

**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: 2021/62/91972/W

Site Address: 3, Two Gates, Holme Lane, Slaithwaite, Huddersfield,
HD7 5UG

Description: Erection of detached sunroom

Recommending Officer: Laura Yeadon

DECISION - REFUSED

I hereby authorise the refusal 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: 06-Jul-2021

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f91972>

Site Description

3 Two Gates is a semi-detached property which is located on the outskirts of the village of Slaithwaite which is also a Grade II Listed Building. The property is two storeys in height and has a lean-to extension to the side and the property is under renovation and has recently been granted permission for the partial demolition and rebuild of the property which includes a large side extension and a detached garage. The property itself is within land without notation on the Kirklees Local Plan with the rear elevation of the property, excluding the barn forming the boundary with the adjacent expanse of Green Belt. Residential properties are located to the east of the site with Slaithwaite Reservoir to the north, open fields to the south and west and Slaithwaite Junior and Infant School to the south-east.

Description of Proposal

Permission is sought for the erection of a detached sunroom.

The proposed sunroom would be located behind the attached neighbouring property No. 4 Two Gates to the rear of the outbuilding associated with this neighbouring property.

The sunroom would be constructed from stone with quoins and would be a width of 5 metres and depth of 4 metres. Aluminium bi-folding doors are proposed within the north-western and south-western front and side elevation and the overall height would be 2.65 metres to the top of the Zinc flat roof.

History of negotiations/amendments received

None

Relevant Planning History

- 2021/90515 Discharge condition 10 on previous permission 2020/90371 for Listed Building Consent for partial demolition of existing dwelling and erection of replacement dwelling
Approved
- 2021/90513 Variation condition 2 and 6 on previous permission 2020/90371 for Listed Building Consent for partial demolition of existing dwelling and erection of replacement dwelling
Approved
- 2020/94004 Discharge of conditions 3, 5, 8, 9, 12 on previous permission 2020/90371 Listed Building Consent for partial demolition of existing dwelling and erection of replacement dwelling
Split decision
- 2021/90371 Listed Building Consent for partial demolition of existing dwelling and erection of replacement dwelling
Consent Granted
- 2020/90370 Partial demolition of existing dwelling and erection of replacement dwelling (Listed Building)
Conditional Full Permission
- 2020/90322 Listed Building Consent for demolition of existing garage, erection of new garage to rear and dry stone boundary wall
Consent Granted
- 2020/90321 Demolition of existing garage, erection of new garage to rear and dry stone wall boundary
Conditional Full Permission
- 1995/91622 Listed Building Consent for re-use and adaptation of barn/outbuildings to form extension to dwelling
Consent Granted
- 1995/91524 Re-use and adaptation of barn/outbuilding to form extension to existing dwelling (Listed Building)
Conditional Full Permission
- 1986/03534 Listed Building Consent for conversion of barn to form dwelling extension to dwelling
Granted consent
- 1986/03533 Conversion of barn to form extension to dwelling and erection of porch (Listed Building)
Granted conditionally

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 25th June 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 – no concerns on heritage grounds

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 within the Green Belt on the Kirklees Local Plan. The host property is also a Listed Building with the listing description as follows:

Nos 3 and 4 (Two Gates) II

GV

No 3 late C18. No 4 early C19. Two houses. Hammer stone. Quoins to No 3. Stone slate roof. Ashlar chimney to western end. 2 chimneys with square string course and water tabling. 2 storeys. South elevation: No 3: Ground floor; Two 3-light stone mullioned windows (recessed). One 2-light stone mullioned window (recessed). First floor; Three 3-light stone mullioned windows. No 4: Ground floor; One doorway with stone surrounds and tie-stones (blocked). One doorway with stone surrounds to porch. One 3-light stone mullioned window. One 4-light stone mullioned window. First floor; One 10-light stone mullioned window (4 lights blocked). East elevation: Ground floor; Barn doorway and one doorway with stone surrounds and tie-stones and modern windows to extension. First floor; One 2-light stone mullioned window. North elevation: No 3: Ground floor; One doorway and one small window with stone surrounds. First floor; One window with stone surround. No 4. Ground floor; One modern window. First floor; One modern window. One 2-light stone mullioned window. West elevation: No 30 . One small window to gable apex with stone surround. Lean-to extension at western end with concrete roof. Single storey porch extension with monopitch stone slated roof at eastern end. Extension to rear of No 3 probably originally a barn.

Kirklees Local Plan:

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 24 – Design
- LP30 – Biodiversity and geodiversity
- 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 the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

House Extensions and Alterations Supplementary Planning Guidance

Kirklees Council has produced its supplementary planning guidance on House extensions which was adopted on 29th June 2021 and will be considered in the assessment of planning applications. The general thrust of the advice is aligned with both the Kirklees Local Plan and the National Planning Policy Framework, requiring development to be considerate in terms of the character the host property and the wider street scene.

Assessment

Principle of development:

The general principle of extending and making alterations to a property in the Green Belt are assessed against Policy LP57 of the Kirklees Local Plan and advice within Chapter 13. NPPF. General design policies are set out in Policy LP24 of the Local Plan and Chapter 12 of the NPPF regarding design. These require, in general balanced considerations of visual and residential amenity, highway safety and other material considerations.

As the siting of the sunroom is within the Green Belt 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 erection of an outbuilding to a dwelling can be considered as an "extension" to the house if it is closely associated with that dwelling. This may be considered as acceptable in accordance with paragraph 145 c) of the National Planning Policy Framework providing that the proposal does not result in disproportionate additions over and above the size of the original building. Due to the separation distance of the proposed outbuilding to the house, it is considered as the construction of a new building in its own right. The construction of new buildings is regarded as inappropriate development in the Green Belt unless it can be considered as a replacement building and not materially larger than the one it replaces in accordance with part d) of the paragraph 145 of the NPPF.

Policy LP57 of the Kirklees Local Plan supports the advice within the National Planning Policy Framework by emphasising that previous extensions will be taken into account and also that proposals do not result in a greater impact on openness of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access and,, in the case of replacement buildings, the new building shall be in the same use and not materially larger than the one it replaces.

The planning history for this property relates to the conversion of the barn to residential accommodation which is attached to the rear elevation of the property. More recently, permission was granted for the erection of a replacement garage and also the partial demolition and rebuilding of the dwelling which included a side extension. The barn itself is clearly evident on the 1907 historical map and is therefore an original structure. The side extension approved was larger than the existing but, due to not being within the Green Belt, an assessment on inappropriate development in the Green Belt was not made in the assessment of that scheme. The detached garage

under application number 2020/90321 was not considered to be a disproportionate addition when assessed against Green Belt policy.

In terms of this particular application, the proposed sunroom would be located to the rear of an outbuilding to the attached neighbouring property but is some distance from the host dwelling within an open garden area. Whilst a garage was considered acceptable within the curtilage due to its position and location, the garage would be read in context with the host residential property. In terms of the proposed sunroom, this the addition would be not be read as an extension to the host building by virtue of its siting and therefore would be deemed as a new building in the Green Belt, rather than an extension. Whilst noting that the sunroom would replace an existing shed, that structure does not appear to have received planning permission (which would have been required by virtue of being within the curtilage of a Listed Building) and there is no clear evidence as to its age. Therefore, it has not been afforded significant weight in the considering as to whether the proposed sunroom is a replacement building.

To conclude, the sunroom would constitute a new building in the Green Belt which would constitute inappropriate development in principle.

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

The construction of a building where there was not previously a building necessarily reduces the openness of the Green Belt. The proposed garden room would reduce both spatial and visual openness. Regardless of the limited extent of public views of the building the garden is less open than it would be without the garden room which causes harm to the openness of the Green Belt. The location of the site amongst other residential property and their outbuildings means that the overall harm to openness is limited.

In terms of the character and appearance of the area, the sunroom would be set away from the host property but within the small cluster of buildings associated with the pair of dwellings including the dwellings themselves. As the structure would not encroach beyond the amenity area of the pair of dwellings than the established boundaries, it is not considered that the proposed sunroom would be detrimental to the character of the area. it is of a domestic scale, constructed of stone and is contained within the site and is not intrusive in the street scene or wider public views, whilst noting it would be visible from a public right of way to the north. The rural attributes of the area have been respected and there is no harm to the character and appearance of the area.

Although the Conservation Officer has raised no concerns regarding the impact of the proposed development on the setting of the Grade II Listed Building, regard to the statutory duty to consider the effect of the proposal on such asset has been taken into account. The statutory test set out in Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 regard to the desirability of preserving or enhancing the setting of the

designated heritage asset has been assessed. It is considered that the siting of the sunroom and its limited scale would preserve the setting of the host listed building. In this respect the development would comply with Policy LP35 of the Local Plan and Chapter 16 of the NPPF.

Very special circumstances

No very special circumstances have been put forward demonstrate the reasoning for the proposed sunroom or how this would outweigh the harm this would cause to the Green Belt.

Conclusion on Green Belt Issues

The development is inappropriate in the Green Belt. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on at Paragraph 144 to indicate that substantial weight should be given to the harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

In this case there is harm arising to the Green Belt by way of inappropriateness and to its openness. Whilst the harm to openness is limited, in accordance with the NPPF, the overall harm to the Green Belt receives substantial weight. There is very limited visual impact of the development but spatial harm to the Green Belt would occur. No other considerations outweigh the harm caused.

Very special circumstances necessary to justify the development do not exist. Consequently, the proposal does not accord with those policies of the Framework relating to development in the Green Belt.

Impact on residential amenity:

In terms of residential amenity, the building would be set behind the outbuilding to the neighbouring property, No. 4 Two Gates. Openings are proposed within the north-west elevation and south-west elevations in for form of bi-folding doors. There are openings within the rear elevation of the attached neighbouring properties which could be impacted on from the proposed development however that harm is not considered to be significantly greater than the existing situation due to the land directly to beyond the rear elevation currently being used as the amenity area to the application site. The sunroom is considered to an acceptable distance from the neighbouring property so as not to have an impact from overshadowing or by being overbearing.

It is therefore considered that from a residential amenity perspective the proposal is acceptable and would accord with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

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.

The proposed sunroom would be constructed from dry stone walling which would be locally sourced and a sustainable material. This is considered acceptable in terms of the mitigation against climate change.

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 proposals do not accord with the development plan and that the application of policies in the NPPF that protects areas of particular importance provides a clear reason for refusing the development proposed.

Recommendation

Refuse

Decision Authorisation - Delegated Powers

Application Number: 2021/91972

Officer Recommendation: Refuse

Reason for refusal:

1. The application site is located within the designated Green Belt. The proposal seeks the erection of a new building which, as set out in paragraph 145 of the National Planning Policy Framework, constitutes inappropriate development in the Green Belt. Furthermore, the building would cause harm to the openness of the Green Belt through the permanent development of land. There are no very special circumstances that clearly outweigh the harm to the Green Belt by reason of inappropriateness or other harm. The development would therefore be contrary paragraph 143 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan			11 th May 2021
Location plan with red line			11 th May 2021
Proposed site plan			11 th May 2021
Proposed elevations and floor plans	1621 01		11 th May 2021
Heritage Statement			11 th May 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 unacceptable in principle.

Report Dated: 2nd July 2021

Coal - none