

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 73

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO
CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING
CONDITIONS PREVIOUSLY ATTACHED**

Reference No: 2021/70/92538/E

Site Address: Woodend, Greenside Road, Thurstonland,
Huddersfield, HD4 6XA

Description: Variation condition 2 (plans) on previous permission
2017/93501 for erection of extension and alterations
to convert existing garage block to one dwelling

Recommending Officer: Callum Harrison

DECISION – VARIATION OF CONDITION 2 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.**

Paul Dowd

AUTHORISED OFFICER

Date: 17-Aug-2021

Officer Report

2021/92538 - Woodend, Greenside Road, Thurstonland, Huddersfield, HD4 6XA

Site Description

The application relates to an existing garage building standing in the grounds of Woodend, a large, detached dwelling, located off Greenside Road in Thurstonland. The host property was formerly a barn that had planning permission for change of use and extensions under 95/92287. The application building is single storey and currently operates as ancillary to the host property; it was originally constructed as stables and has been since converted to a garage. The red line boundary for the application also includes a grassed area to the west of the building, which is currently used as garden space for Woodend. Vehicular access is taken from Greenside Road to the west of the site. Woodend lies immediately to the south of the site, with Woodend End Cottage positioned below that. Woodend Farm is located immediately to the north-east, east and south-east of the application building.

Description of Proposal

The application is seeking permission for the variation condition 2 (plans) on previous permission 2017/93501 for erection of extension and alterations to convert existing garage block to one dwelling. The proposed variations include the formation of a first floor, which would provide four good sized bedrooms. Other variations include: the number and style of openings, which take a more contemporary form; the provision of an en-suite where a garden room/store was previously proposed; and the provision of a lean-to roof above the store. There are other minor alterations.

The formation of a first-floor level above a significant part, but not all the proposed footprint, would lead to the ridge being set at a height of 6.6m, with the eaves at a height of 4.2m.

History of Negotiations

The submitted plans raised significant concerns in terms of the cumulative impact of the extensions of the scheme and the harm to the Green Belt. Ultimately, the limit for extensions to this building, considering the Green Belt setting had been reached under the 'parent' application, in accordance with relevant Green Belt policy, no further extensions would be supported. Therefore, whilst the Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. As this Green Belt issue cannot be overcome, as it is too significant to be dealt with under this application, amended plans have not been sought.

The Authority informed the agent of the Green Belt concerns with over two weeks remaining before the target date and stated for the reasons above, the authority will not be entering negotiations. Nevertheless, the agent still wished to enter negotiations and requested an extension of time to submit amended plans which would still contain a room in the roof over some of the existing built form. Therefore, given that these amendments would not overcome the concerns of the authority, and considering the agent had not responded to an earlier request for an extension of time at the start of the process, the authority decided to not agree to the extension of time requested to enter into negotiations.

Relevant Planning History

98/92590 – Erection of stable block – Approved.

2014/91276 – Erection of stable block – Approved.

2017/91488 - Erection of single storey side extension to garage – Approved.

2017/93501 - Erection of extension and alterations to convert existing garage block to one dwelling – Approved with PD rights for classes A through to E removed.

2018/92408 – Non-material amendment to previous permission 2017/93501 for erection of extension and alterations to convert existing garage block to one dwelling – Approved.

Consultations

Kirkburton Parish Council – no comments received.

Representations

The application was advertised by neighbour notification letters. Final publicity expired on 4th August 2021. No representations were received.

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 allocated as Green Belt in the Kirklees Local Plan 2019.

Kirklees Local Plan:

- LP1 – Achieving sustainable development
- LP2 – Place shaping

LP21 – Highway safety
LP22 – Parking
LP24 – Design
LP57 – The extension, alteration or replacement of existing buildings

House Extensions Supplementary Planning Guidance

Kirklees Council has recently adopted its supplementary planning guidance on house extensions. Although the period for a potential judicial review has not yet expired, it is now being considered in the assessment of householder planning applications, with some weight attached. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPG will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the NPPF, published 20th July 2021, 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 in the Green Belt and Visual Amenity

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the KLP. This policy stipulates that proposals that accord with policies in the KLP will be approved without delay unless material considerations indicate otherwise.

The application property is situated in the allocated Green Belt in the KLP. Careful consideration should be given to avoid harm to the openness and character of the Green Belt. In this case, policy LP57 of the KLP and paragraph 149(c) of the NPPF are highly relevant to the assessment of this proposal, which is for the erection of an extension to a dwelling.

Paragraph 149 of the NPPF states that extension to existing building are acceptable in the Green Belt so long as ‘ (c) the extension or alteration of a

building provided that it does not result in disproportionate additions over and above the size of the original building;’.

Policy LP57 of the KLP states *“Proposals for the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable provided that: a. in the case of extensions the original building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and of 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.”*

To help aid determining the impact and appropriateness of the extension, officers typically use volume calculation to assist. Typically, Kirklees Council permit extensions up to 33% larger in a Green Belt when measuring cumulatively, considering all additions (anything not original or predating 1948). However, officers understand this figure is only a basic guideline and should not be applied as a hard and fast rule. Through these calculations, officers have found that the original building had an approximate volume of 300m³, whilst the previously approved ‘parent’ application allowed for extensions to increase the building to a volume of 460m³. This new proposal would see the building extended to a volume of approximately 880m³. This mass volume increase is mostly through the provision of a first floor. These figures demonstrate that the proposed development would extend the original building by over 290%, which figuratively demonstrates that the proposed development is very large and unacceptable in its Green Belt setting. By the provision of an additional storey, even to the naked eye, the extensions would clearly result in inappropriate development in the Green Belt, thus, harming on the openness of the Green Belt.

It must be considered that the parent application, which this proposal seeks to vary, allowed a generous extension to the original dwelling. This was a pragmatic decision based upon the authority being able to remove permitted development rights for any future extension/outbuildings and the proposal causing a lesser harm to Green Belt than a previously approved scheme, albeit not for a dwelling. This proposal is way beyond what was previously approved on this balanced decision. This proposal would cause significantly more harm to the Green Belt than the scheme previously approved.

For these reasons above, the development would result in disproportionate additions over and above the size of the original building. Furthermore, the original character of the original part of the building would be lost due to the impact, form and siting of the proposed extension. Therefore, the proposal is considered to constitute inappropriate development in the Green Belt and no “very special circumstances” have been demonstrated. To approve the application would impact adversely upon the openness of the Green Belt contrary to policy LP57 of the KLP and chapter 13 of the NPPF.

Notwithstanding the Green Belt matters above, by almost tripling the original building in size, the proposed extension would not be subservient to the

original building, as required by policy LP24c of the KLP. The provision of an additional storey also clearly demonstrates that the proposed extension is not in keeping with the existing building in terms of scale, also as required by policy LP24c. The proposal is, therefore, unacceptable regarding visual amenity also.

2. Impact on Residential Amenity

Policy LP24 of the KLP states that proposal must ensure a good standard of amenity for future and neighbouring occupiers.

Given the dwelling is set 25m+ away from any neighbouring dwellings, no neighbouring properties would be unduly impacted by the proposed development. Given the relationships and separation distances it is considered that there would be no severe overbearing or overshadowing impacts that would be experienced by the occupants of the proposed dwelling. However, like the parent application, a boundary treatment scheme would need to be conditioned.

3. Impact on Highway Safety

No new highways information has been submitted since the parent application. The impact on highway safety is still considered acceptable despite the additional bedroom. The vehicular access would be taken from the same point as existing for Woodend. There is ample space for parking and turning retained on the site in front of the proposed dwelling. In terms of parking for the occupants of Woodend, similarly, adequate arrangements for parking and turning exist on the site. In summary the application is considered acceptable in terms of highway safety and compliant with the policies LP21 and LP22 of the KLP.

4. Other Matters

Ecology

The application site lies within a Bat Alert Layer on the Council's GIS. The application is supported by a Bat Survey undertaken by Middleton Ecology. No bats were identified, and the building is considered to offer moderate roosting potential. As such, the recommendation is that a specific roofing felt is used in the construction of the new roof, which may support future bat roosts on the site. This detail would have been put in a footnote as a recommendation to the applicants if the application were to have been approved. In light of the above, the application is considered acceptable in terms of Ecology and accords with the aims of Chapter 11 of the NPPF and policy LP30 of the KLP.

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 predates 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.

Given the nature of this application, a condition would be imposed requiring the installation of an electric vehicle charging point to be installed within the parking area for the new dwelling, if the application were to be approved. It is considered that this would assist with the transition to low emissions vehicles, in accordance with the aims of policies LP24 and LP51 of the KLP, chapter 9 of the NPPF and the West Yorkshire Low Emissions Framework.

Kirklees Housing Land Supply

As set out in the Authority Monitoring Report (AMR), the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 5% buffer) compared with the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.88 years supply. The 5% buffer is required following the publication of the 2020 Housing Delivery Test results for Kirklees (published 19th January 2021).

As the KLP was adopted within the last five years the five-year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019). Chapter 5 of the NPPF clearly identifies that local authorities should seek to significantly boost the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

5. Representations

None.

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. The proposed development is considered harmful to the openness of the Green Belt and visual amenity of the original building.

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 the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material considerations.

Recommendation:

Refuse

Reasons for Refusal:

1. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposed development would result in inappropriate development by proposing disproportionate additions over and above the size of the original building, thus, causing harm to the openness of the Green Belt. Therefore, the proposal is considered to constitute inappropriate development in the Green Belt whereby no very special circumstances have been demonstrated. To approve the application would impact adversely upon the openness of the Green Belt contrary to Policy LP57 of the Kirklees Local Plan and Chapter 13 of the National Planning Policy Framework.
2. The proposed development would not appear subservient to the host dwelling as required by policy LP24c of the Kirklees Local Plan. The cumulative volume of the extensions, which would be exacerbated by the provision of a first floor would not respect the host dwelling regarding scale. For this reason, permitting the development would cause undue harm to the visual amenity of the host building, contrary to Policy LP24c of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Plans and Specifications Table:

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations	00-02b	1	25/06/2021
Plans from application 2017/93501			
Grouped Plans and Elevations	05 – Existing	1	11/10/2017
Location Plan	03D	1	11/10/2017
Proposed Site / Block Layout	04	1	11/10/2017
Supp Info – Bat Survey		1	11/10/2017

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 Planning 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 submitted plans raised significant concerns in terms of the cumulative impact of the extensions of the scheme and the harm to the Green Belt. Ultimately, the limit for extensions to this building, considering its Green Belt setting had been reached under the ‘parent’ application, in accordance with relevant Green Belt policy, no further extensions would be supported. Therefore, whilst the Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015

encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. As this Green Belt issue cannot be overcome, as it is too significant to be dealt with under this application, amended plans have not been sought.

The Authority informed the agent of the Green Belt concerns with over two weeks remaining before the target date and stated for the reasons above, the authority will not be entering negotiations. Nevertheless, the agent still wished to enter negotiations and requested an extension of time to submit amended plans which would still contain a room in the roof over some of the existing built form. Therefore, given that these amendments would not overcome the concerns of the authority, and considering the agent had not responded to an earlier request for an extension of time at the start of the process, the authority decided to not agree to the extension of time requested to enter into negotiations.