

**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: 2021/62/90629/W

Site Address: Spring Hall Mount, Binn Lane, Marsden, Huddersfield,
HD7 6NW

Description: Erection of detached summer house (Listed Building)

Recommending Officer: Katie Chew

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: 16-Apr-2021

Officer Report

Site Description

Spring Hall Mount, Binn Lane, Marsden, Huddersfield, HD7 6NW

The application site comprises of a two-storey stone built detached property located off Binn Lane in Marsden which is an adopted road. The property benefits from garden/amenity areas to the side and rear, with off-street parking provided to the front of the dwellinghouse.

The listing description is as follows:

'SE 01 SE BINN LANE Marsden 5/26 Spring Hall Mount –

- II

Late C18 with later extensions. House. Hammer dressed stone. Quoins. Pitched stone slate roof. Two storeys. North West elevation: Ground floor: one 3-light stone mullioned window (1 mullion removed); one 4-light stone mullioned window. First floor: one 10-light stone mullioned window (two centre lights blocked and 4 mullions removed). North East elevation: later lean-to extensions to rear and north-east gable. To south-west is later dwelling of no architectural value'.

Description of Proposal

The application seeks planning permission for the erection of a detached summer house (Listed Building).

The proposed summer house is to be located to the west of the host dwelling within the garden area. The summer house will measure approximately 2.5m x 3.5m, with a ridge height of 2.2m. It will be constructed from timber and include a set of half glazed doors and 1 window.

As the summer house 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

Amendments were sought to the originally submitted plans to include details of the scale and size of the proposed building on plan, the application has been assessed according to these details.

Relevant Planning History

2015/90495 – Erection of detached building to create dwelling forming annex accommodation associated with Spring Hall Mount, Binn Lane, Marsden, Huddersfield, HD7 6NW (within the curtilage of a Listed Building). Approved 25th June 2015.

2013/92880 – Discharge of conditions 4 (material samples) and 10 (garage door details) on previous application no. 2010/90653 for erection of split level building to provide ancillary living accommodation and garage (within the curtilage of a listed building). Approved 31st October 2013.

2011/90039 – Listed Building Consent for internal alterations, retrospective mullion reinstatement, replacement windows and alteration of existing window opening to form a door opening. Approved 4 March 2011.

2010/90654 – Listed Building Consent for erection of split-level building and garage. Withdrawn 23rd November 2010.

2010/90653 – Erection of split-level building to provide ancillary living accommodation and garage (within the curtilage of a listed building). approved 1st September 2010.

2006/95117 – Erection of split-level building to provide ancillary living accommodation and garage (within curtilage of a Listed Building). Approved 23rd May 2007.

Representations

Final publicity date expires:

Neighbour Letters – Expired 5th April 2021.

Press Notice – Expired 2nd April 2021.

Site Notice – Expired 14th April 2021.

1 representation in objection to the proposals have been received to date. Details are summarised below.

In objection –

- Concerns over the which way the windows will face, can this be clarified;

Officer note: The window proposed will look out into the garden area facing north.

Consultation Responses

KC Conservation & Design – Comments received 31st March 2021. No objections.

Planning Policy Background

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 application site is unallocated in the Kirklees Local Plan but is located within the Green Belt, Strategic Green Infrastructure Network and a Bat Alert Area. A PROW runs along the east of the application site, with the Wildlife Habitat Network Combined being located to the north east, south and west of the site. It is also important to note that the host dwelling is a Grade II Listed Building.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP24 – Design**
- **LP30 – Biodiversity & Geodiversity**
- **LP31 – Strategic Green Infrastructure Network**
- **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) updated 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. Most specifically in this instance, the below chapters are of most relevance:

- 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 the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Summary of Principal Planning Issues

The following matters are considered in the assessment below -

- 1) Principle of development
- 2) Scale, design and visual impact of the proposed development
- 3) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 4) Impact on highway safety
- 5) Other matters
- 6) Conclusion

1 - Principle of Development:

1.1 – Sustainable Development

NPPF paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

1.2 - Land Allocation (Green Belt)

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 building.

The application site does have a varied planning history in which it appears as though planning permission was granted on a number of occasions for the erection of a detached building to form an annex to the north of Spring Hall Mount. It is acknowledged that this addition to the site which will add to the overall cumulative impact on the openness and character of the Green Belt. Finally, other permissions at this site relate to minor internal and external alterations to the dwelling and do not include any increase in overall volume of the dwellinghouse.

The proposed summerhouse 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 previous extensions and additions. As such it is not considered that the cumulative impact of the previous extensions and additions and the new summerhouse 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 scale and size of the proposed building it would have a limited impact on openness and given its design would not detract from the character and appearance of the area. The structure is to be located within an established residential curtilage to the rear of the dwelling and will be viewed amongst the hard and soft landscaped garden area.

As the proposed development is considered acceptable in terms of Green Belt policy there is no requirement to discuss any 'very special circumstances' which might relate to the proposals.

2 - Impact on Visual Amenity and the adjacent Grade II Listed Building:

Under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Planning Authorities must, in considering the impact of a development on Listed Buildings and a Conservation Area have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

In this context preservation means not harming the interests of the building as opposed to keeping it unchanged. Furthermore, Chapter 16 of the NPPF states that in determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. If harm would result this should not be allowed without a proportionate justification. This approach is affirmed by Policy LP35 of the Kirklees Local Plan, and also LP24 (a) which says that the form, scale, layout and details of development must respect the character of heritage assets.

Section 12 of the NPPF discusses good design. Good design is a key aspect and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

The summerhouse is to be constructed from timber and set upon a stone base. Due to its siting, it would be somewhat screened from public vantage points and would appear as a somewhat lightweight structure which is of a typical size and design for this type of building.

The host property is a Grade II Listed Building and therefore consideration needs to be given with regard to the setting of the listed building. The Council's Conservation and Design Officer has been formally consulted regarding the scheme and the response cites that the modern building will have no significant impact on the understanding or appreciation of the listed building, nor will it detract from its setting to any substantial extent.

In conclusion, for the reasons outlined above the proposals are considered to be appropriate in size, scale and design in this location, and that they would not harm the fabric or setting and significance of the Grade II Listed Building. The proposals are therefore considered to accord with LP24, LP35 and LP57 of the Kirklees Local Plan and Chapters 12, 13 and 16 of the National Planning Policy Framework.

3 - Impact on Residential Amenity:

The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is echoed within sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should:

“maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers’.

Given the location, orientation and scale of the proposed summerhouse, it is not considered that there would be any concerns in respect to overlooking, overshadowing or that the proposals would have an overbearing effect on any adjacent neighbouring properties in this instance.

The proposal does not give rise to any adverse impacts upon neighbouring residential amenity and as such, this aspect of the proposal is considered to be acceptable. It is therefore concluded that the proposals comply with Policy LP24 of the Kirklees Local Plan and Section 12 of the National Planning Policy Framework.

4 - Impact on Highway Safety:

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

No changes are proposed to the existing access or car parking arrangements, furthermore given the location of the proposed summer house there are no concerns in respect to highway safety in this instance.

For the aforementioned reasons it is considered that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, and the guidance contained within the National Planning Policy Framework.

5 - Other Matters:

Biodiversity

Whilst it is acknowledged that the application site is within a Bat Alert Area, given the location and the nature of the proposed building there are no concerns in respect to roosting bats.

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 proposal is for a small-scale domestic development to an existing dwelling. As such, no special measures were 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 which will require compliance with national standards. The proposed development would therefore comply with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

There are no other matters for consideration.

6 - 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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation:

Approve.

Decision Authorisation - Delegated Powers

Application Number: 2021/90629

Officer Recommendation: Approve.

Conditions & Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved 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 with Policies LP1, LP2, LP24, LP53 and LP57 of the Kirklees Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Location Plan	-	-	25 th February 2021
Proposed Elevations	-	-	15 th April 2021
Heritage Statement – Supporting Information	-	-	25 th 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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amendments were sought to the originally submitted plans to include details of the scale and size of the proposed building.

Report Dated:

16/04/2021