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:	**2022/62/93676/E**
Site Address:	3, Square Fold, Wakefield Road, Lepton, Huddersfield, HD8 0LX
Description:	Erection of part first floor/part two storey rear extension including internal alterations following removal of existing timber pergola
Recommending Officer:	Nicole Helliwell

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 21-Feb-2023

Officer Report

Reference No. 2022/62/93676/E
Site Address: 3, Square Fold, Wakefield Road, Lepton, Huddersfield, HD8 0LX
Proposal: Erection of part first floor/part two storey rear extension including internal alterations following removal of existing timber pergola

Site Description
The application relates to 3 Square Fold, a two-storey semi-detached property located on Green Belt land in Lepton. The dwelling is faced in white render and incorporates a dual pitched roof finished in concrete tiles. The property currently benefits from off street parking, a detached garage and gardens to the front and rear. The neighbouring properties are of residential use and comprise two storey properties of similar materials and architectural styles.

Description of Proposal
The application seeks planning permission to construct a part first floor/part two storey rear extension including internal alterations to the original dwellinghouse. The existing timber pergola will be removed to allow for the proposed works. Permission is not required for the internal alterations to the property and therefore, the only matters for consideration are the proposed extensions.

The proposed first floor element would extend 2.44m and the proposed two storey element would project approx. 0.56m from the rear elevation of the original dwellinghouse. It would feature a maximum height of approx. 5.78m and a height to eaves of approx. 4.4m.

Relevant Planning History
96/91245: Demolition of existing garage and erection of detached double garage. Planning application details | Kirklees Council
93/00005: Erection of single storey extension and porch. Planning application details | Kirklees Council

Representations
The application was publicised by site notice, press advertisement and neighbour notification letters, which expired on 17th January 2022. As a result of the above publicity, no representations have been received.

Although revised drawings were submitted, it was not considered necessary to re-advertise via neighbour notification letter, as no representations were

received and the amendment would pose less detriment to residential amenity than the original proposal.

Kirkburton Parish Council – No comments

Consultation Responses
Not Applicable.

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 located within the designated Green Belt on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies
- **LP 1** - Achieving Sustainable development
- **LP 2** - Place Shaping
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity and Geodiversity
- **LP 57** - Extension, Alteration or Replacement within Green Belt

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 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.

In this case, the following SPDs are applicable:
- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)
- House Extensions and Alterations SPD (adopted 29th June 2021)

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 12** - Achieving Well-Designed Places
- **Chapter 13** - Protecting Green Belt Land
- **Chapter 15** - Conserving and Enhancing the Natural Environment

Assessment

1. **Principle of development**

   The application site is located on land allocated as Green Belt on the Kirklees Local Plan (KLP). As such, the proposal will be assessed having regard to KLP Policy LP57 and Chapter 13 of the NPPF. The National Planning Policy Framework and the Kirklees Local Plan both support limited extensions to buildings within the Green Belt. For extensions within the Green Belt to be considered acceptable, it is essential that they should not impact on the open character of the Green Belt nor be discordant in themselves or in relation to the host property.

   Paragraph 2.11 of the House Extensions and Alterations SPD states that when considering any application, substantial weight will be given to any harm to the Green Belt and applications may be refused if it is considered that the development would result in the encroachment of urban character into a countryside setting.

   The application shall be assessed against these issues and other material planning considerations, including visual and residential amenity, as well as highway safety.

1. **Green Belt and Visual amenity**

   Key Design Principle 1 of the House Extensions & Alterations Supplementary Planning Document (SPD) does state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. Furthermore, Key Design Principle 2 of the SPD goes onto state that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and details.

Part of Policy LP57 of the Kirklees Local Plan stipulates that *'the design and materials used (for extensions to buildings) in the Green Belt should be sensitive to the character of the Green Belt setting.'*

The host property is located on Square Fold within a small grouping of residential dwellings. The proposal would introduce additional built development within the Green Belt which would have some effect on the character and openness. The proposed first floor element would extend 2.44m and the proposed two storey element would project approx. 0.56m from the rear elevation of the original dwellinghouse. The enlargement would be faced in a white render with stone quoins and would incorporate a dual pitched roof finished in concrete tiles to match the appearance of original build. Furthermore, the extension would be set down from the existing ridge line, located away from public vantage points and would maintain a sense of space within the plot. Although, the extension would appear proportionate in relation to the original dwellinghouse, the additional volume of the proposal must be considered.

The following volume calculations have been provided within the Green Belt Statement:

- Existing original dwelling (313.2m^3)
- Single storey front and rear extensions and detached garage previously approved and constructed (total – 202m^3)
- Proposed part first floor/part two storey rear extension (21.7m^3)

Paragraph 149 of the NPPF states 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. The previously approved extensions collectively with the proposed part first floor/part two storey rear extension would equate to a percentage increase of approximately 71.4% over the original house. However, it is noted that the proposed enlargement would be a subservient addition and would have an acceptable scale relative to the original dwellinghouse. Furthermore, given the size of the host property and its associated curtilage, it is considered that the effect on the Green Belt would be minimal. Therefore, the proposal would be of an acceptable appearance and would preserve the openness of the Green Belt.

Summary

On this basis, the proposal is considered to constitute appropriate development within the Green Belt, compliant with Chapter 13 of the NPPF and Policy LP57 of the Kirklees Local Plan.

2. Residential Amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

The submitted plans confirm that no properties located north and south of the application site would be affected by the proposed works.

Impact on Square Fold Farm

Square Fold Farm is a two storey detached property located east of the application site. It is noted that the proposed part first floor/part two storey rear extension would have no significant impacts on the neighbour's residential amenity given that it would be positioned away from the common boundary and would accord with the 45 degree rule in relation to the neighbour's ground and first floor fenestration.

Impact on 4 Square Fold

The submitted plans confirm that the proposed first floor element would be positioned approximately 1m from the common boundary shared with 4 Square Fold. Whilst it is noted that the enlargement would surpass the 45-degree angle in relation to the neighbour's first floor fenestration, it is taken into account that the existing dwellinghouse is already set behind the neighbouring property due to the staggered building positions and would fail to accord with the 45 degree rule as it stands at present. On this basis, it is considered that the proposed development would not result in any further harm to the neighbour's residential amenity over the existing.

Occupier Amenity

The plans confirm that sufficient outdoor amenity space of a functional layout would be retained at the site. On this basis, the proposed works would ensure an acceptable standard of amenity for existing and future occupants.

Summary

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions and Alterations SPD and Paragraph 130 (f) of the National Planning Policy Framework.

3. Highway Safety

The proposal would create two additional bedrooms, which would intensify the domestic use at the dwelling. However, the submitted plans confirm that off street parking would be retained for three vehicles which is considered to represent a sufficient provision for a four bedroomed dwellinghouse. Therefore, the proposed development would be acceptable in accordance with Policies LP21 and LP22 of the KLP, Chapter 9 of the NPPF, Principles 15 and 16 of the Kirklees House Extensions and Alterations SPD and the Highways Design Guide SPD.

Other Matters

Carbon Budget

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

Whilst the site is located in an area identified as being within a 'bat alert' layer on the Council's GIS mapping system, in this instance, the nature of the works is considered unlikely to have a detrimental impact on the bat population. However, a footnote will be added to the decision notice to provide the applicant with advice should bats or bat roosts be found during construction. This would accord with the aims of Policy LP30 of the Kirklees Local Plan, the Council's Biodiversity Net Gain Technical Advice Note, and Chapter 15 of the National Planning Policy Framework.

Public Right of Way

Public footpath KIR/173/20 runs along the southern boundary at the application site. However, given that the proposed development would be located north of the property, it is considered that there would be no impact upon the PROW's setting.

There are no other matters relevant to the determination of this application.

4. Representations

No representations were received following the statutory publicity.

5. Negotiations

Amendments were sought during the course of the application. A request was made to set the extension down from the existing ridge line and in from

the common boundary shared with 4 Square Fold. Furthermore, a request was made to reduce the projection of the proposed first floor element to 3m. Revised drawings were submitted, which were considered acceptable in terms of design and residential amenity.

6. Conclusion

This application for the erection of a part first floor/part two storey rear extension including internal alterations at 3 Square Fold has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations SPD, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be acceptable.

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. As set out above, 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: 2022/93676
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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30 and LP57 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building and thereafter be retained.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of Chapter 12 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

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.

Plans and specifications schedule: -

Plan Type	**Reference**	**Date Received**
Location Plan	-	22/11/2022
Existing Floor Plans	22_146.1	21/11/2022
Proposed Floor Plans	22_146.1.2B	01/02/2023
Existing and Proposed Elevations	22_146.2C	01/02/2023
Coal Report	-	21/11/2022
Revised Green Belt Statement	-	08/02/2023

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 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 Case Officer undertook negotiations with the agent to secure amended plans. The revised drawings received were considered acceptable.

Report Dated: 15/02/2023