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:	**2023/62/92897/E**
Site Address:	Kirkby House, Kirkby Grange, Clough Road, Flockton, Huddersfield, WF4 4AQ
Description:	Erection of a car port, front porch and juliet balcony to front
Recommending Officer:	Edward Cheseldine

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.

Emma Thompson

AUTHORISED OFFICER

Date: 14-Mar-2024

Officer Report

2023/92897 - Kirkby House, Kirkby Grange, Clough Road, Flockton, Huddersfield, WF4 4AQ

Site Description

Kirby House is a two-storey, detached dwelling in Flockton. The dwelling is constructed with stone exterior walls which fall under a cross-pitched roof, clad in stone tiles. The property sits close to Clough Road, it has a courtyard within the footprint of the building, with a modest garden area to the rear. To the east of the property are open fields, whilst other dwellings fall behind the property. It is situated within designated Green Belt allocated within the Kirklees Local Plan.

Description Proposal

The applicant is seeking planning permission for the erection of a car port, front porch, Juliet balcony and two skylights.

A car port is to be erected on the east elevation, it will project ~6.20m, to a width of ~6.30m. It will have an eaves height of 3.30m and a ridgeline height of 4.43m. The car port will feature a pitched roof, clad in tiles to match the dwelling. It will have oak supporting beams and stone footings, with open elevations. The porch will be set down from the adjacent section of the building by ~0.90m.

A porch is proposed, which features a pitched roof with matching roof tiles. It too has oak support beams with stone footings.

A Juliet balcony will be installed on the east elevation, it will feature an iron balustrade. It will light a bedroom.

Two rooflights will be installed on the front facing roof planes.

Public Consultation

The application was advertised by neighbourhood notification letter, a site notice and press advertisement.

Press advertisement expiry: 17 November 2023

Site notice expiry: 06 November 2023.

As a result of the publicity, there were no representations made.

Consultation Responses

Denby Dale Parish Council – No objection.

Relevant Planning History

86/04440 - Conversion of Agricultural Units to form 2 No. Dwellings – Full permission granted.

Amendments/Negotiations

None.

Policy & Legislation

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 Green Belt on the Kirklees Local Plan Proposals Maps.

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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping

- **LP 21** – Highway safety and access
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** – Biodiversity
- **LP57** – Extensions, alterations & replacement buildings in the 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 House Extensions & Alterations Supplementary Planning Document will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

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 December 2023, and 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 and beautiful 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

1) Principle of development
2) Impact on visual amenity
3) Impact of residential amenity
4) Impact on highway safety
5) Environmental matters
6) Conclusion

Principle of development

The site is located on land allocated as Green Belt in the Kirklees Local Plan.

Chapter 13 of the NPPF requires local Planning Authorities to regard the construction of new buildings in the Green Belt as inappropriate development. Exceptions of which include the extension or alteration of a building provided that it does not result in disproportionate additions in terms of size to the original dwellinghouse.

Policy LP57 of the Kirklees Local Plan states that extensions will normally be acceptable provided that the host building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and 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. Furthermore, the proposal should not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access; and the design and materials used should be sensitive to the character of the Green Belt setting.

A car port will be erected which adjoins the existing building. The area of land it will be placed over is currently hard standing, it is used for vehicle parking, and it is associated with the building group. The design of the car port is subservient to the main building in terms of projection and height. Its design is considerate by way of being open sided, maintains the openness of the site. Spatially, the original building remains the dominant element of building given the scale of the alterations. The proposal therefore accords with the requirement of LP 57 for house extensions within the Green Belt.

In addition, the impact of the development on design grounds, residential amenity and highway safety will also be considered along with, biodiversity and all other material considerations and representations received.

Impact on visual amenity

Car Port

Outbuildings such as the proposed car port will be assessed as further extensions to the host dwelling and should be harmonious additions wherever possible in terms of reflecting upon the style, shape and architectural features of the dwellinghouse and character of the area.

Paragraph 5.30 of the House Extensions and Alterations Supplementary Planning Document states that outbuildings should:

- Be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings;
- Be set back behind the building line of the original building so that they do not impact on the street scene
- Preserve a reasonable private amenity space appropriate to the potential number of occupants of the house, and follow a general principle that no more than 50% of garden space should be lost.

The car port is a relative scale to the host dwelling given its projection and height. It will appear harmonious addition given as the pitched roof follows the style of the original roof and includes stone slate roof tiles. The form of structure will not take up outdoor space due to the open nature of the car port. Due to its open sides, it will not appear to add mass to the host building.

Front Porch

The porch is set back from the public domain, it is subservient and does not disrupt the frontage. In terms of the impact to character, the details are modest and are not considered to detract from the simple nature of the frontage.

Juliet Balcony & Rooflights

A single Juliet balcony will be installed on the first floor of the east elevation. Two skylights will be installed, one on each of the front facing roof planes. The alterations are modest alterations to a single elevation of the building. They will not alter the character of the building and are acceptable.

<u>Impact on residential amenity</u>

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 House Extensions and Alterations Supplementary Policy Document goes into further detail with respect to outlining principles.

- Key Design Principle 3, '*extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours'*.

- Key Design Principle 4, '*extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook.'*

The Juliet balcony is located where there is an existing opening and will not impact any greater than existing.
There are other residential buildings within the surroundings of the property. Only the north facing rooflight faces in the direction of one of the neighbouring dwellings however the light is high level and ~27.00m from the other property, therefore the relationship is acceptable. The car port would not be classed as a habitable space given its does not contain habitable living accommodation.

Impact on highway safety

The proposal will not result in an increase in habitable living accommodation. Additionally, the car port will be used to store cars, a purpose that the area is currently used for, therefore the number of parking spaces will remain the same.

There will be no further impact to highway safety as a result of the proposal.

The plans therefore accord with Policy LP 21 & LP 22 of the Kirklees Local Plan.

Environmental Matters

Biodiversity

The proposal includes the construction of a car port extension which will affect the main roof of the existing dwelling. Although the site is not situated in an area that is known to include bat habitats, if signs of bat habitats were found, expert advice should be taken and the advice of a licensed bat worker sought.

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.

Conclusion

The application for the external alterations at Kirby House has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations Supplementary Planning Document, the National Planning Policy Framework and other material considerations. Given the lack of harm the proposal will cause to the Green Belt, as well as visual amenity, residential amenity and highway safety, the application is acceptable.

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.

As set out above, 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 and is therefore recommended for approval.

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 to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours, Mondays to Fridays 08.00 and 13.00hours, Saturdays, with no working Sundays or Public Holidays. In some cases, different site-specific hours of operation may be appropriate.

Plans and specifications table: -

Plan Type	Reference	Version	Date Received
Location plan	LP	-	29/09/2023
Existing plans	A(00)-01	-	29/09/2023
Proposed plans	A(10)-01	-	29/09/2023

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 has, 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. No amendments were necessary.