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:	**2023/62/90062/E**
Site Address:	Friezland House, Penistone Road, Shepley, Huddersfield, HD8 8BE
Description:	Erection of single storey side and rear extension, two storey rear extension, front canopy, formation of parking area and external alterations following demolition of existing outbuildings and carport
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.

Emma Thompson

AUTHORISED OFFICER

Date: 17-Mar-2023

Officer Report

Reference No. 2023/62/90062/E
Site Address: Friezland House, Penistone Road, Shepley, Huddersfield, HD8 8BE
Proposal: Erection of single storey side and rear extension, two storey rear extension, front canopy, formation of parking area and external alterations following demolition of existing outbuildings and carport

Site Description
The application relates to Friezland House, a two-storey detached property located on Green Belt land in Shepley, Huddersfield. The dwelling is faced in natural stone and render and incorporates a dual pitched roof finished in stone slate. The property currently benefits from off road parking and gardens to the front and rear. The neighbouring properties are of residential use and comprise two storey properties of varying materials and architectural styles.

Description of Proposal
The application seeks planning permission to construct a single storey side and rear extension, a two storey rear extension, a front canopy, formation of a parking area and internal/external alterations. The existing outbuildings and carport 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 and external alterations.

The proposed works are as follows:

- Two storey rear extension (projection approx. 3m, maximum height approx. 6.6m and eaves height approx. 4.84m)
- Single storey side and rear extension (projection approx. 3m from rear elevation & approx. 2.3m from side elevation, maximum height approx. 3.93m and eaves height approx. 2.96m due to changes in ground level)
- Installation of solar panels to the rear roof plane
- Alterations to fenestration on the front, side and rear elevations
- Formation of parking area

Relevant Planning History
Not Applicable.

Representations

The application was publicised by neighbour notification letters, which expired on 25th February 2023. As a result of the above publicity, no representations have been received.

Denby Dale Parish Council – No objections

Consultation Responses

KC Highways Development Management

KC Highways were informally consulted on the proposed scheme due to the property's location on Penistone Road, a classified Primary A road (A638). Although Highways were fine with vehicles parking in tandem, they did raise concerns regarding visibility and turning capability and did ask for a 30 mph visibility splay and a swept path analysis to be submitted. However, given that the property is an existing dwelling with parking provision and given that the proposed works would be an improvement on the current situation, it was not considered necessary to request this information.

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 53** - Contaminated and Unstable Land
- **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 host property is located on Penistone Road within a small grouping of residential dwellings. The proposal would introduce additional built development within the Green Belt which may have some effect on the character and openness. 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 following volume calculations have been provided by the agent:

- Existing original dwelling (489.67m^3)
- Proposed additions (281.18m^3)

It is noted that the above figures account for the volume of the existing outbuildings which were constructed after 1948. Therefore, it has been established that the original building prior to 1948 had a volume of approximately 454.8m^3. Although the proposed additions would equate to a percentage increase of approximately 61.8.% over the original house, it is noted that the proposed enlargements would be subservient additions and would have an acceptable scale relative to the original dwellinghouse. Furthermore, given the location 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. The application shall now be assessed against these issues and other material planning considerations, including visual and residential amenity, as well as highway safety.

2. 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.'*

Two Storey Rear Extension

The proposed two storey extension would extend 3m from the rear elevation of the original dwellinghouse. The enlargement would be faced in natural stone and would incorporate a dual pitched roof finished in artificial stone

slate to match the original appearance of the host property. The extension also would feature a lower ridge line and would have an acceptable scale relative to the original build. Furthermore, the enlargement would have some form of subservience to the original build and would maintain a sense of space within the plot. Therefore, it is considered that the proposed development would respect the visual amenity of the host dwelling and neighbouring properties and would be acceptable in this regard.

Front Canopy
The plans confirm that the canopy would be installed to the front elevation of the host property and would have a projection of approx. 1.2m. Although the structure would project forward of the principal elevation, it would be set back from the pavement such that it would not appear unduly prominent from public vantage points. Whilst it is acknowledged that front canopies are not a common feature within the street scene, it is noted that the surrounding area is characterised by a variety of styles and designs. On this basis, the proposed development is considered acceptable in terms of visual amenity.

Solar Panels
The submitted plans confirm that solar panels would be fitted to the southern roof plane. The panels would generate renewable energy at the property which would lead to a reduction in carbon emissions. The solar panels would have limited visibility from public vantage points and are not considered to have a significant impact on the visual amenity.

Single Storey Side and Rear Extension
The extension proposed would project approx. 2.3m from the existing side elevation and approx. 3m from the rear elevation of the original dwellinghouse. The enlargement would incorporate a mono-pitched roof and would be faced in a material palette to match the original appearance of the host property. Although the rear element would have a large width, it would appear subservient in relation to the original build and would maintain a sense of space within the plot. Furthermore, the side element of the extension would be modestly proportioned and would retain a distance of approximately 9.3m to the pavement which would reduce its prominence from public vantage points. On this basis, the proposed development would respect the visual amenity of the host property and wider street scene and would be acceptable.

External Alterations
The application seeks to install new openings to the front and south-east facing side elevations and alter the design of the first floor fenestration on the front elevation of the property. Furthermore, the plans confirm that the existing first floor fenestration on the rear elevation would also be removed

and replaced with two new windows. Given that the fenestration would be appropriately designed and would be in keeping with the style of the original build, it is considered acceptable from a visual amenity perspective.

Formation of Parking Area
Although the parking area proposed would be of a larger size than the existing driveway on site, it is considered that the proposed works would not appear out of character with the street scene and would not have a material impact on visual amenity.

Summary
For these reasons, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the proposal would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extensions and Alterations Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

3. 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, east and south of the application site would be affected by the proposed works.

Impact on Stonefield
Stonefield is a two storey detached property located west of the application site. The proposed single storey side and rear extension and two storey rear extension would have no detrimental impact on the neighbour's residential amenity given that the enlargements would be positioned away from the boundary line and would comply with the 45 degree rule in relation to the neighbour's ground and first floor fenestration. Therefore, it is considered that there would be no undue harm to the neighbouring occupants with regard to overlooking, overshadowing and overbearing impact.

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.

4. Highway Safety

The proposal would create an additional bedroom, which would intensify the domestic use at the dwelling. The site plan demonstrates that off road parking would be retained for two vehicles. Whilst the SPD requires three off road parking spaces for a four bedroomed dwellinghouse, it is considered that a third vehicle could be parked in tandem to prevent any on street parking on the primary A road. Therefore, it is considered that the scheme would not represent any additional harm in terms of highway safety and as such accords with Policies LP21 and LP22 of the KLP, Chapter 9 of the NPPF 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 Kirklees Local Plan, 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.

Contaminated Land

This site has been identified as potentially contaminated land due to its previous use as a quarry (site ref 77/22). Therefore, it will be necessary to

recommend a condition relating to shallow coal workings and unexpected ground contamination. Additionally, a note will be added to the decision notice advising the applicant on how to proceed should any unexpected contamination be discovered during the works.

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

5. **Representations**
   No representations were received following the statutory publicity.

6. **Negotiations**
   No amendments were sought or received during the course of the application.

7. **Conclusion**
   This application for the erection of a single storey side and rear extension, two storey rear extension, front canopy, formation of parking area and external alterations at Friezland House 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: 2023/90062
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, LP53 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. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the

implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 178 and 179 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group

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.

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	Revision	Date Received
Location Plan	142-22-PL03	A	09/01/2023
Existing Floor Plans, Elevations and Site Layout	142-22-PL01	-	09/01/2023
Proposed Floor Plans, Elevations and Site Layout	142-22-PL02	C	09/01/2023

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. In this case, the design of the original scheme has been found acceptable. No further amendments or details were sought thereafter.

Report Dated: 07/03/2023