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:	**2023/62/93351/W**
Site Address:	1, Butterley Lane, New Mill, Holmfirth, HD9 7EZ
Description:	Erection of first floor side and rear extension and alterations
Recommending Officer:	Laura Yeadon

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: 08-Jan-2024

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023/93351

Site Description

1 Butterley Lane is a detached property located within a large curtilage and is set back from the roadside, separated by a front, lawned garden. The two storey property is constructed from red brick and render and has a blue slate roof with uPVC windows and doors. The property has recently been extended via the erection of a single storey side and rear extension and a detached garage with garden room with the side and rear extension being finished in render.

The property hosts a driveway to the side which leads to the recently replaced garage. Also to the rear of the property is a large, more substantial garden to the rear. The dwellings along Butterley Lane itself are predominantly residential.

The site is located within the Green Belt as defined on the Kirklees Local Plan.

Description of Proposal

The application is for the erection of first floor side and rear extension and alterations.

The proposed first floor rear extension would sit above the existing ground floor extension and would be in two sections which is an extension above the existing porch and also an extension above the existing dining room/sunlounge. The first floor sections would lie flush with the existing ground floor elevations of both sections of extension.

The extension above the porch would increase the eaves height of the single storey section to match the eaves of the original dwelling and a pitched roof would be formed. The footprint of this section of extension is 2.6m x 3m.

The existing larger section of rear extension has a projection of 6.2 metres and width of 7.5 metres with a flat roof. It is proposed to raise the eaves of the property also to match the existing and with a pitched roof which would be set down from the ridge of the original roof form by 0.4 metres.

To the side of the property it is proposed that the existing single storey lean-to section would be increased in height again with an eaves height to match the existing. The existing extension extends to the side by 3.4 metres and spans the full depth of the property and forms part of the 6.2 metre projecting ground floor extension. The roof would be a lean-to design and would have a ridge height to match the height of the ridge of the proposed first floor rear extension.

The proposed construction materials would be red brick and render for the walls and blue slate for the roof with uPVC for the window openings.

History of negotiations/amendments received

No negotiations have taken place as it was not considered that the principle of development is acceptable or that the concerns in this respect could be overcome with a reduction to the proposed scheme given the additions already approved and constructed at the property.

Relevant Planning History

2019/92025 Demolition of exiting tandem garage and erection of single storey side and rear extension and detached garage with garden room
Conditional Full Permission – permitted development rights removed for the following reason:

4. 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-E inclusive 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 visual amenity and to prevent disproportionate additions to the property and within the curtilage so as to ensure the openness, character and appearance of the Green Belt is retained in accordance with Policy LP24 and LP57 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

The development granted permission by this consent has been completed.

Representations

We are currently undertaking the legal 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.

Final publicity date expired 28th December 2023 – no representations received

Holme Valley Parish Council - support

Consultation Responses

None required

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) and Holme Valley Neighbourhood Development Plan.

The site is without notation on the Kirklees Local Plan.

The site also falls within the Holme Valley Neighbourhood Development Plan and is within an associated landscape character area 7 – River Holme Wooded Valley.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 28** – Drainage
- **LP 30** – Biodiversity and geodiversity
- **LP 33** – Trees
- **LP 35** – Historic environment
- **LP 57** – The extension, alteration or replacement of existing buildings

Neighbourhood Development Plans:

- Holme Valley Neighbourhood Development Plan (2020-2031)

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

- 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
- Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain

The application site is within Landscape Character Area 7, River Holme Wooded Valley.

The key landscape characteristics of the area are:

- Glimpsed views towards the wider landscape through gaps between built form.
- Views across the wooded valley floor from elevated vantage points such as from Christ Church New Mill and Holy Trinity Church Hepworth.

- Stone boundary walls are common features.
- A network of Public Rights of Way (PRoW) crosses the landscape including a section of the Barnsley Boundary Walk, the Kirklees Way and the Holme Valley Circular Walk.

The key built characteristic of the area are:

- Settlements characterised by a close association between built form and landscape.
- Industrial heritage features such as weirs and mill buildings.
- Mounds and hollows, which are the remains of shallow tunnels created for coal mining, as well as piles of shale material and the remains of plateways (flat stones laid across fields to assist with vehicle movement), are also found across the moorland and fields.

Supplementary Planning Documents:

- House Extensions and Alterations SPD

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

Assessment

Principle of development:

The general principle of extending and making alterations to a property in the Green Belt are assessed against Policy LP57 of the Kirklees Local Plan and policies within Chapter 13 of the NPPF, which is discussed within the 'Green Belt' section of this report.

Policy LP1 of the Kirklees Local Plan states the following:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

It is important to note that there have been changes in planning policy since the previous approved application in terms of the adoption of the Council’s House Extensions and Alterations SPD in 2021. This is a material consideration of this current application.

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – 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.”

- Principle 2 – 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 detail.”

With specific regard to the House Extensions and Alterations SPD the other key designs principles for consideration are:

- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

With specific regard to the proposed development the SPD states that in terms of side and rear extensions, the SPD states:

Two storey side extensions

Section 5.19 of the SPD refers to side extensions and the potential impact they could significantly have on the character of the original house and the street. Adequate space between buildings should be retained to provide a sense of space which is important to the character of an area. 5.20 states two-storey side extensions should:

- 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 500mm from the front wall of the house.

5.21 includes first-floor side extension which indicates how spaces between houses, are important in providing a sense of space, local character and attractive appearance of an area and should be retained.

Two storey rear extensions

Section 5.1 followed by 5.2 of the SPD refers to the general rules, where a rear extension should:

- Preserving a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Being set behind the original building, and not projecting beyond the sides; and
- Maintaining external access to the rear garden.

- respect the original house and garden in terms of its size and scale;
- use appropriate materials which match or are similar in appearance to the original house; and
- not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.

Section 5.8 goes on to refer to two-storey rear extensions will be considered based on the extent of overshadowing, loss of privacy and outlook. Generally, two-storey rear extensions should:

- be proportionate to the size of the original house and garden;
- not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings);
- not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties;
- not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary;

- be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre; and
- not adversely affect habitable room windows where they adjoin a neighbour's boundary

Green Belt

The site is located within the Green Belt and therefore the main issues are:

- whether the proposal would be inappropriate development for the purposes of the NPPF and Kirklees Local Plan
- the effect of the proposal on the openness of the Green Bely, and on the character and appearance of the area
- if found to be inappropriate development, whether the harm by reason of inappropriateness is clearly outweighed by other consideration, so as to amount to the very special circumstances, necessary justify development

Policy LP57 of the Kirklees Local Plan is relevant and states the following:

'Proposals for the extension, alterations or replacement 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'*

Turning to national planning policy detailed within the NPPF, the following is relevant:-

Paragraph 152: *'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'*

Paragraph 153: *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'*

Paragraph 154: *'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

c) the extension or alteration of a building, providing the new building is in the same use and not materially larger than the one it replaces;'

Green Belt – Is the development inappropriate development in the Green Belt?

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt (para. 143), the most relevant in this case being to assist in the safeguarding the countryside from encroachment. Paragraph 152 states that inappropriate development should not be approved except in very special circumstances. Certain forms of development are exceptions to 'inappropriate development'. These are set out within paragraphs 154 and 155 of the NPPF.

The construction of new buildings is regarded as inappropriate development in the Green Belt. Within paragraph 154 one of the exceptions to this is the extension or alterations of a building provided that it does not result in disproportionate additions over and above the size of the original building.

The existing building has been the subject of a previous application at the site which obtained planning permission for the erection of single storey extension and a garden. The Officer Report for that application cites that *'The extension and garage would increase the volume of the dwelling by approximately 66%. Policy LP57 requires that the original building should remain the dominant element in terms of size and overall appearance. This is reiterated in Policy LP24 as any extensions should be subservient. Whilst the increase is substantial it is considered that the scale and mass of the host building can withstand the level of extension proposed.'*

Due to the substantial 66% volume increase to the application site and due to this substantial increase, permitted development rights were removed to protect the openness and character of the Green Belt. In addition it is noted that the realistic pd fall back was taken into account in the consideration of the 2019 application, and it is further noted pd rights are removed as a result of that consent and its implementation / completion.

This application seeks to add a first-floor extension to the property, above the approved and constructed single storey elements of the scheme. This would result in an approximate total of 90% increase in additions to the property (including the detached garage and garden room). Such an increase is considered to be disproportionate to the original building and is therefore contrary to paragraph 154 of the NPPF and Policy LP57 of the Kirklees Local Plan.

There is no formal definition of disproportionate additions and each application must be assessed on its own merits. Previous case law has demonstrated that the assessment of disproportionate additions cannot be made purely in a mathematical way by reference to size when measured in floor space, volume or mass, but that appearance and visual impact are an important part of a proper evaluation.

Green Belt – The effect of the proposal on the openness of the Green Belt and on the character and appearance of the area

Whilst the works would represent inappropriate development, for completeness, the impact on openness needs to be considered. The proposed extensions would be located on the side and rea of the property, to the north of the original dwelling and within the established residential curtilage. The main bulk of the extension would be to the rear of the property and would contain a significant amount of large glazed openings. It is considered that in this case, the proposed development when taken together with previous development at the site would lead to an adverse impact on the spatial and visual openness of the Green Belt over and above that of the original dwelling. Whilst the footprint of the building would not increase, the increase in terms of size, scale and massing would read as a further encroachment of urban development in the Green Belt which, when considered over and above the extent of the original dwelling impacted, is considered to be to a harmful degree.

Green Belt – Very special circumstances

As addressed above, paragraphs 152 and 153 of the NPPF state that should development be considered harmful, very special circumstances to allow the development must be demonstrated. In this instance, there is no Supporting Statement submitted which seeks to demonstrate 'very special circumstances' and no details are contained within the application form. No circumstances are considered to be present in this case which can be concluded to amount to very special circumstances which outweigh the harm of the development to the Green Belt.

As such, no very special circumstances have been put forward to justify approval of the scheme whereby the proposed extensions would result in disproportionate additions to the original building which constitutes inappropriate development.

Green Belt - Conclusion

In conclusion, the proposed first floor side and rear extensions would represent inappropriate development in the Green Belt due to the cumulative impact of both the existing and proposed extensions to the property with no information submitted to amount to 'very special circumstances' required by the NPPF. The proposal would therefore fail to accord with Policy LP57 of the Kirklees Local Plan and policies within Chapter 13 of the NPPF.

<u>Impact on visual amenity:</u>

Policy 1 of the Holme Valley Neighbourhood Development Plan (HVNDP) sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA 7, detailed in the 'Policies' section of this report)

Policy 2 of the HVNDP states that new development should protect and enhance local built character and distinctiveness, strengthen the local sense of place by respecting the existing grain of development in the surrounding area, use local materials and detailing which add to the quality or character of the

surrounding environment, respect the scale, mass, height and form of existing buildings in the locality and their setting.

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Paragraph 4.5 of the SPD relates to the impact that a scheme would have specifically on the original house. It explains that proposals should normally be smaller in scale than the original property and set back from the existing building line. It goes on to explain that two storey extensions should be set down from the ridge and generally smaller in footprint.

In this instance, the proposed extension would be at first floor level and would sit above the existing elevations, lying flush. Both the side and rear extensions would be set slightly below the existing ridge line with the front elevation of the two storey side extension being set back from the front elevation of the property.

With specific regard to the resultant two storey side extension, this would take up all the space to the side of the property and would not maintain a 1 metre gap to the boundary. Notwithstanding this, the works would be above the existing single storey element and due to the adjacent neighbouring property being set in from the boundary and being detached, a sense of space would be retained between the 2 no. dwellings.

In terms of the rear extension when assessed taking into account the ground floor extension, it is not considered that this would comply with sub-paragraph 5.8 of the SPD. The proposed main rear section of the extensions would not be proportionate to the size of the original property and whilst there would be sufficient garden space remaining, the proposed works far exceed the parameters of the SPD which states that extensions should not exceed more than 4 metres on detached properties. The extension itself would project 6.2 metres at two storey height which would not comply with the SPD and would be visually disproportionate, visually intrusive and out of character with the host and surrounding development. Cumulatively the extension to both the side and rear of the property would not present a subordinate addition but would present an undue level of bulk and massing to the side and rear of the property. In addition, in terms of the visual impact, the extensions would over dominate the property and therefore the wider street scene.

The proposed construction materials would match the host property and therefore are considered to comply with Key Design Principle 9 of the SPD and Policy LP24 of the Kirklees Local Plan.

It is therefore 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 of the Kirklees Local Plan, Principles 1 and 2 of the Holme Valley Neighbourhood Development Plan or Key Design Principles 1 and 2 of the House Extensions and Alterations SPD.

Impact on residential amenity:

Policy 2 of the HVNDP sets out that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings and prevent or reduce pollution as a result of noise, odour, light and other causes. Light pollution should be minimised and security lighting must be appropriate, unobtrusive and energy efficient.

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. 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 terms of the impact of the proposals on the neighbouring dwellings, the proposed works would not encroach any further towards neighbouring dwellings however, the impact of the first floor elements is a material consideration.

In this case the adjacent property to the west is a newly built dwelling which, according to the approved plans has two ground floor openings which face the application site however these are obscurely glazed openings. There are no proposed openings within the side elevation of the first floor extension above the porch however there is an opening within the side elevation of the larger rear section of extension. As this would be a secondary opening and separated from this neighbour by approximately 15 metres it is not considered that this opening would cause significant harm. In terms overshadowing and/or being overbearing, due to the orientation of the neighbouring dwelling against the location of the proposed extensions, it is not considered that significant harm would be caused to this regard.

In terms of the adjacent property to the east, this is a small bungalow with the proposed side element of the proposed sitting along the shared boundary. Whilst there are no proposed openings within the side elevation facing this property which would give rise to overlooking at close quarters, due to the location of the proposed extension, sitting along the shared boundary with this property and the property being a bungalow, the works would bring the overall scale and massing closer to this property which would result in an oppressive feature which would tower over this neighbour and would reduce the amount of natural light to the amenity space.

There are no properties to the rear that would be impacted on by the proposals and in terms of the facing property, no established separation distances would be reduced.

Key design principle 5 of the SPD recommends that, in relation to overshadowing, the 45-degree rule should be treated as a starting point in assessing impact for all extensions, i.e. a line drawn from the midpoint in the nearest adjacent habitable room window at an angle of 45 degrees should preferably not intersect the extension. In this case, in terms of the two storey side and rear extension in isolation, the 45 degrees required would not be met due to the proximity of the extension to the neighbouring property.

Key Design Principle 7 requires that extensions should ensure that appropriately sized and useable areas of outdoor space is retained and in this instance, due to the extent of curtilage and as demonstrated on the submitted block plan, the works are not considered to result in an overdevelopment of the site as a usable garden space would remain.

In light of the above, the proposal is considered to have an unacceptable impact on residential amenity and would be to the detriment of the living conditions associated with No. 3 Butterley Lane. The scheme therefore fails to comply with Policy LP24 (b) of the Kirklees Local Plan and Key Design Principles 5 and 6 of the House Extensions and Alterations SPD.

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 resultant dwelling would be a 5 no. bedroom dwelling and therefore 3 no. off-street parking spaces are required to be provided. There is sufficient space within the garage for 2 no. vehicles and also there is sufficient space on the existing driveway for additional parking. As such, it is not considered that there are any highway or parking concerns for this application site.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

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. Policy 12 of the Holme Valley Neighbourhood Development Plan seeks to ensure that energy efficient designs are used in all new buildings.

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 pre-dates 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.

A Climate Change Statement has been submitted with the application which identifies the requirement of thermal efficiency, construction materials and low water consumption appliances which is considered acceptable for the size of the proposed development.

Biodiversity – 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. Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Home Valley Neighbourhood Plan sets out that development proposals should demonstrate how biodiversity will be protected and enhanced including the local wildlife, ecological networks, designated Local Wildlife Sites and habitats.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the fact that albeit the extension will connect into the existing roof, the property in this case appears to be well sealed and maintained with little opportunity for bats.

Coal legacy – The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the

deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 180 and 189 of the National Planning Policy Framework.

Representations:

None

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.

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 proposals do not accord with the development plan and/or the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

Recommendation **REFUSE**

Decision Authorisation - Delegated Powers

Application Number: 2023/93351

Officer Recommendation: Refuse

Reasons:

1. The cumulative impact of the existing and proposed extensions would result in disproportionate additions to the original dwelling which constitutes inappropriate development in the Green Belt. No very special circumstances exist which clearly outweigh the harm to the Green Belt by reason of inappropriateness and other harm. The development would be contrary to Policy LP57 of the Kirklees Local Plan and Policies in Chapter 13 of the NPPF.

2. The proposed extensions by reason of their design, scale and massing would not be of a subservient design and would appear as an incongruous and discordant addition to the host dwelling, which would lead to harm to the character and appearance of the dwelling and the wider street scene. The proposal would therefore be contrary to Policy LP24(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 Policy set out in Chapter 12 of the National Planning Policy Framework.

3. The proposed extensions, by virtue of their scale, design and siting in relation to the shared boundary would have a detrimental impact to neighbouring occupiers forming an overly overbearing and oppressive impact to the occupiers of No. 3 Butterley Lane. The proposal would fail to retain a high standard of amenity for the occupiers of no.3 contrary to Policy LP24(b) of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan, Key Design Principles 5 and 6 of the Kirklees House Extensions and Alterations Supplementary Planning Document and policy within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Location plan	23/938/01		16th November 2023
Existing block plan	23/938/02		16th November 2023
Existing elevations and floor plans	23/938/03		16th November 2023
Proposed elevations and floor plans	23/938/04a		16th November 2023
Climate Change Statement	22/938		16th November 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.

No negotiations have taken place as it was not considered that the principle of development was acceptable / could be overcome with a reduction to the proposed scheme given the additions already approved and constructed at the property.

Report Dated: 8th January 2023

Coal – low