must 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; and the design and materials used should be sensitive to the character of the Green Belt setting.

In this instance historical maps held on the Kirklees electronic mapping system suggest that there has been a building on this site since at least 1955, and more recently, planning permission reference: 2015/91998 granted approval for demolition of existing offices and erection of a detached dwelling. This included a subordinate side extension and removal of permitted development rights for, amongst other things, extensions and outbuildings, in the interests of amenity and to protect the openness of the Green Belt.

When 2015/91998 was being assessed, it was accepted that the overall scale of the proposed dwelling was the same as the building it would replace, and the subservient side extension was considered comparable to what had previously been accepted with planning approval 2014/91759 (albeit on the opposite side of the building and in a very similar position to the currently proposed extension).

Whilst the current proposal has potential to have some additional impact upon the openness of the Green Belt, it is a single storey structure, with a projection around half the width of the original part of the house and a depth significantly less than the existing house. The property is also built into sloping land, so that the front of the building (facing onto Commercial Road) is single-storey, and the rear is two-storeys high. The proposed extension would be at lower ground level and a relatively large amount of outdoor amenity space would be retained. Furthermore, the external materials and overall design would be to match the host dwellinghouse. It is, however, suggested that the removal of permitted development rights is repeated, in the interests of the openness and character of the Green Belt.

As such, in officer's opinion, it is considered that the proposal would be appropriate development in the Green Belt and not harmful to its openness and character, which is compliant with policy LP57 of the KLP and the aims of the NPPF.

2 – Impact on visual amenity:

Chapter 12 of the NPPF sets out that decisions should ensure that, amongst other things, developments are sympathetic to local character, including the surrounding built environment (para.127 of the NPPF). Policy LP24 of the KLP expands on this further, setting out that good design should be at the core of all proposals in the district. With regard to extensions, it states under part c, that proposals should promote good design by ensuring “*extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details*”.

In this instance, an assessment of the scale of the proposal in relation to the original building has been carried out above in section 1, where it was found that the proposed extension would be considered subordinate to the original building. Furthermore, the external materials and design features, such as roof style and windows, were also considered to be in-keeping with the appearance of the existing house.

Taking the above into account, it is considered that the proposal promotes good design and is also compliant with this part of policy LP24 of the KLP and the aims of the NPPF.

3 – Impact on residential amenity:

Policy LP24, part c, goes on to stipulates that extensions should *minimise the impact on residential amenity of future and neighbouring occupiers*.

In this instance, there would be four households potentially affected by the proposals; these are addressed below:

175a Commercial Road – This is a two-storey detached house, located to the east of the application site. However, the proposed extension is single-storey and on the opposing side of the two-storey host dwellinghouse, which would screen it to a great extent.

190, 192 & 194, Commercial Road - These are two-storey semi-detached houses on the opposite side of Commercial Road. Given that the proposed extension is below ground level and there would be a separation distance of at least 24.0m between nearest facing elevations, it is considered that any adverse impacts would be very limited.

Land to the north and west – Here there is a field with other fields beyond. The proposed extension would have windows to all sides and retain a

distance of approximately 2.5m to the northern boundary and 9.0m to the western boundary.

Whilst the relationship to the northern boundary is close, it is the same as approved under 2015/91998 and it is ground floor only. The surrounding land is also allocated as Green Belt (as it was when assessment took place for previous approval), and so there is still limited potential for development in the future. Should this change, the area of land is large in scale, which would allow space for any development within it to meet policy requirements for residential amenity. As such, in these circumstances it is considered that these distances could be acceptable in terms of residential amenity.

In summary, it is considered that the proposal would minimise the impact on residential amenity of future and neighbouring occupiers and is compliant with policy LP24 of the KLP and the aims of the NPPF.

4 – Impact on highway safety:

The application site is accessed from Commercial Road, an adopted and classified road.

The proposal would retain the existing access and off-street parking provision, and it is considered that the proposed extension would not amount to an intensification of the existing uses.

As such, it is considered that the proposal would not harm highway safety, and that it complies with policy LP21 of the KLP.

5 – Other matters:

Carbon Budget

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 proposal is a small-scale domestic development to an existing dwelling. As such, no special measures are required in terms of the planning application, with regards to carbon emissions. However, there are controls in terms of Building Regulations, which will need to be adhered to as part of the construction process and which will require compliance with national standards.

6 – Representations:

No representations were received during consideration of this application.

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: 2020/93435

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 to ensure the satisfactory appearance of the development on completion, and to accord Policies LP1, LP2, LP21, LP22 and LP24 of the Kirklees Local Plan and the aims of 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 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) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification)) no development included within Classes A, B, C or E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interest of visual amenity and protect the openness of the Green Belt from inappropriate development in accordance with Policies LP24 and LP57 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

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 may 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 & block plan	Dwg no. SS-(P)-001		12.10.2020
Existing and proposed plans and elevations	Dwg no. SS-(P)-002		12.10.2020

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 has, 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 plans were satisfactory as submitted.

Report Dated: 15.02.2020