

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:	2023/62/93023/E
Site Address:	Woodlands, 4, Highbridge Lane, Skelmanthorpe, Huddersfield, HD8 9JY
Description:	Demolition of existing conservatory and erection of replacement orangery
Recommending Officer:	Nicole Helliwell

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 18-Dec-2023

Officer Report

Reference No. 2023/62/93023/E

Site Address: Woodlands, 4, Highbridge Lane, Skelmanthorpe, Huddersfield, HD8 9JY

Proposal: Demolition of existing conservatory and erection of replacement orangery.

Site Description

The application relates to Woodlands, 4 Highbridge Lane, a two storey detached property located in Skelmanthorpe, Huddersfield. The dwelling is faced in stone and incorporates a dual-pitched roof finished in slate. The property benefits from off road parking, an ancillary outbuilding, a tennis court and gardens to the front, sides and rear. The neighbouring properties are of residential use and two storey dwellings of similar architectural styles and materials.

Description of Proposal

The application seeks planning permission for the construction of an orangery and an extension to the existing patio area. The existing conservatory will be demolished to allow for the proposed works. The orangery would project approx. 5.85m from the side elevation of the original dwellinghouse. It would have a maximum height approx. 4.65m and eaves height approx. 3.8m.

Relevant Planning History

- **2017/91444:** Erection of garage with car port. [Planning application details | Kirklees Council](#) - Conditional Full Permission
- **2004/92649:** Erection of conservatory. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **2003/91831:** Erection of swimming pool extension to existing building. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **2002/91156:** Erection of extensions and alterations to convert existing squash court/games room to 2 no. Dwellings with garages. [Planning application details | Kirklees Council](#) - Refused

Representations

The application was advertised by neighbour notification letters, which expired on 1st December 2023. As a result of the above publicity, no representations have been received.

Denby Dale Parish Council – No objections

Consultation Responses

KC Trees – No objections subject to recommended conditions

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 33** - Trees
- **LP 52** - Protection and Improvement of Environmental Quality
- **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 14** - Meeting the Challenge of Climate Change, Flooding and Coastal Change
- **Chapter 15** - Conserving and Enhancing the Natural Environment

Assessment

1. Principle of development

The application site is located on land allocated as 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 considered 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.

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 proposed addition would replace the existing conservatory on site and would retain its current footprint. Furthermore, given the location of the host property and its associated curtilage, it is considered that the effect on the Green Belt would be minimal. Therefore, the proposal would be of an acceptable appearance and would preserve the openness of the Green Belt.

On this basis, the proposal is considered to constitute appropriate development within the Green Belt, compliant with Chapter 13 of the NPPF and Policy LP57 of the Kirklees Local Plan. The application shall now be

assessed against these issues and other material planning considerations, including visual and residential amenity, as well as highway safety.

1. 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.'*

Orangery

The proposed single storey extension would project approximately 5.85m from the side elevation of the original dwellinghouse. The extension would be faced in cut stone and would incorporate a flat roof with an aluminium framed roof lantern. Although this feature would generally constitute poor design, the extension would be concealed by the existing boundary treatments and would have limited visibility from public vantage points. The extension would also project further than 4m and would exceed 4m in height, however, it would appear subservient and would have an acceptable scale relative to the original build. Furthermore, it is considered that the property and its curtilage would support the extension without it appearing incongruous. Therefore, it is considered that the proposed development would respect the character and appearance of the host property and wider street scene.

Extension to Existing Patio

The submitted plans confirm that the patio area adjacent to the existing conservatory would be extended as part of the application. 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 not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing

building, KDP 1 & 2 of the House Extensions and Alterations Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

2. Impact on 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 residential properties surrounding the application site that would be affected by the proposed works. Therefore, it is considered that the proposed development would not cause any undue harm to the neighbouring occupants with regards to overbearing, overshadowing or overlooking.

Occupier Amenity

It is noted that sufficient outdoor amenity space of a functional layout would be retained at the application site. As such, the proposed development 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.

3. Impact on 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.

4. 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 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.

Protected Trees

The Council's mapping system confirms that two protected trees (06/18/t6 & 06/18/t7) are located within the application site. As such, KC Trees were formally consulted on the application. From a trees perspective the proposed replacement orangery has effectively same footprint of the existing conservatory and is not considered a concern. However, there is also a proposed extension to the existing patio area. Although it will be well within the RPA of the adjacent tree, how the existing patio is demolished, and the new patio area is installed is very important.

The new patio surface must be established above the existing levels of the RPA and the ground must not be skimmed to establish the new hard surface at the former ground level. A geo-textile membrane should be laid out in position to allow drainage, separation and prevent pollution of roots. A Cellular Confinement System (CCS) should also be pinned out in position, using road pins and taking care to avoid any roots. The CCS should be backfilled with clean aggregate (no-fines stone to allow water percolation and gaseous exchange) and the first layer of CCS must be infilled by hand, to prevent any machinery from tracking over any unprotected root protection areas. The subsequent layers of CCS must be infilled with machinery only running on filled CCS and not the exposed surface of the RPA, by starting work from outside the RPA, working inwards.

The extension of the patio may change the relationship with the tree and could increase the risk of tree failures to people using the patio and seasonal nuisances like leaf drop and honeydew. Falling branches are a safety hazard. However, in the absence of a systematic tree survey, tree officers

are unlikely to be persuaded that the regular cleaning out of deadwood would fail to reduce the risk of such incidents to a safe level. Seasonal detritus associated with the tree is a nuisance, however the occurrence of detritus and the associated effort in clearing it is not in itself a reason to justify felling a tree that is a significant visual amenity. Therefore, it should be kept in mind that any future tree works applications that may arise post development as a result of these nuisances/failures will not likely be supported.

Overall, there are no objections to the proposal from a trees perspective. Subject to conditions requiring:

- A detailed Arboriculture Method Statement (AMS) following the guidance in BS5837:2012.
- The patio is constructed using a Cellular Confinement System (CCS) like Cellweb or similar approved

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

5. Representations

No representations were received following the statutory publicity.

6. Negotiation

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

7. Conclusion

This application for the erection of a replacement orangery at Woodlands, 4 Highbridge 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. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be 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 development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation - Delegated Powers**Application Number:** 2023/93023**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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP33, LP52 and LP57 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

3. The orangery hereby approved shall be faced in cut stone for the external walls with a flat roof in grey with a powder coated aluminium lantern. The materials of construction shall thereafter be retained for the lifetime of the development.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of Chapter 12 of the National Planning Policy Framework.

4. The patio hereby approved shall be constructed using a Cellular Confinement System (CCS).

Reason: To protect to viability of the protected trees within close proximity to the application site and to accord with Policy LP33 of the Kirklees Local Plan and the National Planning Policy Framework.

5. Development shall not commence until an Arboricultural Method Statement, has been submitted to, and approved in writing by the Local Planning Authority. The method statement shall include details of foundation design and how the construction work will be undertaken with minimal damage to the adjacent protected trees and their roots. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.

Reason: This detail is required prior to development commencing on site to protect to viability of the protected trees within close proximity to the application site and to accord with Policy LP33 of the Kirklees Local Plan and the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

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: 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. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a

notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

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. In this case, the design of the original scheme has been found acceptable. No further amendments or details were sought thereafter. Furthermore, the applicant has also confirmed their agreement to the pre-commencement condition.

Report Dated: 14/12/2023

Plan Type	Reference	Revision	Date Received
Existing Survey	243 (0-) 01	-	16/10/2023
Location Plan	243 (0-) 02	-	16/10/2023
Block Plans	243 (0-) 03	-	16/10/2023
Scheme As Proposed	243 (0-) 04	A	16/10/2023
Design and Access Statement	243	-	16/10/2023
Climate Change Statement	-	-	16/10/2023