

**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:	2022/62/93882/E
Site Address:	3 Corn Mill Cottage, Corn Mill Bottom, Long Lane, Shelley, Huddersfield, HD8 8JJ
Description:	Erection of single storey extension
Recommending Officer:	Katie Wilson

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.

Emma Thompson

AUTHORISED OFFICER

Date: 05-Apr-2023

HOUSEHOLDER DELEGATED REPORT

Application Number	2022/93882
Location	3, Corn Mill Cottage, Corn Mill Cottage, Long Lane, Shelley, HD8 8JJ
Proposal	Erection of single storey extension
Publicity end date	7 th February 2023
Number of representations received	None
Kirklees Local Plan Allocation/Designation	Green Belt
Extension to Time (EoT)	Yes EoT Date: 03.04.2023
Recommendation	Conditional Full Permission

	NO	YES
Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)	✓	
Contrary to previous decision	✓	
Called in by Ward Member	✓	
Significant number of representations received	✓	

If 'No' to all above, proceed with a fast track report

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

Policy

National

National Planning Policy Framework (NPPF) July 2021
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed places

- NPPF Chapter 13 – Protecting Green Belt land
- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 51** – Protection and improvement of air quality
- **LP57** – Extensions, alterations or replacement of existing buildings in the Green Belt

Supplementary Planning Document ‘House Extensions and Alterations’ (2021).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	no	
Parish/Town Council comments sought	Yes	Replied stating no comments

(Kirkburton)		
Planning History		87/04302 – Erection of extension to form porch and wc. Granted conditional full permission. 2003/91200 – Erection of verandah extension. Refused. Planning application details Kirklees Council 2003/92732 – Erection of single storey extension. Conditional full permission. Planning application details Kirklees Council 2017/93294 – Erection of extensions to dwelling and patio. Conditional full permission. Planning application details Kirklees Council 2018/91225 – HHPD – withdrawn. 2018/92652 – Discharge condition 5 (tree protection) on previous permission Planning application details Kirklees Council 2019/90701 – Formation of subterranean garage and alterations to patio. Refused. Planning application details Kirklees Council 2019/94069 – Formation of subterranean garage and alterations to patio. Refused. Appeal dismissed. Planning application details Kirklees Council Pre-application – 2021/20846 for change of use of void to create a subterranean garage at 3, corn Mill Cottage.

		2022/91001 – Demolition of existing garage and use of void to create subterranean garage. Conditional full permission. Planning application details Kirklees Council
Consultations required	None carried out	

Assessment

The Kirklees SPD sets out that rear extensions in general should include consideration of the criteria set out in paragraphs 5.1 and 5.2 on page 23, and more specifically single storey rear extensions should comply with certain parameters set out at paragraph 5.6 on page 24 (all listed below) and if they do not, they need to be justified:

Rear extensions in general:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Preserving a back garden of a reasonable size, with a general principle that at least half the garden area is retained;	Yes	
Being set behind the original building, and not projecting beyond the sides;	Yes	
Maintaining external access to the rear garden	Yes	
Respect the original house and garden in	Yes – original house significantly extended,	

terms of its size and scale	but the proposed extension would replace an existing extension of very similar size.	
Use appropriate materials which match or are similar in appearance to the original house;		No – The existing house is built of natural stone with stone slate dual or mono-pitched roofs, but the proposed extension would have glazed walls and flat roof. However, in officer's opinion this would create a 'light' looking structure allowing views through it and as such could be appropriate as a small contemporary addition to the house. The remaining part of the house, particularly the frontage to the road and the sides would retain their traditional appearance.
Not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties	No.	

Single storey rear extensions:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Be in keeping with the scale and style of the original house;		No. In terms of scale, the proposed extension would be approximately the same as extension it would replace. In terms of style, the existing house is in traditional local vernacular with

		natural stone with stone slate roof. Whilst the proposed extension would be a contemporary glazed structure with flat roof, in officers' opinion it would have a transparent appearance and blend in with the host dwellinghouse.
Normally cover more than half the total area around the original house (including previous extensions and outbuildings)	Yes	
Not exceed 4 metres in height	Yes	
Not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;	Yes	
Where they exceed 3m in length the eaves height should generally not exceed 2.5 meters	Yes	
Retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge	Yes	

Design and Visual Amenity: Are the considerations in the following table acceptable?

Summary of local street scene/character:

The application site is a long, 2-storey detached house, which appears to have been two dwellings formerly, with porches to the front and single and 2-storey extensions to the side and rear, together with raised patio and subterranean garage. The external walls are natural stone and the roof is surfaced in stone slates.

It fronts directly onto Long Lane (an unadopted road from Dam Hill) with recently re-modelled and unauthorised enlargement of garden area to the rear sloping down and away from the house at the back.

The application site is at the foot of a small wooded valley and adjacent to Shepley Dike, with several other individually designed detached houses nearby and accessed from Long Lane.

Consideration has been given here in terms of the proposals impact on the local character and street scene, including subservience, terracing and building line.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on the Local character and street scene	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP. • LP57 - extensions and alterations in the Green Belt • Chapter 12 NPPF • Chapter 13 NPPF	It is considered that due to its diminutive scale and transparent design, it would have limited impact upon the local character and Green Belt. It would also be located at the back of the property, where it would be screened from the street-scene by other elements of the host dwellinghouse that are larger and the topography of the area.	
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • LP57 – extensions and	It is considered that whilst it would not have the same design and materials as the host dwelling house, it would have a transparent appearance and blend in	

	alterations in the Green Belt • Chapter 12 NPPF • Chapter 13 NPPF	with the character of the original house quite comfortably. The NPPF establishes in paragraph 145 (c) that where the circumstances involve an extension or alteration of the building (in this case 3, Corn Mill Cottage), provided they do not result in disproportionate additions over and above the size of the original building, they may be exempt from being inappropriate development in the Green Belt. The replacement extension would not result in any greater volume/development over and above what can be considered original. Whilst there have been other histories found to be acceptable, there have been specific circumstances associated with those. The scale of this development is considered acceptable in green belt terms as it would be a general replacement see below.	
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • LP57 – Extensions and alterations in the Green Belt • Chapter 12 NPPF	It would replace an existing extension which is approximately the same volume and scale as the proposed extension. As such it would have no significant impact upon the appearance of the host dwelling or the character of the Green Belt.	

	Chapter 13 NPPF		
Facing materials and detailing	- KDP 9 of the SPD - Policy LP24 Design (d) (iii) of the KLP - Policy LP57 – extensions and alterations in the GB - Chapter 12 NPPF - Chapter 13 NPPF	Although the facing materials and detailing of the proposed extension would not be the same as the existing house, it is considered that the transparent appearance of the proposed extension would have minimal impact upon the existing character of house or the Green Belt.	
Roof style	- KDP 1 and 2 of the SPD - Policy LP24 Design (a), (c) and (d) of the KLP - Policy LP57 – extensions and alterations in the Green Belt. - Chapter 12 NPPF - Chapter 13 NPPF	Whilst other elements of the existing house have dual or mono-pitched roofs, the proposed flat roof design is considered to complement the design of the existing house.	
Window proportions	- KDP 1 and 2 of the SPD - Policy LP24 Design (a), (c) and (d) of the KLP - Policy LP57 – extensions and alterations in the Green Belt - Chapter 12 NPPF - Chapter 13 NPPF	It is considered that the use of floor to ceiling glazed wall panels would reflect to some extent the bi-folding doors on the rear elevation of recent extension and they would also be light and transparent. As such this is acceptable in this instance.	
Accessibility for all users	- KDP 17 of the SPD - Policy LP24 Design (f) - Chapter 12 of the NPPF	Private domestic extension which would not change the existing access into / around the property.	

The design of the proposal is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Residential Amenity: Are the considerations in the following table acceptable?

The main properties affected are:

- Barn Cottage – This is a detached bungalow located to the south west of the application site and on slightly higher ground. There is also a wall approximately 2.0m high along the mutual boundary. Other properties would be screened from the proposed extension by the host dwelling house or Barn Cottage.*

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on privacy of neighbours (to sides, rear and front)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	There would be a gap of approximately 8.5m from the nearest point of the proposed extension to the mutual boundary which is on raised ground and is marked by a wall approximately 2.0m high. As such it is considered that there would be adequate mitigation to prevent an invasion of privacy.	
Impact on light and outlook of neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	Given the distance between the proposed extension and Barn Cottage and the difference in land levels described above, it is considered that there would be no significant overbearing or overshadowing impacts.	
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	The proposal is for the replacement of an existing extension on very similar footprint. As such it is considered that there would be no impact upon remaining garden space.	

The proposal is therefore acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Highways and Parking: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on highway safety	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	The proposed extension would not affect the existing parking arrangements at the house nor would it amount to an intensification of the existing use requiring further parking provision. As such it is considered that it would have no impact upon highway safety.	
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	Same as above.	
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	The proposal would not affect the existing arrangements for storage and collection of household wastes at the site.	

The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Other matters: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in	Further comments	✓ / X / N/A
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	the Kirklees Local Plan and the NPPF		
Impact on trees	• KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF	The proposed extension would be at least 20.0m from trees subject to tree preservation orders that line Shepley Dike. As such it is considered that they would not be harmed by the proposed development.	
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	The site is in a bat alert area. The existing structure to be removed is single storey with mono-pitched roof below eaves of host building. It appears to be in good repair and unlikely to provide habitat for roosting bats. However, as a precaution it is recommended to apply a footnote that should bats be encountered as part of the works, the process should stop and a qualified	
Carbon Budget / Climate change statement	• KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • Chapter 14 of the NPPF	Small scale domestic development to an existing dwelling. As such, no special measures required in terms of the planning application with regards to carbon emissions.	✓
Drainage and Flood Risk	• KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP	The specific site for the proposed extension is not located within an identified Flood Risk Zone 2 or 3 area.	✓

The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

Representations, including Parish/Town Council comments:

Summary of Representation	Officer response	Addressed ✓ / X / N/A
Kirkburton Town Council – No comment		
No representations received		

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**

Decision Authorisation - Delegated Powers

Application Number: 2022/93882

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 accord with Policies LP01, LP02, LP21, LP22, LP24 and LP57 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12, 13 and 14 of the National Planning Policy Framework

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 13.00hours, 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 can 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	Dwg no. LOC		30.11.2022
Plans and elevations as existing	Dwg no. (100)09		30.11.2022
Plans and elevations as proposed	Dwg no. (100)10		30.11.2022

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 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: 04.04.2023

