

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:	2022/62/91340/W
Site Address:	Hill End Barn, Ashes Lane, Almondbury, Huddersfield, HD4 6TB
Description:	Erection of a free-standing Pergola in rear garden with decking
Recommending Officer:	Lucy Taylor

DECISION – CONDITIONAL FULL 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.

John Holmes

AUTHORISED OFFICER

Date: 22-Aug-2022

Officer Report.

Reference: 2022/91340

Location: Hill End Barn, Ashes Lane, Almondbury, Huddersfield, HD4 6TB

Proposal: Erection of a free-standing Pergola in rear garden with decking

Site Description.

Hill End Barn is a two-storey end of terrace property located in Almondbury, Huddersfield. The property is faced in stone and a gable roofing style is erected above, infilled with tiles. Within the wider curtilage of the site, the property benefits from a substantial extent of driveway amenity space to the front and eastern side elevations, as well as garden amenity space to the rear.

The property is located within a rural area, with only two neighbouring properties located within the direct vicinity.

The property is a Grade II Listed Building, as are the two properties adjoining Hill End Barn to the west. In addition, the property is located within a dominant area of the Castle Hill Study Area.

Description of Proposal.

Planning permission is sought for the erection of a free-standing Pergola in the rear garden with decking.

The proposed pergola will have a width of 3 metres, length of 3.6 metres and a maximum height of 2.3 metres. The pergola would have a timber frame with a wooded decked floor. The pergola will have a slatted roof.

History of Negotiations/Amendments Received.

Following consultation with KC Conservation and Design, amended plans were submitted. The amended plans showed the proposed pergola to be constructed from timber, rather than the originally proposed grey aluminium

frame. Upon re-consultation, KC Conservation and Design considered the proposed pergola to be acceptable.

Further amended plans were sought by the case officer, to provide the dimensions of the proposed pergola. Amended plans were submitted by the applicant, demonstrating the proposed size/scale of the pergola.

Therefore, the determination of this application is on the basis of the original location plan as submitted 20 April 2022 and the amended pergola drawings as submitted 17 August 2022.

Relevant Planning History.

- **98/90265** – Re-use and adaption of barn and outbuildings to dwelling. *Granted Permission 1998.*

This permission was subject to condition removing permitted development rights for the construction of any buildings or extensions.

- **98/90237** – Listed Building Consent for re-use and adaption of barn and outbuildings to form dwelling and parking. *Granted permission 1998.*
- **2017/90360** – Listed Building Consent for installation of velux windows. *Granted Permission 2017.*
- **2017/90378** – Listed Building Consent for installation of external cast iron waste drain pipe. *Granted Permission 2017.*

Representations.

We are currently undertaking 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 which expired on 30 May 2022 – no representations were received.

Whilst the site is a Grade II Listed Building, with Grade II Listed neighbouring properties, there is considered to be no impacts upon the significance of these heritage assets or their setting (as discussed below), therefore the application was not publicised by way of site notice or press notice.

The amended / additional information was not subject to further advertisement as it was considered the scheme as advertised adequately alerted the public to the nature of the proposed development.

Consultation Responses.

KC Conservation and Design – Following the submission of amended plans, KC Conservation and Design consider the proposed pergola to be acceptable.

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 application site is located within the Green Belt and also within the Strategic Green Infrastructure Network as identified by the Kirklees Local Plan. The site is also within a dominant area of the Castle Hill Study, the application site itself and directly neighbouring properties are Grade II Listed.

The site is located within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity as well as an area with a known presence swift birds.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP35 – Historic Environment
- LP51 – Protection and Improvement of Local Air Quality
- LP57 – The Extension, Alteration or Replacement of Existing Buildings

Supplementary Planning Documents:

House Extensions and Alterations SPD – The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and architects who are planning and designing an extension or alterations (householder development) to an existing residential property, including conservatories and outbuildings, such as garages. It provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration required by the Council.

Highways Design Guide SPD (2019)

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, together with Circulars, Parliamentary 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 4 – Decision-Making
- 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

Assessment.

The following matters that will be considered as part of the assessment of the proposal are set below. These considerations will be looked at in detail individually:

- 1) Principle of Development
- 2) Impact on Visual Amenity (and Historic Environment)
- 3) Impact on Residential Amenity
- 4) Impact on Highway Safety
- 5) Other Matters
- 6) Representations
- 7) Conclusion

1) Principle of Development

Sustainable Development:

Chapter 2 of the NPPF states that: *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*

Chapter 2 of the NPPF goes on to further state that objectives should: *“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan declares that: *“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

Policy LP1 goes further and states: *“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”*

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the Kirklees Local Plan is relevant and states that: *“good design should be at the core of all proposals in the district”.*

In this instance, it can be stated that the principle of development in this application could be acceptable, subject to the assessment of impacts to the

Green Belt and on visual and residential amenity, as well as highway safety and any other impacts that may arise. These will be discussed below.

Green Belt:

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the categories set out in Paragraphs 149 and 150.

Paragraph 149(c) of the NPPF outlines that 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 can be appropriate development in the Green Belt.

Further to this, Policy LP57 of the Kirklees Local Plan states that the extension or alteration 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;

c. the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard surfacing, curtilages and enclosures and means of access; and d. the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.”

Given that the proposal of development is for the erection of a pergola, which is separated from the host dwelling and is considered to have an appearance of a temporary structure, given its construction from timber. Therefore, when taking into account the visual appearance of the overall pergola, it is considered that it would not constitute a disproportionate addition to the host property given its size / scale and design. Furthermore it is considered the proposal is of a design which is such that it would maintain openness given it would be open sided.

As a result of this, it is considered that the erection of the proposed pergola would not result in disproportionate development and would constitute appropriate development in the Green Belt. The proposal is therefore considered acceptable in principal in accordance with Chapter 13 of the NPPF and Policy LP57 (a) of the Kirklees Local Plan.

In line with Policy LP57 (c), the proposal would not result in a greater impact on openness in the treatment of outdoor areas too.

2) Impact on Visual Amenity (and Historic Environment)

Visual Amenity:

The NPPF offers guidance relating to design in Chapter 12 (Achieving Well-Designed Places) whereby paragraph 126 provides a principal consideration concerning design which states: *“The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring: *“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”*

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

With regard to the House Extensions and Alterations SPD, Section 5.30 states that outbuildings should be subservient, set back behind the building line and preserves a reasonable amount of private amenity space.

The proposed pergola scheme at Hill End Barn appropriately complies with Section 5.30 of the SPD, of a subservient design and preserving a reasonable amount of private amenity space. This is clearly demonstrated on the submitted 'Proposed Site Plan'.

The proposed pergola would be located within the garden amenity space to the side / rear of the host dwelling. The pergola would be relatively small in size/scale, being a maximum of 2.3 metres in height. Due to the topography of the site, set to a lower topographical ground level than the fronting highway of Ashes Lane, the pergola would not be highly visible from public vantage points.

The design of the structure is simplistic with sympathetic materials alongside the traditional materials of the host dwelling, and it is therefore not considered that the proposal would have an unacceptable impact on visual amenity.

For all of these reasons, it is considered that the proposal would not cause detrimental harm to the visual amenities of the locality. The proposed development is considered to comply with policies within chapter 12 of the NPPF, Policies LP24 and LP57(d) of the Kirklees Local Plan and Key Design Principles 1 and 2 of the House Extensions and Alterations SPD.

Historic Environment:

Section 66 of the Planning (Listed Building & Conservation Areas) Act (1990) states that, for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability or preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

Policy LP35 of the Kirklees Local Plan states that: *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”*

Policy LP35 goes on to note that consideration should be given to the need to preserve the setting of Castle Hill where appropriate and proposals which detrimentally impact on the setting of Castle Hill will not be permitted. Historic England have stated within their consultation response they have no advice to provide and would revert to the Council's Conservation Team in this case. The Conservation Team have set out that the open structure will allow views of the distant landscape and Castle Hill to be retained and therefore the Conservation and Design Team do not object to the principle of the structure. The Conservation Team proceed to further advice that they recommend that the pergola is timber framed and finished to match the adjacent field fencing so that it blends in with the environment, and ideally with the decking omitted.

It is noted that the decking would not be of a significant height and taking account of the fact that a decking area of 0.3m in height could be undertaken under pd rights in any event, as well as the relatively level nature of the site, it is considered that in this case the impact of the decking would not be significant having consideration for that which would be undertaken in any event.

The scheme has been amended to ensure that reference to use of timber materials is made in the submitted plans.

The application site and those directly neighbouring the property are Grade II Listed. As the pergola would be sited within the garden amenity space to the side / rear of Hill End Barn, taking account of the amended scheme and response of the Conservation Team it is considered that the proposal would not lead to harm in relation to the significance of these Listed Buildings.

The site is some distance away from the Scheduled Ancient Monument (SAM) of Castle Hill, which is to the south of the site, and the site is also within the Castle Hill Study Area. However, given that this is a modest single storey structure to an existing dwelling and that there will be no encroachment into any fields, and because the site is quite some distance away from Castle Hill,

it is considered that the proposal would not cause harm to the significance of this Designated Heritage Asset.

3) Impact on Residential Amenity

Section B and C of LP24 states that alterations to existing buildings should: “... *maintain appropriate distances between buildings*” and “...*minimise impact on residential amenity of future and neighbouring occupiers.*”

Further to this, Paragraph 130 of the NPPF states that planning decisions should ensure that developments have a high standard for existing and future users.

Key Design Principles 3, 4, 5 and 6 of the Council’s adopted House Extensions and Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptable oppressive/overbearing.

The proposal would see the retention of a functional amenity space in accordance with Key Design Principle 7 of the House Extensions and Alterations SPD, therefore, the proposed pergola is not considered to be overdevelopment.

It is considered that the property most likely to be affected by the proposed development is that which directly neighbours the site, this being No. 158 Ashes Lane.

Given the principle of development proposed, it’s proposed site of erection within the curtilage of Hill End Barn and the extent of separation between the site of development and this neighbouring property, it is concluded that the proposal will not significantly impact upon the occupiers of 158 Ashes Lane with regard to overbearing, overshadowing or privacy.

It is considered that the proposed pergola would be a sufficient distance away from any other properties to prevent undue harm to residential amenity in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing affect.

For these reasons, the proposed development at Hill End Barn is not considered to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF, Policy LP24 of the Kirklees Local Plan and Key Design Principles 3, 4, 5 and 6 of the Council’s adopted House Extensions and Alterations SPD.

4) Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this

application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions and Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The proposed development will not increase the domestic function of Hill End Barn, nor will it alter the existing parking arrangements on site or access to and from the adjoining highway. Therefore, the proposal is considered to be acceptable from a highway safety perspective.

In turn, erecting the proposed rear extension at 115 Kaye Lane would appropriately accord with Chapter 9 of the NPPF, Policies LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extension SPD.

5) Other Matters

Climate Change:

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

Strategic Green Infrastructure Network

Policy LP31 of the Kirklees Local Plan identifies a number of areas which form part of the Strategic Green Infrastructure Network. This policy sets out that priority will be given to safeguarding and enhancing green infrastructure

networks, green infrastructure assets and the range of functions they provide. This policy sets out that development should ensure the function and connectivity of green infrastructure is retained / replaced, new or enhances green infrastructure is provided / integrated into new developments. Given the nature of the proposal and scale of the works which are proposed it is considered there would not be a significant impact of the proposal upon the Strategic Green Infrastructure in this case and the proposal is concluded to be acceptable in this regard.

Wildlife Habitat Network:

LP30 of the Kirklees Local Plan states that *“the council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designated wildlife and geological sites, Habitats and Species of Principal Importance and the Kirklees Wildlife Habitat Network”*.

This policy sets out that development proposals will be required to:-
“(iii) safeguard and enhance the function and connectivity of the Kirklees Wildlife Habitat Network at a local and wider landscape-scale...”

The proposed development of a pergola at Hill End Barn will not encroach onto land designated as part of Kirklees’ Wildlife Habitat Network bounding the site. Therefore, the proposal is not considered to have a significant impact upon the Wildlife Habitat Network and is concluded to be acceptable in this regard.

6) Representations

No representations were received.

7) 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 would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation – Delegated Powers

Application Number: 2022/91340

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 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, LP21, LP22, LP24, LP35, LP51 and LP57 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 15 of the Council's adopted House Extensions and Alterations SPD, and policies within chapters 2, 9, 12, 13, 14, 15 and 16 of the National Planning Policy Framework.

3. The development hereby approved shall be constructed from timber to match that of the boundary fence of the host property and retained thereafter.

Reason: In the interests of the setting of the Grade II listed building and visual amenity to accord with policies LP24 and LP35 of the Kirklees Local Plan, Principles 1 and 2 of the House Extensions and Alterations SPD and policies within chapters 12 and 16 of the National Planning Policy Framework.

Note: The application site is located in a low risk coal area.

Plans and Specifications Schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	20.4.22
Pergola Drawings	-	-	17.8.22

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. Amended plans were submitted in accordance with consultation from KC Conservation and Design and to provide appropriately scaled drawings.

Report Dated:

22.8.22