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:	**2021/62/94734/E**
Site Address:	92, Station Road, Skelmanthorpe, Huddersfield, HD8 9BA
Description:	Demolition of two outbuildings and alterations to existing outbuilding to create garden room
Recommending Officer:	Katie Wilson

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 05-Jul-2022

Officer Report – 2021/94734

Site Description

The application site is 92, Station Road, Skelmanthorpe. It is a two-storey detached house, dating from the Victorian era, with recently built two storey rear extension and single storey side extension. The walls are natural stone, and it has a dual pitched roof surfaced in stone slates with chimneys at either gable end.

To the front is a garden that tapers to a point, with driveway to the side, (partly shared with 96, Station Road) and hardstanding. A detached single garage has recently been removed and planning application for small enlargement of the curtilage to the front and erection of a detached double garage (ref: 2021/94733) is under consideration.

At the rear is a rectangular area of grass, containing several small outbuildings, enclosed by concrete post and wire fencing. Beyond this is a field to all sides.

The land is relatively level and close to Baildon Dike, with a cluster of other houses to the west and north. The site is within the Green Belt on the Kirklees Local Plan.

Description of Proposal

Planning permission is sought for the demolition of two outbuildings and alterations to an existing outbuilding to create a garden room.

The outbuildings to be removed are located in the back garden close to the south western boundary and slightly to the north of the outbuilding to remain. The submitted block plan also shows that a concrete base adjacent to the outbuildings would also be removed.

Alterations to the existing remaining outbuilding (workshop/store) to form a garden room include:

- Footprint to remain as existing (9.9m wide x 6.5m deep)
- Existing dual pitched roof replaced by new dual pitched roof eaves same as existing (2.2m high), ridge height increased from 3.0m to 4.0m high.
- All existing doors and windows removed and replaced with following; one window to front elevation (north west facing); one window to rear elevation; set of six bi-folding doors to side elevation (north east facing into garden); and one window to opposite side elevation.
- New timber clad walls and new dual pitched roof surfaced in profiled steel sheeting.

- It would be open plan with a wc in one corner.

History of negotiations/amendments received

The application was acceptable as submitted
Relevant Planning History

2021/94733 – change of use of land and erection of detached garage. Pending determination.
Planning application details | Kirklees Council

2021/90677 – Erection of single storey side and two storey rear extensions. Conditional full permission.
Planning application details | Kirklees Council

2021/90678 – certificate of lawfulness for proposed alterations to outbuilding. Refused.
Planning application details | Kirklees Council

Representations
Final publicity date Expires: 2nd March 2022. Three representations received, two against, one in response.

Points raised are as follows:

- Development would form disproportionate additions and overdevelopment of the site.
- It will have an oppressive impact upon outlook.
- It will have an adverse impact upon the Green belt.
- Raising the ridge 1.0m will increase the volume of the building making it more noticeable from neighbouring properties.
- It is contrary to condition 5 of planning approval 2021/90677
- Change of use to a habitable room with wc should not be allowed in the Green Belt.
- Concern about increased noise from the proposed new habitable use of the outbuilding.
- Support the proposed new external materials and placement of doors and windows. Would prefer obscure glazing in full or part to window overlooking neighbouring garden.

Denby Dale Parish Council comments: No objections.

Consultation Responses

None carried out during assessment of the 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 in the Green Belt on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway Safety and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** – Biodiversity and geodiversity
- **LP 57** – The extension, alteration or replacement of existing buildings in the Green Belt

Kirklees Council has adopted supplementary planning guidance on house extensions which now carries full weight in decision making. 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 SPD 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 National Planning Policy Framework (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
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change.
- Chapter 15 – Conservation and enhancement of the natural environment

Assessment

The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity (including any heritage considerations)
3) Impact on residential amenity

4) Impact on highway safety
5) Other matters – e.g. trees/ecology (e.g. bats)
6) Representations
7) Conclusion

1 – Principle of development:

This property is within the Green Belt as defined by the Kirklees Local Plan. The proposal seeks to demolish two small outbuildings and alterations to existing outbuilding to create a garden room.

The proposal therefore needs to be considered initially against the requirements of Policy LP57 of the KLP, Chapter 13 of the National Planning Policy Framework and the provisions of the House Extensions and Alterations SPD (2021):-

A) Policy LP57, of the Local Plan allows for the extension and alteration of buildings within the Green Belt provided that the original building remains the dominant element and the resulting development does not detract from the character or openness of the area.

B) Chapter 13 of the National Planning Policy Frameworks Chapter 13 of the National Planning Policy Framework seeks to maintain the openness of the Green Belt but also identifies circumstances where development will be viewed as appropriate within it. It specifically identifies development involving 'the extension or alteration of a building' as appropriate provided that those works do 'not result in disproportionate additions over and above the size of the original building'.

C) Paragraph 2.11 of the House Extensions and Alterations SPD requires any application for the extension of a building in the Green Belt to have regard to its Green Belt setting and to ensure that the design is sympathetic to the building itself and the countryside character.

It is considered, on balance, that this proposal will satisfy the requirements of the above for the following reasons.

When planning approval 2021/90677 was being assessed it was considered that the house as it stood prior to the approval could be regarded as the original building. It went on to state that whilst the combined footprint of the proposed extensions is quite large in relation to the original part, in terms of height, the side extension was single storey and the rear extension below the existing ridge level, so in officers' opinion would be subordinate to the original dwelling.

It was also noted at that time that some small outbuildings in the garden area would be removed. These are now subject to the current application, and it is considered that their removal would make the site more open to some degree.

The current proposal would also involve raising the ridge height of an outbuilding by 1.0m, however it would retain the same footprint and eaves level. In officers' opinion, this additional massing at roof level would have a minimal impact upon the openness and character of the Green Belt. The existing roof pitch is relatively shallow and the proposed increase in angle would still result in a single storey building of modest overall height (4.0m).

Whilst condition 5 of the decision notice for planning approval 2021/90677 removed permitted development rights for buildings or extensions, in the interests of visual amenity and to preserve the openness of the Green Belt, in officers' opinion, the current proposal would not have a harmful impact upon visual amenity and it would have a negligible impact upon the openness and character of the Green Belt, so in this instance it could be allowed.

As such it is considered that the proposed development together with the extant permissions being implemented, would not result in disproportionate additions over and above the size of the original building, and so it is considered appropriate development in the Green Belt, compliant with chapter 13 of the NPPF.

The proposed alterations to the walls (new timber cladding) and roof (new profiled steel sheeting) of the building are also considered to be acceptable materials for a domestic garden room in the Green Belt, as are the new window and door openings, compliant with policy LP57 of the KLP and 2.11 of the Kirklees house extensions SPD.

2 –Impact on visual amenity:

Design considerations are set out in Policy LP24 of the Local Plan and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the local area and protect amenity. This is expanded upon in the Council's SPD on house extensions and alterations. Of relevance in this case is Key Design Principles 1 and 2 which seek to ensure development is subservient to the host property and in keeping with the character of the locality. paragraph 5.30 which sets out the following: -

> *'Outbuildings should normally:*
>
> - *be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings.*
> - *be set back behind the building line of the original building so that they do not impact on the street scene; and*
> - *preserve a reasonable private amenity space appropriate to the potential number of occupants of the house and follow a general principle that no more than 50% of garden space should be lost.'*

In this instance, as detailed above, in terms of scale in relation to the original part of the house, the proposed increased ridge height of 1.0m to an outbuilding which currently has a shallow pitched roof has potential to create some additional massing. However, in officers' opinion this would be minimal,

even taking into account other extant permissions for rear and side extensions and double garage at the front. Furthermore, some existing smaller outbuildings and concrete base would be removed.

In terms of overdevelopment of the site, as a result of the proposed works, the total area of ground covered by buildings within the curtilage of 92, Station Road (other than the original dwellinghouse) would not exceed half the total area of the curtilage (excluding the ground area of the original house) and so in officers' opinion it would not amount to overdevelopment of the site.

The proposed garden room outbuilding is also located in the back garden where it would have no impact upon the street-scene. There would also be no increase in footprint and it would retain at least half of the private amenity space at the site.

Regarding materials and details, the proposed new timber clad walls and profiled steel sheeting roof are also considered acceptable for a garden room, as are all the window and door openings.

In summary, it is considered that the proposed development would promote good design and is compliant with policy LP24 of the KLP together with key design principles and detailed guidance given in the Kirklees house extensions and alterations SPD.

3 – Impact on residential amenity:

Policy LP24, part c, goes on to stipulate that extensions should *minimise the impact on residential amenity of future and neighbouring occupiers*.

Key design principles 3 (privacy), 5 (overshadowing/loss of light), 6 (preventing overbearing impact) and 7 (outdoor space) of the Kirklees householder extensions SPD expand upon LP24 and are discussed below.

In this instance, only one property will potentially be affected by this proposal, namely 96, Station Road. It is a 2-storey detached house with extensions to the front and rear, and a detached garage. It is to the northwest of the proposed garden room outbuilding.

In terms of privacy, there would be a distance of approximately 18.0m between the nearest part of the proposed garden room and the nearest part of 96, Station Road with other outbuildings and fencing in between.

The front elevation of the proposed garden room would face in a north westerly direction. It would have one window in it, to a wc and is expected to be obscurely glazed. In these circumstances it is recommended that obscure glazing is secured by condition together with no further openings.

The proposed garden room would also have one window in the side elevation facing in a south westerly direction, with no direct relationship to windows or

garden at 96, Station Road. As such it is considered that there would be no significant overlooking impact upon this neighbouring property.

In terms of overshadowing and overbearing impact, the proposed increase in ridge level of the proposed garden room would have potential to cast some additional shade and make the building more visible. However, as the overall height of the building would be no higher than 4.0m and it would be around 18.0m from the nearest part of the house at 96, Station Road, in officers' opinion this impact would be relatively limited over and above that of the existing outbuilding.

In light of the above the proposal is considered to have an acceptable impact on residential amenity, complying with Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan, and Key Design Principles 5 & 6 of the House Extensions SPD.

With regards to Key Design Principle 7 - Outdoor space. Extensions and alterations should ensure an appropriately size and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals. In this proposal, the garden area would be slightly improved by the proposed development, as it would see the removal of two small outbuildings and concrete base, and there would be no increase in footprint to the retained outbuilding/garden room.

4 – Impact on highway safety:

The proposed garden room will not house any additional bedrooms so there would be no requirement to provide additional parking as part of the scheme. Furthermore, the proposal will not encroach upon parking or turning arrangements at the site. The proposal is therefore considered to be acceptable in highway safety terms reasonably satisfying the requirements of Policies LP21 and LP22 of the Local Plan, and of the House Extensions and Alterations SPD (2021) and Highway Design Guide SPD (2019), in this regard.

5 – Other matters:

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 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 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

Biodiversity

Protected species (bats):

The site is in an area recorded as a bat alert area.

Bats are protected species and the NPPF requires planning authorities to take account of priority species within planning policies.

An assessment in relation to the bat alert layer guidance - flow diagram has been carried out and as a result no survey is required, however a precautionary footnote shall be added to the decision notice in order to comply with the aims of chapter 15 of the NPPF.

6 – Representations:

Three representations received, two against, one in response.

Points raised are as follows:

- Development would form disproportionate additions and overdevelopment of the site.
  In response: The proposal has been assessed in terms of disproportionate additions over and above the original building in section 1 above and found to be acceptable. As a result of the proposed works, the total area of ground covered by buildings within the curtilage of 92, Station Road (other than the original dwellinghouse) would not exceed half the total area of the curtilage (excluding the ground area of the original house) and so in officers' opinion it would not amount to overdevelopment of the site.

- It will have an oppressive impact upon outlook.
  In response: The impact upon residential amenity is assessed in section 3 above and found to be acceptable.

- It will have an adverse impact upon the Green belt.
  In response: The impact of the proposal upon the green belt has been assessed in section 1 above and found to be acceptable.

- Raising the ridge 1.0m will increase the volume of the building making it more noticeable from neighbouring properties.
  In response: This has been assessed in section 3 above and found to be acceptable.

- It is contrary to condition 5 of planning approval 21/90677.
  In response: This has been assessed in section 1 above and found to be acceptable.

- Change of use to a habitable room with wc should not be allowed in the Green Belt.
  In response: In officers' opinion the use of the outbuilding as a garden room, is regarded as a purpose incidental to the enjoyment of the house. It would have a small wc only in one corner, but not provide primary living accommodation such as bedroom bathroom and kitchen. If that were the case it would require a planning application to be submitted. As it stands the proposal has to be assessed as it has been submitted and as such a garden room is regarded as a purpose incidental to the enjoyment of the house.

- Concern about increased noise from the proposed new habitable use of the outbuilding.
  In response: Any outbuilding in domestic use is likely to have some impact on residential amenities of neighbouring properties. In this instance it is considered that the outbuilding is single storey only and maintains a significant distance to neighbouring property to the north west with other structures such as boundary walls / fences and outbuilding in between, noise generated within the proposed garden room would be to an acceptable level. If noise nuisance were to occur, it could be investigated under environmental health regulations and reported to the Council's pollution and noise control team.

- Support the proposed new external materials and placement of doors and windows. Would prefer obscure glazing in full or part to window overlooking neighbouring garden.
  In response: This is noted. It is recommended that the wc window is obscurely glazed

<u>7 – Conclusion</u>: 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: 2021/94734
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 Policies LP1, LP2, LP21, LP22, LP24, LP30 and LP57 of the Kirklees Local Plan, Key Design Principles of the House Extension Supplementary Planning Document and the aims of the National Planning Policy Framework.

3. The external timber cladding for the garden room hereby approved shall be predominantly either brown, grey, or dark green in colour.
Reason: In the interests of visual amenity and the openness and character of the Green Belt, to accord with Policies LP24 and LP57 of the Kirklees Local Plan, Key Design Principles of the House Extension Supplementary Planning Document and the aims of the National Planning Policy Framework.

4. The profiled steel sheeting for the garden room hereby approved shall be predominantly either grey, or dark green in colour.
Reason: In the interests of visual amenity and the openness and character of the Green Belt, to accord with Policies LP24 and LP57 of the Kirklees Local Plan, Key Design Principles of the House Extension Supplementary Planning Document and the aims of the National Planning Policy Framework.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the north west facing front elevation of the garden room hereby approved.
Reason: So as not to detract from the amenities of neighbouring property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extension Supplementary Planning Document and the aims of the National Planning Policy Framework.

6. The window in the north west facing front elevation to a w.c shall be first installed with obscure glazing that achieves a minimum privacy level 4. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted

Development) Order 2015 as amended (or any Order revoking or re-enacting that Order (with or without modification)) the glazing shall be so retained thereafter.
Reason: So as not to detract from the amenities of neighbouring property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extension Supplementary Planning Document and the aims of the National Planning Policy Framework.

NOTE: The garden room hereby approved is for purposes incidental to the enjoyment of the house only.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours, Mondays to Fridays, 08.00 and 13.00 hours, Saturdays, with no working Sundays or Public Holidays. In some cases, different site-specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services may control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan, block plan, existing and proposed plans and elevations	Dwg no. 03 C		23.12.2021

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 application was acceptable as submitted

Report Dated: 29.06.2022