

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:	2023/62/92446/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 – 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: 07-Dec-2023

Officer Report

Reference: 2023/92446

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, located in Netherton, Huddersfield. The property is faced in natural coursed stone and the gable roof is infilled with stone slate tiles. The property benefits from on-site parking amenity space to a driveway located to the eastern side of the property. Outdoor amenity space is present to the northern and western sides of the dwelling.

The property is located within a rural area, Allocated within the Green Belt in the Kirklees Local Plan. Only two other properties are located within the immediate vicinity of the site.

Public footpath HOL/5/30 runs adjacent to site.

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 have the following dimensions:

- Projection/Width - 5.2 metres
- Length – 5.5 metres (set back from principal elevation by 0.5 metres and set in from rear elevation by 0.5 metres)
- Maximum height – 6.5 metres (set down from host ridge height by 0.6 metres)

The existing roof above 24 Woodbottom Road would be altered, with the part of the roof currently set down in height to be increased in height to match the maximum ridge height (from 6.8 metres to 7 metres).

External alterations include alterations to fenestration detailing to the south eastern side elevation. The existing glazing to this side elevation would be removed, with railings added around the proposed light well to serve the basement floor.

In addition, the existing windows across the dwelling are to be replaced from white painted timber to grey upvc. The windows to the two-storey side extension will be grey upvc.

External materials will include reclaimed natural coursed stone to match existing and stone slate roof tiles to match existing.

History of Negotiations

The case officer recommended the submission of amended plans, to reduce the size/scale of the proposed two-storey side extension in conjunction with guidelines for extensions in the Green Belt as set out in local and national planning policies.

In response to case officer recommendations, amended plans were submitted to reduce the size/scale of the proposed two-storey side extension.

Relevant Planning History

- 89/00713 – Rehabilitation and extension of existing cottage. *Approved.*
- 2023/91424 – Erection of two storey side extension and external alterations. *Refused for the following 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.'*

It is noted that the previous proposal sought a larger development with a glazed link, with the previously refused scheme being described as follows:

'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'*

Whether the scheme the subject of this application has overcome the previous reasons for refusal is discussed in the 'Assessment' section of this report.

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 = 29th September 2023.

No representations were received.

Whilst amended plans were sought and submitted, it was not deemed necessary to re-advertise the application, given that the extent of built form was reduced as a result of amendments. The case officer therefore concluded that the amendments would not give rise to any further impacts to residential amenity.

Consultation Responses

Holme Valley Parish Council (comments based on original plans) – oppose due to over-development and the extension not being in-keeping with the main body of the building.

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
- LP30 – Biodiversity & Geodiversity
- 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 5th September 2023, 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 will be considered as part of the assessment. These considerations will be looked at in detail individually:

- 1) Principle of Development and Green Belt
- 2) Impact on Visual Amenity
- 3) Impact on Residential Amenity
- 4) Impact on Highway Safety
- 5) Other Matters
- 6) Representations
- 7) 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 on to 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”*.

In this instance, it can be stated that the principle of development in this application could be acceptable, subject to the assessment of impacts to the Green Belt and on visual and residential amenity, as well as highway safety and any other impacts that may arise. These will be discussed below.

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 have a footprint of approximately 61m².

The proposed two-storey side extension has been calculated to present a footprint of approximately 28.5m².

With regard to the two-storey side extension, it should be noted that the applicant/planning agent has provided confirmation via email that the basement level of the proposed extension already exists, with the required built form already in place at lower ground level, which would require excavation in any event.

In addition, when taking account of the visual appearance, it is considered that the proposed two-storey side extension would appear as a subservient a

proportionate addition, set down from the ridge height of the host dwelling, set in from the principal and rear elevation of the host dwelling and to be constructed from materials to match the appearance of the host property.

The only external alteration to 24 Woodbottom Road that presents additional built form is the increase in roof height to part of the roof above the host property. The increase in height is minimal, taking this part of the roof from 6.8 metres to 7 metres. In addition, it is important to note that any building works required to carry out these works would visually harmonise with the host property, further promoting an overall subservient appearance, with the extended roof to be infilled with matching tiles.

As such, when assessed cumulatively, the proposed two-storey side extension and works to the roof are not considered to be of a scale that would constitute disproportionate additions to the original dwelling.

However, given the extent of the extensions and additions proposed to 24 Woodbottom Road under this planning application, it is considered necessary to remove Permitted Development Rights for further extensions at the site via condition. A condition to withdraw Permitted Development Rights in this instance is considered to be appropriate and necessary, given the scale of extensions/additions proposed, the scale of curtilage and the potential for detrimental harm to the Green Belt by further extensions.

Therefore, with the inclusion of the aforementioned condition, it is considered that the proposal would not result in disproportionate development and would constitute an identified development which is considered an exception which is not inappropriate development in the Green Belt. Therefore, the proposal is considered to comply with Chapter 13 of the NPPF and policy LP57(a) of the Kirklees Local Plan.

In line with Policy LP57(c), the proposal would not result in a greater impact on openness in the treatment of outdoor areas too.

2) 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 Holme 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 for two-storey side extensions:

- 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 considered to be a subservient addition to the host property, with the size/scale of the extension considered to be proportionate to the host dwelling and the extension designed to appear as subordinate, set down from the ridge height of the host property and set in from the principal and rear elevation. In addition, the extension would harmonise with the architectural form of the host property, to be faced in matching exterior materials including coursed natural stone and stone slate roof tiles.

With regard to the exterior alterations, the works to the host roof are considered to be visually acceptable, taking the height of this part of the roof from 6.8 metres to 7 metres. The height will match the existing maximum ridge height of the host property and works to extend this part of the roof will be undertaken using matching materials.

Alterations to fenestration are acceptable, with the application form stating that the existing white painted timber frames are of poor quality. Therefore, it is considered that replacement of these windows with grey upvc will enhance the appearance of the property, considered to an appropriate contemporary intervention.

For the reasons outlined above, it is considered that the proposal would constitute appropriate additions to the host property, with works considered to be visually acceptable by virtue of their design and scale. Therefore, the proposed developments to 24 Woodbottom Road are considered to comply with policies within Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan, Principles 1 and 2 of the House Extensions and Alterations SPD and Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan.

3) 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 separation 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 24 Woodbottom Road 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 House Extensions and Alterations SPD.

4) 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, the proposal 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.

5) 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 worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

6) Representations

No representations were received.

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: 2023/92446

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 so as to ensure the satisfactory appearance of the development on completion, and to accord Policies LP1, LP2, LP21, LP22, LP24, LP30, LP51 & LP57 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8 & 15 of the Council's adopted House Extensions and Alterations SPD, policies 1, 2 & 12 of the Holme Valley Neighbourhood Development Plan and policies within Chapters 2, 4, 9, 12, 13, 14 & 15 of the National Planning Policy Framework.

3. The external walls and roofing materials of the two-storey side extension hereby approved shall in all respects match those used in the construction of the existing building and be thereafter retained.

Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD, Policies 1 & 2 of the Holme Valley Neighbourhood Plan and policies within Chapter 12 of the National Planning Policy Framework.

4. The external materials to increase the roof height of part of the existing roof, as shown on Dwg No. 23011D-02-P06, shall in all respects match those used in the construction of the existing building and be thereafter retained.

Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD, Policies 1 & 2 of the Holme Valley Neighbourhood Plan and policies within Chapter 12 of the National Planning Policy Framework.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, AA, B, D and E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the protection of the openness and character of the Green Belt and to accord with the requirements of Policy LP57 of the Kirklees Local Plan and Chapter 13 of the National Planning Policy Framework.

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: The application site is located in a low risk coal area.

Plans and Specifications Schedule:-

Plan Type	Reference	Version	Date Received
General Arrangement as Existing	23011D-01-P01	-	16.08.23
General Arrangement as Proposed	23011D-02-P06	-	22.11.23
Block Plan as Proposed	23011D-03-P03	-	22.11.23
Justification Statement	23011-P01	-	16.08.23
Climate Change Statement	23011	-	16.08.23

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. Amended plans were submitted to reduce the size/scale of the proposed two-storey side extension.

Report Dated:

04.12.23