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:	**2023/62/91424/W**
Site Address:	24, Woodbottom Road, Netherton, Huddersfield, HD4 7DJ
Description:	Erection of two storey side extension and external alterations
Recommending Officer:	Lucy Taylor

DECISION – REFUSED

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.

John Holmes

AUTHORISED OFFICER

Date: 13-Jul-2023

Officer Report.

Reference: 2023/91424

Location: 24, Woodbottom Road, Netherton, Huddersfield, HD4 7DJ

Proposal: Erection of two storey side extension and external alterations

Site Description.

24 Woodbottom Road is a two-storey detached property. The property is faced in natural coursed stone, with a gable roofing form infilled with stone slate tiles. Within the wider curtilage, the site benefits from a driveway to facilitate on-site parking amenity space and functional outdoor amenity space.

The application site is located within a rural location, with only two other properties located within the immediate vicinity of the site.

The site is within the Green Belt in the Kirklees Local Plan and access to the site is Allocated as a PROW (HOL/5/30).

Description of Proposal.

Planning permission is sought for the erection of a two-storey side extension and external alterations.

The proposed two-storey side extension would project from the western side elevation of the host property, connecting via a light well.

The linking lightwell would be entirely glazed and will have the following dimensions:

Length: 5 metres
Width: 1 metre
Height: 5.4 metres

The two-storey side extension would have the following dimensions:

Length: 10 metres

Width: 5.5 metres
Height: 7.2 metres

The external walls of the extension would be faced in reclaimed natural coursed stone and the pitched roof would be infilled with stone slate tiles.

Fenestration to the two-storey extension would include bi-fold doors to the front elevation at both first and ground floor level, with windows to both side elevations. In addition, two velux windows are proposed within the pitched roof.

History of Negotiations.

No negotiations have taken place with the applicant/agent due to the principle of development in this location not being considered to be acceptable (discussed in the assessment section of this report). In addition, it was considered that there would not be a design solution that would provide the level of accommodation sought by the applicant.

Relevant Planning History.

- **89/00713** – Rehabilitation and extension of existing cottage. *Approved.*

Representations.

We are currently undertaking 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, a site notice and within the newspaper.

Final publicity date = 7th July 2023.

No representations were received.

Consultation Responses.

Holme Valley Parish Council – Oppose due to disproportionate size in relation to the existing building. Not in keeping with surrounding building style, overdevelopment on green-belt land.

Policy/Legislation.

Section 38(6) of 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 application site is located within the Green Belt.

The site also falls in an area with a known presence of bats and the land surrounding the site forms the Wildlife Habitat Network.

The site is located within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP35 – Historic Environment
- LP51 – Protection and improvement of local air quality
- LP57 – The Extension, Alteration or Replacement of Existing Building

Supplementary Planning Documents:

Highways Design Guide SPD

House Extensions and Alterations SPD

The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and architects who are planning and designing an extension or alterations (householder development) to an existing residential property, including conservatories and outbuildings, such as garages. It provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration required by the Council.

Holme Valley Neighbourhood Development Plan:

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan.

The site falls within Local Characteristic Area 6 – Honley Village Centre.

The policies from the Holme Valley Neighbourhood Development Plan that are relevant to this application are:

- Policy 1 – Protecting and Enhancing the Landscape Character of Holme Valley
- Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- Policy 12 – Promoting Sustainability

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, together with Circulars, Parliamentary 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 4 – Decision-making
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment.

The following matters that will be considered as part of the assessment of the proposal are set below. These considerations will be looked at in detail individually:

1) Principle of Development and Green Belt
1) Impact on Visual Amenity (and Historic Environment)
2) Impact on Residential Amenity
3) Impact on Highway Safety
4) Other Matters
5) Representations
6) Conclusion

1) Principle of Development and Green Belt

Sustainable Development:

Chapter 2 of the NPPF states that: *"Planning policies and decisions should play an active role in guiding development towards sustainable solutions…"*

Chapter 2 of the NPPF goes onto further state that objectives should: *"support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment…"*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *"…the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF."*

Policy LP1 goes further and states: *"The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area."*

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *"good design should be at the core of all proposals in the district".*

Green Belt:

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the categories set out in Paragraphs 149 and 150.

Paragraph 149(c) of the NPPF outlines that 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 can be appropriate development in the Green Belt.

Further to this, Policy LP57 of the Kirklees Local Plan states that the extension or alteration of buildings in the Green Belt will normally be acceptable provided that:

"a. in the case of extensions the original building remains the dominant element both 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 scale and character of the original part of the building;
c. the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard surfacing, curtilages and enclosures and means of access; and d. the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting."

For the purposes of determining the extent of development in the Green Belt, the original form of the building will be taken as the dwelling as it currently stands at the site. Therefore, the original dwelling is calculated to having a total volume of approximately 364.32m^3.

The proposed lightwell and two-storey side extension cumulatively present a volume of approximately 347.25m^3. In turn, presenting a percentage increase of approximately 95.31%. Such an increase in volume is considered to be of a scale that constitutes a disproportionate addition to the original dwelling.

When taking account of the visual appearance of development, it is considered that the extension would appear disproportionate to the main dwelling by virtue of its overall size and scale, non-subservient design, and increased massing with the proposed extension projecting forward of the principal elevation of the host dwelling by 3.5m.

Therefore, it is considered that the erection of the proposed extension would result in disproportionate development and would constitute inappropriate development in the Green Belt. There are not considered to be any very special circumstances that exist in this case which outweigh the harm of the inappropriate development to the Green Belt. The proposal therefore fails to comply with Chapter 13 of the NPPF and policy LP57(a) of the Kirklees Local Plan.

1) **Impact on Visual Amenity**

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby paragraph 126 provides a principal consideration concerning design which states: *"The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

Paragraph 130 of the NPPF is of relevance, in particular the following parts:-
- *'b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping'*
- *'c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'*

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:
- *'a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…'*
- *'c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...'*

Developments that are considered to conform appropriately with Local Plan Policy LP24 and the design requirements as set out above, are considered to also conform with Policy 2 of the Home Valley Neighbourhood Plan – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design.

Policy 1 of the Holme Valley Neighbourhood Plan HVNP sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA), in this case LCA6 – Honley Village Centre.

The key built characteristics of LCA 6 are:

- Honley's historic core is dominated by 18th and 19th century stone dwellings with distinctive yards or folds.
- The south-west of Honley has more eclectic architecture with largely 20th century residential properties in cul-de-sacs. These are generally in-keeping with the historic townscape due to scale and use of traditional materials.
- Weaver's cottages with rows of mullioned windows are found throughout area.
- Former mill buildings associated with Mag Brook have been redeveloped for commercial or residential use and form local heritage features.

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

Paragraph 5.20 of the House Extensions and Alterations SPD sets out the following design recommendations:

- not take up all or most of the space to the side of a house;
- maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property; and
- be set back at least 500 metres from the front wall of the house.

The proposed two-storey side extension is not considered to be a subservient addition to the host property of 24 Woodbottom Road. This is for reasons of its size and scale, nearly doubling the size of the existing house. In addition, the extension is considered to present an undue extent of bulking and massing, projecting forward of the principal elevation of the host property by a considerable 3.5 metres.

As a result, the proposed extension is not considered to present a subordinate addition to the host property of 24 Woodbottom Road and the works would not be entirely in keeping with the architectural form of the original dwelling, especially regarding the large expanse of glazing proposed to the front elevation.

For the reasons outlined within this section of the report, it is considered that the proposal would not be a subservient addition to the host property and by virtue of its design, scale and massing would cause detrimental harm to the visual amenities of the host property and wider locality. The proposed development is therefore not considered to comply with policies within Chapter 12 of the NPPF, LP24 and LP57(d) of the Kirklees Local Plan and Principles 1 and 2 of the House Extensions and Alterations SPD.

2) Impact on Residential Amenity

Section B and C of LP24 states that alterations to existing buildings should: *"…maintain appropriate distances between buildings"* and *"…minimise impact on residential amenity of future and neighbouring occupiers."*

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Policy 2 of the Holme Valley Neighbourhood Development Plan states that *'designs should respect the scale, mass, height and form of existing buildings in the locality and the site setting. Development should fit in with and neither dominate nor have a detrimental impact on its surroundings and neighbouring properties'.*

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.

In accordance with Key Design Principle 7 of the House Extensions and Alterations SPD the works would retain a sufficient extent of outdoor amenity space at 24 Woodbottom Road.

There are only two properties in the immediate vicinity of the application site. Southernwood is located over 50 metres from the host property and the dwellinghouse of No. 33 is located over 20 metres from the site of proposed development. In turn, it is considered that the seperation of the application site from these neighbouring properties appropriately demonstrates that there would be no resultant impacts of undue overbearing, overshadowing or overlooking from the proposed extensions to 24 Woodbottom Road.

For these reasons, the proposed development at 18 Bradley Grange Gardens is not considered to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan and Key Design Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations SPD.

3) 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.

The proposal would increase the number of bedrooms from three to four. However, it is considered that the on-site parking arrangements, which would remain unaffected, would sufficiently support the increased domestic use of the property.

It should also be noted that the proposal would not result in any alterations to existing vehicle access to or from the site.

In turn, erecting the proposed extensions at 24 Woodbottom Road would appropriately accord with Chapter 9 of the NPPF, LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extension SPD.

4) 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 predates 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.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF, Policy LP51 of the Kirklees Local Plan and Policy 12 of the Holme Valley Neighbourhood Development Plan.

Ecology:

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees 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 application site lies within the bat alert layer on the Council's GIS system. The proposal would see works to the roof which has the potential for roosting bats to be present. Given the age / design of the property it is not considered necessary for a full assessment of the roof space to be undertaken in this case given the low likelihood for roosting bats to be present. Even so, as a cautionary measure, in the event of any grant of permission a note would be added to the decision notice, stating that if bats are found development shall cease and the advice of a licensed bat worked sought. This is to accord with the aims of Chapter 15 of the NPPF.

5) Representations

No representations were received.

6) 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: 2023/91424
Officer Recommendation: Approve

Conditions and Reasons:

1. By virtue of its design, size and scale the proposed development constitutes a disproportionate addition to the original dwelling which would no longer be the dominant element in appearance. This is inappropriate development in the Green Belt by definition. No very special circumstances have been demonstrated to clearly outweigh the harm of the development to the Green Belt by reason of inappropriateness or other harm. The development is therefore contrary to Policy LP57 of the Kirklees Local Plan and policies contained within Chapter 13 of the National Planning Policy Framework.

2. The development, as a result of its design, scale and massing would fail to be subservient to the original dwelling and would appear as incongruous and discordant addition to the host dwelling, which would, in turn, harm the character and appearance of the dwelling and the character of the wider locality. The proposal would therefore be contrary to Policy LP24 parts (a) and (c) of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Kirklees House Extensions and Alterations Supplementary Planning Document, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and National Policy set out in Chapter 2 of the National Planning Policy Framework.

Plans and Specifications Schedule: -

Plan Type	**Reference**	**Version**	**Date Received**
General Arrangement as Existing	23011D-01-P01	-	16/05/23
General Arrangement as Proposed	23011D-02-P03	-	24/05/23
Block Plan as Proposed	23011D-03-P01	-	24/05/23
Justification Statement	23011-justification statement	-	16/05/23
Climate Change Statement	-	-	16/05/23

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

No amendments were sought as it was considered that there would not be a design solution that would provide the level of accommodation sought by the applicant.

Report Dated: 12.7.23