

**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:	2023/62/90102/W
Site Address:	Jea Bar, High Street, Scapegoat Hill, Huddersfield, HD7 4NJ
Description:	Demolition of existing conservatory and erection of single storey rear extension
Recommending Officer:	Laura Yeadon

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: 08-Mar-2023

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f90102>

Site Description

The application site relates to a detached bungalow which is constructed from stone and has a concrete tiled pitched roof. There is a conservatory located on the rear elevation of the property and a recently constructed attached garage to the side. To the front is a double garage which is integrated and accessed via a driveway off High Street. The property is set back from the roadside and has garden areas to the side and rear.

The site is located within a residential area which are mainly detached properties. Beyond the rear elevation of the property is open fields which are located within the defined Green Belt.

Description of Proposal

The application is for the demolition of the existing conservatory and erection of single storey rear extension.

The measurements of the proposed extension is as follows:

- 3.7m in projection
- 8.2 in width
- 3m in overall height

The proposed construction materials would be stone, with timber cladding and steel fascia's.

History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

Relevant Planning History

2018/90887 Erection of single storey extension
Conditional Full Permission

Representations

We are currently undertaking the legal 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.

Final publicity date expired 24th February 2023

Parish/ Town Council – not applicable

As a result of the public consultation period no representations have been received.

Consultation Responses

None required

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).

Whilst the property itself is on land without notation on the Kirklees Local Plan the rear conservatory and garden areas are located within the Green Belt.

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 57** - The extension, alteration or replacement of existing buildings

Supplementary Planning Documents:

- House Extensions and Alterations SPD

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 21st 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 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

Principle of development:

The general principle of extending and making alterations to a property in the Green Belt are assessed against Policy LP57 of the Kirklees Local Plan and policies within Chapter 13 of the NPPF, which is discussed within the 'Green Belt' section of this report.

Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area”.

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – 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.”
- Principle 2 – 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 detail.”

With specific regard to the House Extensions and Alterations SPD the other key designs principles for consideration are:

- 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 15: Provision for parking
- Key design principle 16: Provision for waste storage

With specific regard to the proposed development the SPD states that in terms of single storey rear extensions, the SPD states:

Section 5.1 followed by 5.2 of the SPD refers to the general rules, where a rear extension should:

- Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Be set behind the original building, and not projecting beyond the sides;
- Maintain external access to the rear garden;
- Respect the original house and garden in terms of its size and scale;
- Use appropriate materials which match or are similar in appearance to the original house; and
- Not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.

Section 5.6 of the SPD specifically refers to single storey rear extension which should:

- be in keeping with the scale and style of the original house
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings);
- not exceed 4 metres in height; 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;
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

Green Belt

The site is within the Green Belt and therefore the main issues are:

- whether the proposal would be inappropriate development for the purposes of the NPPF and Kirklees Local Plan
- the effect of the proposal on the openness of the Green Belt, and on the character of the area

- if found to be inappropriate development, whether the harm by reason of inappropriateness is clearly outweighed by other considerations necessary to justify development

Is the development inappropriate in the Green Belt?

The NPPF identifies the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPP also identifies five purposes of the Green Belt, the most relevant in this case being to assist in safeguarding the countryside from encroachment. Paragraph 148 of the NPPF states that inappropriate development should not be approved except in very special circumstances. Certain forms of development are exceptions to 'inappropriate development'. These are set out within paragraphs 149 and 150 of the NPPF.

The construction of new buildings is regarded as inappropriate development in the Green Belt. Within paragraph 149 a number of exceptions to this is the extension or alterations of a building provided that this does not result in disproportionate additions over and above the size of the original building.

Policy LP57 of the Kirklees Local Plan sets out that proposals for the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable, provided that, in the case of extensions, the original building remains the dominant element 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 character of the original part of the building.

With regard to this property, when viewing the historic maps for the property and from reviewing the planning history for the site, it appears that with the exception of the conservatory and single storey extension to form a further garage to the property, the existing property including the snug form the original building. The property benefits from full Permitted Development rights.

Based upon the submitted plans, the original house has a volume of 650m³. Therefore taking into account the garage extension which has been constructed on site and the proposed replacement extension, the total volume of extensions would be 213m³. Therefore the volume increase of the proposal when measured cumulatively would be approximately 32% which is not considered to result in disproportionate additions to the dwelling.

The proposal is therefore considered to comply with Policy LP57 of the Kirklees Local Plan and paragraph 149 of the NPPF, it is considered that the proposal is acceptable in terms of the impact on the Green Belt and therefore the principle of development is considered acceptable in this regard subject to the proposal being considered acceptable in relation to visual amenity, residential amenity and all other relevant considerations.

Impact on visual amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

The property is a detached bungalow and the proposed single storey extension would be located on the rear elevation. Due to the location of the extension, the works would not be prominent within the street scene and would therefore comply with Key Design Principle 1 of the SPD.

The submitted plans demonstrate that the proposed extension would be set in from the shared boundaries of the site and due to having a flat roof, would be subservient to the host dwelling and therefore would not detract from the original character of the property, in accordance with Key Design Principle 2 of the SPD.

The proposed construction materials would be stone with timber cladding with zinc for the roof. Whilst the cladding would introduce a varying finishing material to the existing property, the contrast would ensure that the extension is read as an addition to the building and utilises an innovative construction material which would comply with Key Design Principle 9 of the SPD.

The extension is considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of Policies LP1, LP2 & LP24 of the Kirklees Local Plan, having regard to Key Design Principles 1, 2 and 9 of the Supplementary Planning Document on House Extensions (SPD) and Policies within Chapter 12 of the National Planning Policy Framework.

Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations 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.

Key Design Principle 7 requires that extensions should ensure that appropriately sized and useable areas of outdoor space is retained and in this instance, due to the extent of curtilage and as demonstrated on the submitted block plan, the works are not considered to result in an overdevelopment of the site as a usable garden space would remain. The works would be within the confines of the existing residential curtilage. The development is therefore considered to comply with this principle.

Officer Note: It is noted that the red line boundary for the property has increased from that of the previous application. It is important to note that this application does not confirm the extent of domestic curtilage and therefore it cannot be assumed that all the land within the red line boundary as submitted is defined curtilage. A note indicating this shall be attached to the decision notice.

In terms of the impact on neighbouring properties in terms of overlooking, the extension would be set back from the building lines of neighbouring properties with separation distances which are considered to be acceptable in terms of Key Design Principle 3 of the SPD. In terms of overshadowing or being overbearing, the extension is not within such close proximity to other dwellings to cause significant harm.

It is important to note that the host property benefits from full permitted development rights and could therefore construct an extension with a 4m rear projection and which is of a flat roof design 3m to the topmost part of the roof without the requirement of planning permission.

Given the pd fall back and the scale of the proposal and well as distance it would be from neighbouring occupiers it is considered that the proposed extension is acceptable in terms of residential amenity, in accordance with the aforementioned policy.

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 & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

In this case there would be no increase in bedroom provision for the property and the existing parking arrangements would be retained.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

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 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.

As the proposed works would be constructed from stone and timber cladding the materials would be locally sourced and sustainable.

Biodiversity – Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species, and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity. Policy LP30 outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist. Further to this, Principle 12 of the House Extensions and Alterations SPD states that: *“Extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity”*

The proposal would result in minor alterations to the roof of the existing dwelling and would result in the demolition of the single storey conservatory to the rear of the dwelling. However, the site is not within a bat alert zone on the Council's GIS system and existing conservatory and proposed extension are a relatively low height therefore the potential for bats is considered unlikely. Thus, it is considered that harm to protected species from the development is unlikely. In terms of net gains, it is considered that it would not be proportionate to request these for a householder development of this scale.

6 – Representations:

None

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: 2023/90102

Officer Recommendation: Approve

Conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP51 and LP57 of the Kirklees Local Plan, principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15 and 16 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapters 2, 4, 12, 13, 14 and 15 of the National Planning Policy Framework.

3. The development hereby approved shall be constructed from the materials of construction and colour finishes detailed within submitted drawing (20)001revA. The development shall not be brought into use until the development has been completed in accordance with the materials of construction detailed upon submitted drawing (20)001revA. The materials of construction shall be thereafter retained for the lifetime of the development.

Reason: In the interests of visual amenity to accord with Policy LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and the policies contained within Chapter 12 of the NPPF.

Note: It is noted that the red line boundary for the property has increased from that of the previous application. It is important to note that this application does not confirm the extent of domestic curtilage and therefore it cannot be assumed

that all the land within the red line boundary as submitted is defined domestic curtilage.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	(EX)002 – Rev: A		11 th January 2023
Existing and proposed block plan	(20)002 – Rev: A		11 th January 2023
Existing elevations and floor plans	(EX)001 – Rev: A		11 th January 2023
Proposed elevations and floor plans	(20)001 – Rev: A		18 th January 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 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 did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Report Dated: 7th March 2023

Coal –none