

**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: 2020/62/94407/W

Site Address: The Barn, West Top, Moor Side Lane, Slaithwaite,
Huddersfield, HD7 5UU

Description: Erection of single storey link extension

Recommending Officer: Tom Hunt

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: 15-Mar-2021

Officer Report

Site Description

2020/94407 – The Barn, West Top, Moor Side Lane, Slaithwaite, Huddersfield, HD7 5UU

The application site is a converted barn which forms a detached dwelling. It has a single storey rear wing with a lean-to roof to the south elevation. The host dwelling is constructed of Yorkshire stone walls and roof which is gabled. There is a large arch topped glazed front entrance area with a door within and the windows are dark grey and framed by ashlar stone surrounds. The garage is detached and is situated to the left of the host dwelling and currently there is a small concrete hardstanding area between the two properties.

The site is off Moor Side Lane, set lower than the highway with a narrow unadopted access road also a footpath, with enough room for two vehicles passing at the entrance to The Barn. There appears to be off-road parking within the site for a number of vehicles, as well as the detached garage which currently has three large openings. The property is built within a rural landscape, with one dwellinghouse within close proximity; West Top Farm, approximately 21m to the north-east. There is a modest domestic wind turbine nearby. The site is otherwise surrounded by open landscape, typical of the Green Belt location.

Description of Proposal

Erection of single storey link extension

It is proposed to insert a link extension between the host dwelling and the garage. It would be stepped back from the primary elevation of the host dwelling 7.9m and from the garage's primary elevation by 0.4m. It would insert a living room and a walkway. The living room would be 5.3m width and 8.7m depth next to the garage. The walkway would be 1.3m width and 4.7m depth linking the new living room to the host dwelling. The infill extension would be visible at the west elevation projecting 3.8m from the host dwelling's rear elevation and at the east elevation, 2.4m from the garage's rear elevation.

Both would be covered by a gable roof with an extended wing, the roof ridge height would be 4.4m viewed from the primary elevation and 2.5m eaves height approximately. From the south/rear elevation, it would have a roof ridge height of 4.9m, eaves height 2.3m and the extended wing would project 1.4m from the south elevation. From the west elevation, the roof extend 5.2m past the host dwelling's rear elevation and from the east elevation, the roof would be visible 3.8m from the garage's rear elevation.

The proposed construction materials would be dark grey aluminium frame floor to ceiling glazing windows and door for the north elevation and sliding doors to the south elevation and to have zinc standing seam dark grey roof. The roof would have three aluminium framed skylights to its south elevation aligned close to the roof ridge.

History of negotiations/amendments received

No amendments sought.

Relevant Planning History

91/02161 – Proposal: REHABILITATION OF DWELLING. Decision: RF - REFUSED. Decision date: 26/07/1991.

91/05971 – Proposal: REHABILITATION OF DWELLING. Decision: RF - REFUSED. Decision date: 17/01/1992.

94/90079 – Proposal: CHANGE OF USE OF REDUNDANT BARN TO DWELLING. Decision: FC - CONDITIONAL FULL PERMISSION. Decision date: 03/09/1994.

99/90672 – Proposal: RENEWAL OF UNIMPLEMENTED PERMISSION FOR CHANGE OF USE OF REDUNDANT BARN TO DWELLING. Decision: FC - CONDITIONAL FULL PERMISSION. Decision date: 10/05/1999.

2000/91727 – Proposal: RE-USE AND ADAPTATION OF EXISTING BARN TO FORM DWELLING AND ERECTION OF EXTENSION AND ALTERATIONS TO EXISTING OUTBUILDING TO FORM GARAGE. Decision: FC - CONDITIONAL FULL PERMISSION. Decision date: 22/08/2000.

Officer Note: Permitted development removed within 94/90079 specifically:
(10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 no buildings or extensions shall be erected within the application site boundary on the approved plan without the prior written approval of the Local Planning Authority.

And, 2000/91727:

(17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 no buildings or extensions shall be erected within the application site on the approved plan without the prior written approval of the Local Planning Authority.

Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have

publicised this application via neighbour notification letters which expired on: 26 February 2021.

Site Notice Expired: 12/03/2021

No representations have been 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):

- Environmental Health – Identified on mapping system land is potentially contaminated due to proximity to a former quarry. Need for conditions to be placed.
- Public Right Of Way – No objections. Footnote to be added.

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):

- **LP 1 – Achieving sustainable development**
- **LP 2 – Place shaping**
- **LP21 – Highways and access**
- **LP 22 – Parking**
- **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

Assessment

Principle of development:

The site is within the Green Belt. The general principle of extending and making alterations to a property within the Green Belt are assessed against Policy LP57 of the Kirklees Local Plan and national policy within Chapter 13 of the NPPF.

In addition general design Policies within LP24 of the Local Plan and Chapter 12 of the NPF will be assessed. These require, in general, balanced considerations of visual and residential amenity, highway safety and other material considerations.

The NPPF identifies in paragraph 133 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 (paragraph 134), 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.

The construction of new buildings is regarded as inappropriate development in the Green Belt with certain forms of development as exceptions to 'inappropriate development'. These are set out within paragraphs 145 and 146 of the NPPF.

Within paragraph 145c), 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 building.

Policy LP57 supports para 145 of the NPPF by emphasising that previous extensions will be taken into account to assess the cumulative impact of development. It goes on that proposals should 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.

When assessing whether an represents a disproportionate addition to a building in the Green Belt the key considerations are scale and its design.

In terms of scale, the history of the site needs to be considered. From reviewing the available evidence, when the host property was formed via application 2000/91727 the building of the dwelling appears to have been original and does not appear to have been extended. The garage to the side replaced an existing building but it does appear to be of a larger scale than the former building. Therefore other than the garage the reminder of the site appears as original. When the scale of the proposed extension is combined with the enlarged garage, the extensions at the site would represent an increase of approximately 32%. Such a scale of additions is not considered to be disproportionate, and therefore the scale of the development is considered to be acceptable.

Turning to design, the proposal would represent a contemporary addition to the property which would be single storey and infill between the dwelling and garage. The extension would be considerably stepped back (7.9 metres) from the primary elevation, glazed with a zinc roof and would be set down 3.7m from the host dwellings roof and 1.2m approximately from the garage roof ridge height. These design arrangements are considered to aid in the extension appearing subservient to the main dwelling and ensure that the extension does not represent a disproportionate addition to the host dwelling. Thereby accord with policy LP57 and Chapter 13 of the NPPF.

With regard to other design considerations, the impact on the street scene is limited given the sites position though it would be visible from certain views including the PROW. However the extension would be appear relatively small, and a lightweight addition. The swooping roof wing design would again reduce the extension's impact from wider views and the Green Belt

The extension will be constructed from materials which would not match the host dwelling. It is proposed to utilise glazing and zinc whereas the host property is coursed stone. The use of zinc is modern but gives the extension an agricultural feel and it is considered that it would not be out of character for a rural setting. Given the design of the extension, which is sited between the garage and host dwelling, it is considered – in this specific case – the proposed design is acceptable.

The proposal would also retain sufficient garden space to ensure that the scheme does not represent an overdevelopment of the site in its current form.

The design of the proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policy LP24 of the Local Plan.

Impact on residential amenity:

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to *“provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.”*

The proposed extension and alterations are assessed upon whether they would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking. The closest properties to be affected by the development are West Top Farm circa 20m to the northeast and the extension would be overlooking fields to the rear and the footpath.

With regard to no. West Top Farm, the infill extension is located between pre-existing buildings and would be low impact with low roof ridge heights creating a more modest structure with no windows directly facing West Top Farm and

being set back from both primary elevations of garage and host, this would ensure that there would be no detrimental overbearing, overshadowing or overlooking impact.

The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policy LP24 of the Local Plan.

Impact on highway safety:

Turning to highway safety, Policies LP21 and 22 of the Local Plan have been considered along with the KC Highway Design guide. The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking.

The proposed development would retain two off street parking spaces to The Barn and garage spaces and there would be no material intensification of occupation. The extension would serve a living room. The proposal would therefore have an acceptable impact on highway safety and accord with Policies LP21 and LP22 of the Local Plan.

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.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

PROW

No Objections from KC PROW Footpaths regarding the scheme and Footnote to be added. It is considered that the lightweight structure and materials used would not harm the visual amenity of the Green Belt and the footpaths.

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: 2020/94407

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 to accord Policy LP24 of the Kirklees Local Plan.

NOTE: Public footpath Colne Valley 102 is the access to and is adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works. If you require further advice the Council's public rights of way unit may be contacted by e-mail on publicrightsofway@kirklees.gov.uk

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans - Grouped Plans and Elevations	EX1003A – Existing		20/01/2021
Plans - Grouped Plans and Elevations	AL0003 – Proposed		04/01/2021
Plans General	201221 – 3D Images		04/01/2021

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. The case officer considered the application and assessed it on its own merits.

Report Dated: 15/03/2021