# 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: | **2023/62/90125/E** |
| Site Address: | 3, Grove Farm, Kirkgate, Hanging Heaton, Batley, WF17 6AG |
| Description: | Erection of detached garden room (Listed Building) |
| Recommending Officer: | Nicole Helliwell |

**DECISION - REFUSE**

**I hereby authorise the refusal 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: 02-Jun-2023**

**Officer Report**

**Reference No.** 2023/62/90125/E
**Site Address:** 3, Grove Farm, Kirkgate, Hanging Heaton, Batley, WF17 6AG
**Proposal:** Erection of detached garden room (Listed Building)

**Site Description**
The application relates to 3 Grove Farm, a Grade II listed property situated in Hanging Heaton, Batley. The dwelling is faced in coursed stone and incorporates a dual pitched roof finished in Yorkshire stone tiles. The property benefits from off road parking, a detached garage and a gardens to the north and west. The neighbouring properties are of residential use and comprise bungalows and two storey dwellings of varying materials and architectural styles.

**Description of Proposal**
The applicant seeks planning permission for the erection of a detached outbuilding within the rear curtilage of the dwellinghouse. The outbuilding would be located west of the host property and would be used as a garden room. The structure would have a width of approx. 4m, a depth of approx. 3m and a maximum height of approx. 2.93m due to changes in ground level. The proposed development would be faced in cedar wood cladding with a flat anthracite grey roof and would contain dark grey aluminium fenestration. An area of timber decking measuring 4m x 1.2m would be installed to the eastern elevation of the property.

**Relevant Planning History**
2023/90126: Listed Building Consent for erection of detached garden room. Planning application details | Kirklees Council - **Withdrawn**
2005/92971: Listed building consent for additional rooflight and glazing to hallway. Planning application details | Kirklees Council - **Consent Granted**
2003/93791: Listed building consent for re-use of existing barn and new extension to form dwelling. Planning application details | Kirklees Council - **Consent Granted**

2003/93790: Re-use of existing barn and new extension to form dwelling (listed building). Planning application details | Kirklees Council - **Conditional Full Permission**

2003/92810: Listed building consent for partial demolition, re-use, extension and adaptation to form 2 no. dwellings (amendment to previous approved plans). Planning application details | Kirklees Council - **Consent Granted**

2003/92809: Reuse, extension and adaptation of existing barn to form two dwellings (amended house types)(units 7 + 8) det. double garage (unit 2) (amendments to previous approved plan) (listed building). Planning application details | Kirklees Council - **Conditional Full Permission**

2003/91554: Listed building consent for re-use and adaptation of part of existing barn to form dwelling (modified proposal). Planning application details | Kirklees Council **- Consent Refused**

2002/90808: Conversion of existing farmhouse to form 2 no. dwellings, re-use and adaptation of existing barn to form 2 no. dwellings, partial demolition and alterations to stable block to form 2 no. dwellings and erection of 2 no. dwellings and associated garages (listed building). Planning application details | Kirklees Council - **Conditional Full Permission**

98/90019: Listed building consent for change of use and adaptation of existing agricultural buildings to form 5 residential units. Planning application details | Kirklees Council - **Consent Granted**

98/90018: Change of use and adaptation of existing agricultural buildings to form 5 dwellings (listed building). Planning application details | Kirklees Council - **Conditional Full Permission**

**Representations**

The application was publicised by site notice, press advertisement and neighbour notification letters, which expired on 18th March 2023. As a result of the above publicity, no representations have been received.

**Consultation Responses**

KC Conservation and Design

KC Conservation and Design were informally consulted on the proposed scheme and do not support the application.

KC Trees

KC Trees have also been informally consulted on the proposed scheme and have asked for further details regarding how the construction work for the garden room, including foundations, will be undertaken to prevent minimal damage to the adjacent trees and their roots.

**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 UNALLOCATED 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 35** - Historic Environment

**Supplementary Planning Guidance / Documents:**
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)
- 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 16** - Conserving and Enhancing the Historic Environment

**Assessment**

1. **Principle of development**

   The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP 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 NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions and Alterations SPD and Chapter 12 of the NPPF, regarding design.

   In this case, the principle of development on the application site is considered acceptable, and shall be assessed against other material planning considerations, including visual and residential amenity, as well as highway safety.

1. **Impact on Visual Amenity and Historic Environment**

   Paragraph 130 of the NPPF sets out that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.

   Policy LP35 of the Kirklees Local Plan requires development proposals affecting a designated heritage asset to preserve or enhance the significance of the asset, retaining those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensuring that proposals maintain and reinforce local distinctiveness.

   Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

   Paragraph 202 of the NPPF goes on to state that:
   *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."*

The application relates to 3 Grove Farm, a Grade ll listed building situated in Hanging Heaton. The proposal is for the erection of a detached outbuilding within the curtilage of the listed building. The outbuilding would be of a modern architectural style and would be faced in cedar cladding. The structure would be large in size and would incorporate a flat roof which would constitute poor design. It is noted that the outbuilding in its proposed location would also project well above the dry stone boundary wall. Although the existing boundary treatment would provide some form of screening, it noted that the laurel hedge could be removed in the future, which would leave the structure exposed and prominent within the curtilage of the house and highly visible from public vantage points. Therefore, the hedge cannot be taken into consideration. Furthermore, it is noted that whilst there are clear private benefits, no public benefits have been submitted to outweigh the harm.

On this basis, it is considered that the proposal would detract from the character and appearance of the listed building and the surrounding area and would fail to accord with Policy LP24 of the Kirklees Local Plan, KDP 1 & 2 of the House Extensions and Alterations Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework. Furthermore, the proposed development would cause less than substantial harm to the setting and significance of the listed building (with no public benefit to outweigh this) and would fail to accord with Policy LP35 of the Kirklees Local Plan, Chapter 16 of the NPPF and the requirements of Section 66 the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.

**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.

*Impact on 28 and 30 Kirkgate*

The proposed outbuilding would occupy a position approximately 20m from the front elevation of 28 and 30 Kirkgate. Given the difference in levels and the substantial separation distance retained, it is considered that the proposed development would have an acceptable impact on the neighbour’s residential amenity.

*Impact on 4 Grove Farm*
4 Grove Farm is a semi-detached property located north of the application site. It is noted that the proposed outbuilding would be sited in close proximity to the common boundary shared with no.4. However, due to its offset positioning, it is considered that there would be no direct relationship with the neighbouring property. Therefore, it is considered that the proposal would not unduly harm to the neighbouring occupants with regards to overlooking, overshadowing and overbearing impact.

*Impact on 15 Kirkgate*
15 Kirkgate is a detached bungalow located west of the application site. The proposed outbuilding would be sited approximately 6m from the neighbour's front outdoor amenity space. However, the outbuilding would be sufficiently screened by the boundary fence and is not considered to unduly harm the neighbour's residential amenity.

*Occupier Amenity*
It is noted that sufficient outdoor amenity space of a functional layout would be retained at the application site. As such, the proposed development would ensure an acceptable standard of amenity for existing and future occupants.

*Summary*
Having considered the above factors, the proposal is 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 proposed outbuilding would not intensify the domestic use at the dwelling or affect the existing parking arrangements on site. 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.

**4. Other Matters**

*Climate Change*
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.

In this case, due to the nature of the proposal, it is not considered reasonable to require the applicant to put forward any specific resilience measures with regard 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.

KC Trees

The proposed outbuilding would be sited in close proximity to a mature tree. Although KC Trees did ask for further detail regarding how the construction work for the garden room, including foundations, will be undertaken to prevent minimal damage to the adjacent trees and their roots, this was not considered necessary given that the application will be refused.

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

## 5. Representations

No representations were received following the statutory publicity.

## 6. Negotiations

Amendments were sought during the course of the application. A request was made to reduce the scale of the outbuilding, alter the material palette to solely cedar cladding and alter the flat roof form to a shallow hipped roof. Furthermore, a request was made to relocate the outbuilding at low level behind the garage to reduce its prominence. Although revised plans were submitted, they did not address all of the officer's concerns and were not considered acceptable from a heritage and visual amenity perspective.

## 7. Conclusion

This application for erection of a detached garden room at 3 Grove Farm 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.

The proposed outbuilding by reason of its scale, design and siting would be unduly prominent and would detract from the character and appearance of the listed building and the surrounding area. In addition, there are no public benefits to outweigh the less than substantial harm to the setting and significance of the listed building. To permit the development would be contrary to Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

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. For the reasons set out above, it is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

**Recommendation: Refuse**

**Decision Authorisation - Delegated Powers**
**Application Number**: 2023/90125
**Officer Recommendation**: Refuse
**Reasons for Refusal**

1. The proposed outbuilding by reason of its scale, design and siting would be unduly prominent and would detract from the character and appearance of the listed building and the surrounding area. In addition, there are no public benefits to outweigh the less than substantial harm to the setting and significance of the listed building. To permit the development would be contrary to Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

**Plans and specifications schedule: -**

| Plan Type | Reference | Date Received |
|---|---|---|
| Proposed Site Plan & Location Plan | 22/PL-1484-GA-03B | 16/05/2023 |
| Existing Floor Plans & Elevations (House) | 22/PL-1484-GA-01 | 26/01/2023 |
| Proposed Plans & Elevations & Part Location Plan (Garden Room) | 22/PL-1484-GA-02B | 16/05/2023 |
| Heritage, Design and Access Statement | - | 26/01/2023 |

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.

The submitted plans raised significant concerns in terms of the developments impact on visual amenity and the setting of the Listed Building. Although the Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. In this case, the applicant/agent was given the opportunity to revise the original submission but failed to adequately address the concerns raised by the Conservation and Design Team.

**Report Dated: 25/05/2023**