

**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: 2021/62/90288/W

Site Address: 70, Slades Road, Bolster Moor, Huddersfield, HD7 4JR

Description: Erection of greenhouse (Listed Building)

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.

Emma Thompson

AUTHORISED OFFICER

Date: 30-Mar-2021

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f90288>

Site Description

70 Slades Road is an end of three terraced properties which is two storeys in height and constructed from stone. The property and attached dwellings are Grade II Listed Buildings and located within the allocated Green Belt. The terraced row is set back from the roadside by lawned gardens and the rear garden of the property wraps around the rear of the attached dwellings and down the side of No. 74. There are Tree Preservation Orders within the rear garden where 2 no. outbuildings are located. The property also hosts a two storey rear extension. Surrounding the site is sporadic built development and open fields.

Description of Proposal

Permission is sought for the erection of a greenhouse.

The proposed greenhouse would be located within the rear garden of the property behind the attached neighbours No. 72 and 74 Slades Road, adjacent to the garage. The greenhouse would have a width of 3.2 metres and depth of 2 metres with an overall height of 2.37 metres. The glazed wall panels would be set upon a 0.6 metre high natural stone dwarf wall and would host a glazed roof set within natural timber frames.

As the greenhouse would be a free standing structure, there is no requirement for an application to be submitted for Listed Building Consent.

History of negotiations/amendments received

None

Relevant Planning History

2002/93054 Listed Building Consent for repositioning of soil pipe
Consent Granted

2005/92588 Erection of first floor extension, detached garage and rebuild WC/store
Conditional Full Permission

2005/92589 Listed Building Consent for demolition of greenhouse and WC/store and erection of first floor extension and detached garage and WC/Store
Consent Granted

2005/94683 Listed Building Consent for erection of extension and replacement windows
Consent Granted

2021/90590 Listed Building Consent for erection of two uplighters to front
Under consideration – not yet determined

Representations

We are currently undertaking the legal 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, site notice and newspaper advertisement.

Final publicity date expired 15th March 2021 – no representations received

Parish/Town Council comments – not applicable

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

K.C. Conservation and Design – support application

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 a Grade II Listed Building located within the Green Belt on the Kirklees Local Plan.

The listing description is as follows:

Mid C19. Part of terrace of 3. Hammer dressed stone. Rusticated quoins. Pitched stone slate roof (part bitumen covered). Coped gables. Stone brackets. Two storeys. East elevation: symmetrical 3-bay facade: Ground floor: central doorway with large rusticated quoins and flat arched head with

decorated key- stone. Two 2-light stone mullioned windows. First floor: two 2-light Stone mullioned windows; one central single light. West elevation: Ground floor: later lean-to extension. Two 2-light stone mullioned windows (mullions removed). First floor: one 4-light stone mullioned window (2 lights blocked). Later single light. Formerly a public house. Included for group value.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 24** – Design
- **LP33** – Trees
- **LP35** – Historic environment
- **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
- Chapter 15 – Conserving and enhancing that natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

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.

As stated above, the building is a Grade II Listed Building. Section 66 of the Planning (Listed Building & Conservation Areas) Act 1990 introduces a general duty in respect of listed buildings. In considering whether to grant planning permission for development which affects a listed building or its setting the Local Planning Authority should have special regard to the desirability of preserving the building or its setting or any features of special

architectural or historic interest it possesses. This is also reiterated within Policy LP35 of the Local Plan.

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 Kirklees Local Plan
- 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.

A previous planning application has been approved at the site which was for a first floor extension, detached garage and to rebuild the WC/store under application number 2005/92588. Having read the Officer Report for that scheme it cites that the outbuildings were to replace existing structures and therefore would have no detrimental impact on the openness of the Green Belt. As such, it is not considered that these would add additional volume over and above what was considered to be the original building.

The proposed greenhouse would be located to the rear of the property and is small in scale with a minimal footprint thus adding little volume increase to the site over and above the first floor extension which is an addition to the property. The 1922 historical map indicates that the ground floor extension formed part of the original building. As such it is not considered that the cumulative impact of the first floor extension and green house would result in disproportionate additions to the property. It is therefore considered that the proposal is acceptable in terms of Policy LP57 of the Kirklees Local Plan.

The effect of the proposal on the openness of the Green Belt and on the character and appearance of the area

In terms of the impact of the scheme on the openness and character and appearance of the Green Belt it is considered that due to the small size and scale of the development it would have a limited impact on openness or the character of the area. The structure would be located within an established residential curtilage and to the rear of the property located close to an existing structure.

As the proposed development is considered acceptable in terms of Green Belt policy and would not be inappropriate development, there is no requirement for very special circumstances.

Impact on visual amenity and the listed building:

The greenhouse would be a glazed structure set upon a coursed natural stone dwarf wall and would be framed with natural timber. Due to its siting and would be screened from public vantage points. The structure itself by use of glazing would appear as a lightweight structure and is of typical size and design for a domestic greenhouse.

The host property and attached neighbours are a terraced row of listed buildings and therefore consideration needs to be given with regard to the setting of the listed buildings. The Council's Conservation and Design Officer has been formally consulted regarding the scheme and the response cites that the proposal would have no adverse impact on the understanding, experience or appreciation of the listed building and would accord with Local Plan Policy LP35.

Impact on residential amenity:

The site is unique in that the garden area for the property runs to the rear and side of the terraced row. Whilst the greenhouse would be located to the rear of the attached properties, it is set back from the neighbouring dwellings as far as practicable and it is not considered that there would be significant harm to the neighbouring dwellings given the use of the garden area as existing.

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

Trees – Protected Trees are located within the rear garden of the application site. Given the location of these within the site it is not considered that the proposed greenhouse would conflict with the protected trees.

Representations:

None

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: 2021/90288

Officer Recommendation: Approve

Conditions

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, LP33 and LP57 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
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Plan Type	Reference	Version	Date Received
Location plan	21/590/01		3 rd February 2021
Existing block plan	21/590/02		3 rd February 2021
Proposed block plan	21/590/03		3 rd February 2021
Proposed elevations, floor plan and roof plan	21/590/04		3 rd February 2021
Heritage Impact Assessment			3 rd February 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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 30th March 2021

Coal - none