

**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:	2023/62/91110/E
Site Address:	76, Heator Lane, Upper Cumberworth, Huddersfield, HD8 8XJ
Description:	Erection of two storey side extension, detached garage with first floor above and external alterations following demolition of existing single storey side extension, detached garage and outbuilding
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: 19-Jun-2023

Officer Report

Reference No. 2023/62/91110/E

Site Address: 76, Heator Lane, Upper Cumberworth, Huddersfield, HD8 8XJ

Proposal: Erection of two storey side extension, detached garage with first floor above and external alterations following demolition of existing single storey rear extension, detached garage and outbuilding

Site Description

The application relates to 76 Heator Lane, a two storey semi-detached property situated in on Green Belt land in Upper Cumberworth, Huddersfield. The dwelling is faced in coursed natural stone and incorporates a dual pitched roof finished in natural stone slate. The property currently benefits from a detached garage, a detached outbuilding, a single storey side extension and a sufficiently sized garden. The neighbouring properties are of residential use and comprise two storey dwellings of similar materials and architectural styles. The site is not within a conservation area, nor are there any listed buildings or Public Rights of Way (PROW) within close proximity to the site.

Description of Proposal

The application seeks planning permission for several additions and exterior alterations to the original dwellinghouse. The existing single storey extension, detached garage and outbuilding will be demolished to allow for the proposed development. 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 side extension (projection approx. 4.95m, maximum height approx. 6.85m and an eaves height that ranges from approx. 4.8m to 4.9m)
- Detached garage (length approx. 9.5m, depth approx. 6m and maximum height approx. 6.1m due to changes in ground level)
- Formation of vehicular access and dropped kerb
- New 0.9m drystone wall to the front of the proposed garage
- Paved area to the rear of the existing outdoor amenity space
- Existing drystone wall to be lowered to 0.9m high
- New gate to the front of the property
- Steps from the front of the original build to the proposed driveway

Relevant Planning History

Not Applicable.

Representations

The application was publicised by neighbour notification letters, which expired on 7th June 2023. As a result of the above publicity, no representations have been received.

Denby Dale Parish Council – No objections

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 (including impact on Green Belt and Visual Amenity)

Impact on Green Belt

The application site is located within the designated 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 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.

Paragraphs 149 and 150 of the National Planning Policy Framework states that certain forms of development are exceptions to 'inappropriate development'. 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 host property is a residential dwelling located off Heator Lane. In respect of the openness of the Green Belt, openness has been established to have both a visual and spatial aspect. The proposal would introduce

additional built development within the Green Belt which may have some effect on the character and openness. The submitted plans confirm that the property currently benefits from a detached garage, an outbuilding and a single storey side extension. However, it is noted that these existing enlargements will be demolished as part of the application.

Notwithstanding this, the proposed additions would result in the overall volume of the dwelling being substantially increased, and the proposals would result in disproportionate additions over and above the size of the original building. It is therefore considered that the impact of the proposals on the openness of the Green Belt, both spatially and visually, is considered to be unacceptable.

Impact on 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 on to 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 Side Extension

The proposed two storey extension would extend approximately 4.95m from the side elevation of the original dwellinghouse. The enlargement would be faced in natural coursed stone at ground floor level with trapezoidal matt black metal cladding at upper floor level and would incorporate a dual pitched roof finished in Black Trapezoidal metal cladding. It is considered that the material palette would be unsympathetic to the character of the surrounding area and would increase its prominence from public vantage points. Although the extension would be set back from the principal elevation, it would also have a bulky scale and would feature a high ridge line. Furthermore, due to its footprint, the extension would dominate the host property and would lack subservience. For these reasons, it is considered that the proposed two storey side extension would fail to respect the character and appearance of the host dwelling and surrounding street scene and therefore, the proposal cannot be supported in terms of visual amenity.

Formation of vehicular access

The proposal is also for the formation of vehicular access and a dropped kerb along the public pavement. The proposed works would include minor alterations to the application site including the partial removal of the existing boundary treatment that abuts the pavement of Heator Lane. Although the proposed development would alter the appearance of the outdoor amenity space, it is considered that the proposal would not appear out of character with the surrounding area and would not have a material impact on visual amenity.

Detached Garage

The detached garage would be two storey in height and would be located within the front curtilage of the dwellinghouse. The structure would have a length of approx. 9.5m, a depth of approx. 6m and a maximum height of approx. 6.1m due to changes in ground level. The garage would be faced in natural coursed stone at ground floor level with trapezoidal matt black metal cladding at upper floor level and would incorporate a dual pitched roof finished in Black Trapezoidal metal cladding. The structure would have an excessive scale and would be set forward of the original building line. Furthermore, due to its incongruous material palette, size and location, the garage would lack subservience and would appear highly prominent from public vantage points. On this basis, it is considered that the structure cannot be supported from a visual amenity perspective.

External Alterations

The external alterations would see a paved area created to the rear of the outdoor amenity space and steps and a new gate installed to the front of the original build. Furthermore, it is noted that the existing boundary wall to the front of the property would be lowered to 0.9m high and a new 0.9m drystone wall would be constructed to the front of the proposed garage. Although it is noted that the alterations would be visible from public vantage points, the proposed works would be of a domestic scale and would not have any significant visual impact on the character and appearance of the host property.

Summary

Having taken the above into account, the proposed development would cause significant harm to the visual amenity of the host dwelling and the wider street scene and would materially detract from its Green Belt setting. Therefore, the proposal would fail to accord with Policies LP24 and LP57 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.

1. 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 to north, east and west of the application site would be affected by the proposed works.

Impact on 62, 64 and 66 Heator Lane

The proposed development would occupy a position approximately 65m from the residential properties located south of the application site. Given that the separation distance retained would be substantial, it is considered that there would be no significant harm to the neighbouring occupants with regard to residential amenity.

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.

2. Highway Safety

The proposed development would not intensify the domestic use at the dwelling or affect the existing parking arrangements on site. Therefore, the development is considered 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 should the application be approved 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.

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

3. Representations

No representations were received following the statutory publicity.

4. Negotiations

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

5. Conclusion

This application for the erection of a two storey side extension, a detached garage with first floor above and external alterations at 76 Heator Lane 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 development would be disproportionately large in relation to the original part of the building and would represent inappropriate development, which is harmful to the Green Belt and the visual amenity of the area. The proposed development is therefore contrary to Policy LP57 of the Kirklees Local Plan and Paragraph 149c of the National Planning Policy Framework.

The proposed two storey side extension and detached garage, by virtue of their scale, materials and design, would lack subservience to the original dwelling and would detract from the character and appearance of the host property and wider street scene. To permit the proposals would be contrary

to Policies LP24 and LP57 of the Kirklees Local Plan, the House Extensions and Alterations Supplementary Planning Document and Chapters 12 & 13 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: 2023/91110

Officer Recommendation: Refuse

Reasons for refusal

1. The proposed development would be disproportionately large in relation to the original part of the building and would represent inappropriate development, which is harmful to the Green Belt and the visual amenity of the area. The proposed development is therefore contrary to Policy LP57 of the Kirklees Local Plan and Paragraph 149c of the National Planning Policy Framework.
1. The proposed two storey side extension and detached garage, by virtue of their scale, materials and design, would lack subservience to the original dwelling and would detract from the character and appearance of the host property and wider street scene. To permit the proposals would be contrary to Policies LP24 and LP57 of the Kirklees Local Plan, the House Extensions and Alterations Supplementary Planning Document and Chapters 12 & 13 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	TQRQM23086144844699	-	24/04/2023
Existing Block Plan	TQRQM23086145536551	-	24/04/2023
Existing Site and Floor Plans	-	-	24/04/2023
Existing Elevations	-	-	24/04/2023
Proposed Elevations	-	-	24/04/2023

Plan Type	Reference	Version	Date Received
Proposed Site and Floor Plans	-	-	24/04/2023
Proposed Garage Details	-	-	24/04/2023
Climate Change Statement	-	-	24/04/2023

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 were considered unacceptable due to the impact of the proposal on visual amenity and the Green Belt. 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 instance, the alterations required would be beyond the scope of the application. As such, no amendments were sought thereafter.

Report Dated: 16/06/2023