

**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:	2023/62/92971/E
Site Address:	113, Moor Lane, Gomersal, Cleckheaton, BD19 4LJ
Description:	Erection of single storey oak-framed orangery/day room
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: 05-Dec-2023

Officer Report

2023/92971 - 113, Moor Lane, Gomersal, Cleckheaton, BD19 4LJ

Site Description

113 Moor Lane is part of a set of adjoining country houses in the area of Gomersal. The building is a two-storey, stone built property with historic style features. The property hosts spacious grounds which are shared with the adjoining property. There have been several front extensions added to the original building overtime, aerial imagery date these as prior to 2012 – which there is no planning history for.

Surrounding properties are similar in character, in terms of being stone built country type dwellings.

113 Moor Lane is situated within designated Green Belt.

Proposal Description

The applicant is seeking permission to erect a single storey extension onto the front elevation of the property.

The extension will be placed on the front elevation of the property, resting next to the garage. It will project ~4.60m from the front elevation, to a width of ~3.760. It is proposed to be ~2.90m in height which reaches a total height of ~3.50m including the sky lantern.

The room provides an Orangery/Day room and features stone matching the property walls, an oak timber frame with oak window frames and glazing. Inset within the flat roof is a raised skylight. Windows are to be in the north and east face of the extension.

Relevant Planning History

2021/93913 - Erection of single storey day room with orangery type roof next to existing garage – Full Permission

2022/93738 – Erection of single storey oak-framed orangery/day room – Refused

2023/90538 - Erection of single storey oak-framed orangery/day room – Refused

2023/91549 – Erection of detached garage – Refused

History of Negotiations

None.

Public Consultations

Neighbourhood notification letters were sent out to advertise the application which expired on the 16 November 2023. From the publicity, there were no representations made.

Consultation Responses

None.

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 allocated as designated Green Belt on the Kirklees Local Plan Proposals Map.

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 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity
- **LP 35** – Historic Environment
- **LP 57** – 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 guidance 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 July 2021, 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 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
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

- 1) Principle of development (Green Belt)
- 2) Impact of visual amenity and historic environment
- 3) Impact of residential amenity
- 4) Impact on highway safety
- 5) Other matters

6) Conclusion

Principle of development

The application site is located on land allocated as Green Belt on 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.

In this instance, the application site comprises of a historic building, which currently stands as three separate dwellings as the building has been sub-divided. The building in its entirety holds historic relevance and is present on the 1893 Country Map series. None of the frontages are present on the 1893 map, indicating the front extensions that have been added are inconsistent with the original dwellinghouse principal elevation. These extensions include two front porches and a garage.

The proposal would include the erection of a front extension which is to be an orangery. The proposed orangery would be placed in a location between the garage and a newly constructed link extension on the principal elevation of the dwelling. On balance, when considered cumulatively, the original dwellinghouse would still remain the dominant footprint and there would remain adequate open space within the curtilage of the property. Albeit there is a material change in the use of materials that would appear different, they would not appear detrimental in a Green Belt setting.

The proposal would also include hardstanding. This would largely replace existing hard standing with stone and therefore would not increase the amount of hardstanding on the site, thus not causing harm to the Green Belt.

As such it is considered that this would not amount to disproportionate additions over and above the size of the original building, and so would constitute appropriate development in the Green Belt in terms of development. This is compliant with Chapter 13 of the NPPF together with part of policy LP57 of the Kirklees LP, and it is considered that the principle of the development is acceptable.

The proposal will now be assessed on the impact on visual and residential amenity and highway safety along with other policy considerations.

Impact on visual amenity and the historic environment

Chapter 12 of the NPPF sets out that decisions should ensure that, amongst other things, developments are sympathetic to local character, including the surrounding built environment (para.127 of the NPPF). Policy LP24 of the KLP expands on this further, setting out that good design should be at the core of all proposals in the district. With regard to extensions, it states under part c, that proposals should promote good design by ensuring 'extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details'.

Regarding the Council's House Extensions and Alterations Supplementary Planning Document,

- Key Design Principle 1 *"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."*
- Key Design Principle 2 *"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 detail."*

Paragraph 5.17 of the House Extensions and Alterations Supplementary Planning Document state that front extensions should:

- The house is set well back from the pavement or is well screened;
- The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area;
- The materials and design match the existing features of the original house;
- The extension would not unreasonably affect the neighbouring properties.

Weight can be afforded to previously approved planning application 2021/93913 which has the same sitting and positioning to the proposed extension. Additionally, the extension sits in front of the extension formed prior to 2012, which is thought to be a later addition to the original building preserving its character. The proposal has stone columns and a low foundation wall which the glazing and timber is set within. The combination of materials protects the historic character of the building, whilst incorporating new materials in a relatively modest way.

The development therefore would be acceptable in terms of visual amenity given the sitting of the extension, the preservation of the original building's character and the sympathetic design, which would comply with policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

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 House Extensions and Alterations Supplementary Planning 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.'*

Impact on 111 Moor Lane

No. 111 is situated to the east of the application site and is the adjoining dwelling. In terms of privacy, an opening is proposed on the east elevation. The opening will view neighbouring outdoor space and the side of the neighbouring front extension. This space is already shared, there are no boundary separations or openings on the side elevation of the forward projection of No. 111, due to this there will be no further harm to privacy from the openings. In

terms of overbearing / overshadowing, the extension will be ~19.00m from the property boundary, therefore there will be no impact.

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, 4, 5, 6 & 7 of the House Extensions & Alterations Supplementary Planning Document and Paragraph 130 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposals will result in some intensification of the domestic use. However, parking to the front of the property would not be affected by the proposed extension and is considered to represent a sufficient provision. Bin storage for the dwelling is to the side of the house and would not be moved as part of the proposals. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & Alterations Supplementary Planning Document.

Biodiversity

The proposal is for the construction of a single storey front extension which will not affect the roof of the existing dwelling. As the site is situated in an area that is known to include bat habitats, care should be taken if construction was to commence. As such, 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:

This application to erect a single storey Orangery, 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, Kirklees Local Plan, the National Planning Policy Framework and other material considerations. As such, the proposal is compliant with LP 24, amongst others

of the Kirklees Local Plan, the House Extensions & Alterations Supplementary Planning Document and other material considerations.

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 proposed development would be compliant in terms of impact to visual amenity and highway safety which therefore would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approved

Decision Authorisation - Delegated Powers**Application Number - 2023/92971****Officer Recommendation:** Approval**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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	01	1	06/10/2023
Proposed site / block layout	02	1	06/10/2023
Existing plans and elevations	03	1	06/10/2023
Existing plans and elevations	04	1	06/10/2023
Proposed plans and elevations	05	1	06/10/2023
Proposed plans and elevations	06	1	06/10/2023

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 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. In this case, no amendments were sought.

