

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:	2022/62/92890/E
Site Address:	1 Valley House, Corn Mill Bottom, Long Lane, Shelley, Huddersfield, HD8 8JJ
Description:	Installation of rear door and side window to create utility room and removal of rear window
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: 11-Nov-2022

Officer Report

2022/92890 – 1, Valley House, Corn Mill Bottom, Long Lane, Shelley, HD8 8JJ

Site Description

The application relates to a detached 2-storey, Georgian house. The walls are natural stonework and its roof is dual pitched and hipped, and appears to be surfaced in natural stone slates. It has a later conservatory and porch to southern side and a detached double garage.

It is located near the base of a secluded wooded valley, within a cluster of houses on either side of Long Lane (an unadopted single track road and bridleway from Dam Hill) that form Corn Mill Bottom. The house is on slightly raised ground and its western side elevation abuts the driveway and faces Long Lane.

The property is within the Green Belt on the Kirklees Local Plan.

Description of Proposal

The application seeks planning permission for the installation of a rear door and side window to create utility room and removal of rear window.

New door in rear (south) elevation to access new utility/boot-room

Window in rear (south) elevation to former boiler infilled

New window in side (west) elevation at ground floor level to new utility / boot room. The new window would be to match existing window directly above.

History of Negotiations

No negotiations or amendments were required or sought.

Relevant Planning History

None at the application site

Consultations

Kirkburton Parish Council – made no comment.

Kirklees PRow: no comments received

Representations

The application was advertised by neighbour notification letters, site notice and advert in local paper. Final publicity expired on 14th October 2022. No representations were received.

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 Kirklees Local Plan (adopted 27th February 2019).

The site is allocated as Green Belt in the Kirklees Local Plan (2019).

Kirklees Local Plan (KLP):

LP1– Achieving sustainable development

LP2 – Place shaping

LP21 – Highways and access

LP24 – Design

LP57 – The extension, alteration or replacement of existing buildings

Supplementary Planning Documents (SPDs)

Kirklees Council has adopted (as of 29th June 2021) supplementary planning documents for guidance on house building, house extensions and open space, to be used alongside existing SPDs previously adopted. It is now being considered in the assessment of planning applications, with significant 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 these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development. In this case the follow SPDs are applicable:

- House Extensions and Alterations
- Highway 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 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 2 – Achieving sustainable development.

Chapter 12 – Achieving well-designed places.

Chapter 13 – Protecting Green Belt land.

ASSESSMENT

1. Principle of Development and Visual Amenity

Local Plan policy LP57 and Chapter 13 of the NPPF needs to be considered in relation to the principle of extending within the allocated Green Belt.

In terms of the Green Belt setting, Local Plan policies LP57 point d is applicable. Chapter 13 of the NPPF echoes this point on a broader level. LP57 d reads as follows:

‘Proposals for the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable provided that:

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.’

The general principle of considering visual amenity and design for extensions and alterations to a domestic property is assessed against Policy LP24 of the Local Plan and Chapter 12 of the NPPF. These policies require a balanced consideration of the impact of the development on visual amenity grounds. The relevant parts of Local Plan policy LP24 read as follows:

‘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;

The proposed new window would be on the west facing side elevation, directly below, and the same as, an existing window on that elevation of the house. Its design would also be similar to all the other windows to the building. There would be no further openings in the west elevation. This is considered in keeping with the appearance of the existing building.

The proposed new door would be on the south facing rear elevation, close to the corner with the west elevation. The new door would also be glazed in similar style to the existing windows and doors, and as such is also considered in keeping with the appearance of the existing building.

The development also includes removing an existing small window at ground floor level in the same south facing rear elevation and replacing with natural stone to match existing. It is considered that this would not detract from the overall appearance of the house or the character of the area.

Given these points, the proposed development is considered to respect the design of the host property and not harm the wider Green Belt allocation either. The development therefore accords with Local Plan policies LP57d and LP24a as well as Chapters 12 and 13 of the NPPF.

The proposed development, for the reason set out above also accords with the Key Design Principles of the House Extensions and Alterations Supplementary Planning Document.

2. Impact on Residential Amenity

Local Plan policy LP24 states that proposal should ensure a good standard of amenity for future and neighbouring occupiers. Chapter 12 of the NPPF echoes this on a broader scale. Key Design Principles 3, 4, 5 and 6 of the SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

In terms of overlooking, the main impact would be from the proposed new window at ground floor level in the west facing side elevation. It would be for a proposed new utility / boot room, which in officers' opinion is unlikely to be occupied for long periods of time and so could be regarded as a non-habitable room.

The west facing elevation of the house faces onto the front elevation of Barn Cottage, at a slight angle and a separation distance of approximately 11.0m. The front elevation of Barn Cottage is single storey and has an entrance doorway with windows to what is thought to be a lounge to the northern side and two small windows to entrance corridor to opposite side together with bedroom window at far end and set back slightly.

Key design principles 3 & 4 of the House extensions and alterations SPD recommend at least 12.0m between habitable rooms (ie lounge at Barn Cottage) and the proposed new window to non-habitable utility / boot room. In this instance there could be a shortfall of around 1.0m. However, as it would not be a direct relationship between the windows and there is Long Lane in between, it is considered that the invasion of privacy would be relatively limited.

As there are no proposed extensions to the property, it is considered that the works would not be overbearing or cause any additional overshadowing and would therefore comply with Key Design Principles 5 and 6 of the SPD and Policy LP24 of the Local Plan.

Therefore, in officers' opinion the proposed alterations are acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the SPD as well as policies within Chapter 12 of the NPPF.

3. Impact on Highways Safety

The proposed development would not affect the existing off street parking provision, nor would it amount to development requiring additional parking spaces. Furthermore, the existing bin storage and collection arrangements would be retained.

As such the proposal would accord with policies LP21 and LP22 of the Kirklees Local Plan together with key design principles 15 and 16 of the Kirklees House extensions and alterations SPD and the Highways Design Guide SPD.

4. 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.

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 walling up of a small window on south elevation appears to be constructed from stone to match the host dwelling. This construction material is considered to be acceptable in terms of climate change. It would potentially be locally sourced and recyclable.

Biodiversity – Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Principle 12 of the Kirklees House Extensions and Alterations SPD states that consideration should be given to how extensions and alterations might contribute towards the enhancement of the natural environment and biodiversity.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the alterations being small scale and at ground floor level, not impacting on the eaves or roof of the property.

However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

Coal legacy – The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 174 and 183 of the National Planning Policy Framework.

Impact upon PROW:

Bridleway KIR/225/10 runs along Long Lane, adjacent to the western side of the house at the application site.

Policy LP 23 of the Kirklees Local Plan seeks to safeguard core walking and cycling networks.

The proposed new window on west facing elevation would look directly onto the bridleway at a distance of approximately 5.0m and the Kirklees Rights of Way officers have made no comments.

In this instance the window would be to a non-habitable room (a utility / boot room), where people would be expected to spend relatively little time and there would be the separation distance given above. Furthermore, other nearby houses have several windows closer to the bridleway.

In these circumstances it is considered that the proposed development would continue to safeguard the Bridleway and is compliant with policy LP23 of the Kirklees Local Plan.

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.

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: **Conditional Full Permission**

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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP21, LP22, LP23, LP24, LP57 of the Kirklees Local Plan, the aims of the National Planning Policy Framework and the Kirklees House Extensions and Alterations Supplementary Planning Document.

3. The materials to be used on the development hereby approved shall match those on the host dwelling in all respects.

Reason: In the interests of visual amenity and to accord with policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and The Kirklees House Extensions and Alterations Supplementary Planning Document.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and 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 to 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.

Plans and Specifications table:

Plan Type	Reference	Version	Date Received
Location Plan and site block plan	Dwg no. 2237 – S02 - 001	Rev P01	30.08.2022
Existing floor plans	Dwg no. 2237 – S02 - 100	Rev P01	30.08.2022
Existing elevations	Dwg no. 2237 – S02 - 200	Rev P01	30.08.2022
Proposed floor plans	Dwg no. 2237 – S02 - 110	Rev P01	30.08.2022
Proposed elevations	Dwg no. 2237 – S02 - 210	Rev P01	30.08.2022

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. No negotiations or amendments were required or sought as the application was acceptable as submitted.

Dated: 07:11:2022