

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:	2022/62/90566/E
Site Address:	13, Lydgate, Lepton, Huddersfield, HD8 0LT
Description:	Erection of single storey rear canopy and external walls to form an outdoor kitchen, replacement of existing timber cladding for wood effect cladding boards and alterations to fenestration
Recommending Officer:	Lyle Robinson

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: 16-Jun-2022

Officer Report

Site Description

The application site relates to a detached two storey dwellinghouse in the Lepton area of the settlement of Huddersfield. The house is of a contemporary style, built of stone facing materials with large areas of glazing. The property enjoys a relatively spacious plot and the rear garden extends south westwards.

The rear of the site is located within the Green Belt and a public footpath, a PROW, abuts the site to the south.

Description of Proposal

This is a householder application for planning permission for an external rear elevation canopy, with a 2.1m stone wall at the northern side elevation, with grey slatted fencing at 1.8m in height about the canopy area to form a partially enclosed outdoor kitchen.

The existing timber cladding at the western left hand side of the principal elevation and side elevation is proposed to be replaced by wood effect cladding for better weathering.

History of negotiations/amendments received

The plans as originally submitted are those referred to in the report and it is on this basis that the determination is made.

Relevant Planning History

2016/90737 Erection of double garage and conversion of existing attached garage to form living accommodation Approved 28/APR/2016

2010/92151 Erection of 1 dwelling with integral garage to replace existing building and outbuildings *Approved 10/DEC/2010*

2010/90513 Variation of condition 7 on previous app 2009/93147 for outline application for erection of detached dwelling *Approved 15/APR/2010*

2009/93147 Outline application for erection of detached dwelling *Approved 12/JAN/2010*

2007/94123 RE-USE, EXTENSIONS AND ADAPTATION OF EXISTING AGRICULTURAL BUILDING TO FORM SINGLE DWELLING *Approved 15/FEB/2008*

Representations

This application was originally publicised by neighbour letters, press advert and a site notice which expired on 6-Jun-2022. Following this publicity 1no. letter of representation has been received.

Consultation Responses

Kirkburton Parish Council – no comment

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 unallocated in the Kirklees Local Plan.

Kirklees Local Plan (KLP):

- **LP 01** – Achieving sustainable development
- **LP 02** – Place shaping
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 52** – Protection and improvement of environmental quality
- **LP 57** - Extensions in the Green Belt

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 2 – Achieving sustainable development
- Chapter 6 – Building a strong competitive economy
- Chapter 8 – Promoting healthy and safe communities
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 16 – Conserving and enhancing the historic environment

Kirklees House Extensions and Alterations SPD (2021)

Kirklees Council has adopted supplementary planning guidance on new housing development 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). As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to new housing development.

Highway Design Guide SPD (2019)

Kirklees Council has adopted supplementary planning guidance on highway design which carries full weight in decision making. This guidance indicates how

the Council will usually interpret its policies regarding highway design and layout, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework.

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion/Planning Balance

1 – Principle of development:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan (KLP). This policy stipulates that proposals that accord with policies in the KLP will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

The site is unallocated in the Kirklees Local Plan. The area of the application site where the proposed operational development would take place is located within a settlement boundary where householder development such as this is generally considered acceptable subject to the satisfactory taking into account of material considerations. The site edged red does though extend into the Green Belt to the rear.

The NPPF makes clear at paragraph 149 that the construction of new buildings in the Green Belt should be regarded as inappropriate, with a small number of exceptions. One of these is 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.

Paragraph 147 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. Policy LP57 of the KLP states that proposals for the extension of buildings will normally be acceptable provided that the original building remains the dominant element in terms of size and overall appearance.

The increase in volume in relation to the 2016 permission after implementation of this planning application would be relatively minor and confined to the extreme left hand side of the south west facing rear elevation. The extension is considered to be spatially proportionate. Visually speaking, given the nature of the proposal and

subservience in scale to the host dwelling, the addition is proportionate and, thus, appropriate in the Green Belt in respect of local and national planning policy.

The principle of development is thus acceptable in this Green Belt location.

2 – Impact on visual amenity and character of the area:

Policy LP24 of the Kirklees Local Plan, consistent with chapter 12 of the NPPF, states, inter alia, that the form, scale, layout and details of all development respects and enhances the character of the townscape.

The proposed extension would not be significant in bulk and massing, and would appear as a clearly subservient or visually secondary element in relation to the host dwelling. The Kirklees Supplementary Planning Document (SPD) on house extensions states that, as a general rule, rear extensions should respect the original house and garden in terms of its size and scale. The proposed extension would very clearly read as visually proportionate in this respect.

The proposed palette of materials, stone and timber, is considered acceptable for the proposed rear canopy.

In terms of the materials at the front and side elevations, it is considered that the swapping out of the existing timber for timber effect cladding would not unduly affect the character of the area of the host dwelling in any significant negative respect.

Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes. The proposed change of cladding would improve the durability of the facing materials and would accord with the local SPD on house extensions.

The development therefore would be acceptable in terms of general visual amenity and would accord with policy LP24 of the KLP nor chapter 12 of the NPPF.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan require of developments, inter alia, a good standard of amenity for future occupants and neighbouring occupiers, as well as a minimising of the impact on residential amenity of future and neighbouring occupiers.

The proposed rear canopy would not introduce any further privacy impacts or overshadowing than that of the existing situation. The construction of the stone wall at the north facing elevation would improve the privacy impact of the use of the rear amenity area in relation to the neighbouring property. However, even were this wall not proposed, the use of the area as an amenity space is already established so there would be no undue impact on residential amenity for occupiers or neighbours to that which exists.

All told therefore policy LP24 in terms of residential amenity would be complied with.

4 – Impact on highway safety:

The proposed extension would serve a partially enclosed outdoor accommodation and therefore there would be no change the number of bedrooms at the host dwelling. There would be no change to the access. There are, therefore, no material highways considerations.

The development therefore is considered to be acceptable in terms of highway safety and parking and consistent with policies LP21 and LP22 of the KLP.

5 – 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 proposal is a domestic extension to a dwellinghouse, of a householder nature. Further conditions attendant to the climate change agenda are not necessary in this instance.

6 – Representations:

None received.

7 – Conclusion/Planning Balance:

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: Approval

Decision Authorisation – Delegated Powers

Application Number: 202022/90566

Officer Recommendation: Approve

Conditions and Reasons

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

1. 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 with Policies LP 21, LP22 and LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

NOTE Noisy construction related activities should not take place outside the hours of:

07.30 to 18.30 hours, Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no noisy activities on Sundays or Public Holidays

NOTE Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited

Plans Specification

Plan Type	Reference	Version	Date Received
Location Plan			17/FEB/2022
Proposed Site Plan and Elevations	T1142-PL03		17/FEB/2022
Proposed Ground Floor Plan	T1142-PL04		17/FEB/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 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 application is acceptable and as such is approved.

