

**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:	2023/62/93518/E
Site Address:	The Willows, Town End Lane, Lepton, Huddersfield, HD8 0NA
Description:	Erection of single storey side extension, car port and enlarged roof dormer
Recommending Officer:	Morgan Braithwaite

DECISION – CONDIITONAL 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: 28-Feb-2024

OFFICER REPORT

Site Description

The Willows, Town End Lane, Lepton, Huddersfield, HD8 0NA is a two-storey detached dwelling.

The property is constructed from brick.

The dwellings that form the street scene are not uniform in appearance, scale or material palette. The area is predominantly residential in nature.

Description of Proposal

This application has been received for the erection of a single storey side extension, carport and enlarged roof dormer.

The proposed alterations would be constructed of materials which match the existing dwellinghouse.

The proposed extension would extend approximately 4.8m from the side elevation of the existing dwellinghouse, with a length of approximately 5.1m.

The proposal would feature a pitched roof with a ridge height of 4.3m and an eaves height of 2.5m.

The proposed car port would extend approximately 4.8m from the side elevation of the existing dwellinghouse with a length of approximately 8.1m.

The proposal would feature a pitched roof with a ridge height of 3.2m and an eaves height of 2.3m.

The dormer enlargement would increase in width from approximately 1.7m to 2.8m, there shall also be an increase in height from approximately 3.1m to 3.4m. The enlarged dormer shall also see an increase in projection from approximately 3.1m to 3.3m.

The proposal shall be constructed of materials which are matching those of the existing dwelling.

Relevant Planning History

No relevant planning applications.

Representation

The application was advertised by neighbour notification letters, which expired on 22.01.2024. The application was also advertised by a site notice. No representations have been made as a result of the site publicity.

Kirkburton Parish Council was notified of the proposal and had no objections to the application.

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).

The site is within the designated Green Belt on the Kirklees Local Plan.

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 57** – The extension, alteration or replacement of existing buildings

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.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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 12 – Achieving well-designed and beautiful places
- Chapter 13 – Green Belt

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Negotiations
- 7) Conditions
- 8) Conclusion

1 – Principle of development:

The site is designated as Green Belt.

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. Paragraph 152 of the NPPF states that inappropriate development should not be approved except in ‘very special circumstances.

Paragraphs 154 and 155 of the NPPF set out that certain forms of development are exceptions to ‘inappropriate development’. Paragraph 154 sets out that the extension or alteration of a building could be appropriate provided it does not result in disproportionate additions over and above the size of the original building. Policy LP57 of the Kirklees Local Plan is consistent with advice within the NPPF. Policy LP57 of the Local Plan relates to the extension, alteration, and replacement of existing buildings in the Green Belt. In the case of extensions, it notes that these will be acceptable provided that the original building remains the dominant element both in terms of size and overall appearance. Policy LP24 of the Local Plan is concerned with the design of a proposal, stating that good design should be at the core of all proposals in the district.

Policy LP57 also outlines that such development should not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standing, curtilages and enclosures and means of access. Further to this, Policy LP57 states that with such development, the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.

The property is located in a semi-rural location with adjoining neighbours, along with other properties in the area. The proposal includes extensions to the dwellings along with the enlargement of an existing dormer. These alterations shall be considered in terms of the green belt below.

Single storey extensions

When assessing whether extensions are disproportionate, the scale and design need to be considered. The location of the host property is within a small area with other buildings and the scale of the single storey extensions are considered modest, relative to the host property. The main house would remain the dominant element of the site, the works proposed would not represent disproportionate addition to the dwelling and would have little effect on the Green Belt given its proposed scale and location.

Dormer extensions

When considering the dormer extension, it again must be considered if the extension is disproportionate, the scale and design need to be considered. The location of the host property is within a small area with other buildings and the scale of the single storey extensions are considered modest, relative to the host property. The main house would remain the dominant element of the site, the works proposed would not represent disproportionate addition to the dwelling and would have little effect on the Green Belt given its proposed scale and location.

The development proposals cumulatively would not result in disproportionate additions, as such can be supported in this instance.

When considering an 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. The proposal complies with Chapter 13 and LP57 of the Kirklees Local Plan as the proposal does not dominate the original building, does not impact on the openness of outdoor areas.

In regard of this application, it is deemed that no harm should impact the greenbelt. This is due to the proposal being alterations and improvements to existing elements of the original dwellinghouse. Therefore, the proposal complies with the House Extensions and Alterations SPD.

2 –Impact on visual amenity:

Key Design Principle 1 of the House Extensions & Alterations supplementary planning document (SPD) state that extension and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area of the street scene. Furthermore, Key Design Principle 2 of the HEASPD goes onto 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.

The proposal would be visible from the street scene as the proposal forms a side extension which is adjacent to the footpath and driveway to the east of the dwelling. The proposal would create a single storey side extension, the materials of the proposal would be in keeping with the host dwelling. Due to the single storey scale of the proposal, and there being an existing single storey element of the dwelling, it is not considered to impact the PROW when affording weight to the existing relationship to the footpath (KIR/80/10).

The works to the dormer are of an acceptable scale and would allow the roofscape to remain the dominant element. The design and materials are acceptable and would be in accordance with the Kirklees Local Plan and SPD. Having taken the above into account, the proposed extensions 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.

3 – 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 proposal 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 Principal 3 on privacy, Key Design Principal on overshadowing/loss of light, Key Design Principal 6 on preventing overbearing impact and Key Design Principal 7 for outdoor space.

The proposal would not take up useable amenity space and sufficient amenity space would be retained if the proposal was to receive permission. Therefore, the proposal would be acceptable in terms of the residential amenity of future occupiers of the dwelling.

Impact on Far Walk, Town End Lane, Lepton, Huddersfield, HD8 0NA

There is approximately 16.1m between the side elevations of each dwelling. The proposal would be single storey in scale, with the single storey extension and carport residing to the east of the applicant property which would not be visible to Far Walk. The enlargement of the dormer is to the west elevation of the applicant property which would be visible to Far Walk. However, there is an existing dormer present, and the works would not alter this existing relationship. There is a satisfactory separation distance between the two dwellings. As such, no material issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on Cherry Burn, 30, Town End Lane, Lepton, Huddersfield, HD8 0NA

There is approximately 9m between the front elevation of the applicant property and the rear elevation of Cherry Burn. The proposal is single storey in scale along with the enlargement of an existing dormer. The single storey proposal would be predominantly screened from Cherry Burn by the boundary treatment between the two dwellings. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on Oakes Fold, Town End Lane, Lepton, Huddersfield, HD8 0NA

There is approximately 15.7m between the front elevation of the applicant property and the side elevation of Oakes Fold. The proposal is single storey in scale and would be somewhat screened from Oakes Fold by the vegetation and trees on the boundary of Oakes Fold. The enlarged dormer would not be visible to Oakes Fold as the dormer is on the west elevation of the applicant property and Oakes Fold resides to the east of the applicant property. As such, no significant issues of overlooking, overshadowing/loss of light or overbearing impact.

In summary, the proposal would have no adverse impact upon the residential amenity of adjacent occupiers and would accord with Policy LP24 of the KLP and the Key Design Principals of the House Extensions and Alterations SPD.

4 – Impact on highway safety:

The proposal would result in some intensification of the domestic use of the property. However, the proposal would not alter parking arrangements but would see the addition of a third bedroom. However, there is sufficient space to accommodate the required parking provision of 2 cars.

Therefore, the proposal would not represent any additional harm in terms of highway safety and as such, complies with the Policy LP22 of the Kirklees Local Plan along with Key Design Principals 15 & 16 of the House Extensions and Alterations SPD.

5– 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.

PROW

It is noted that a Public Right of Ways runs alongside the east of the applicant property. However, due to the existing single storey element of the dwellinghouse and the proposal being single storey in scale, it is not anticipated that there should be any issues with overshadowing or overbearing impact on the footpath.

6 – Representations:

The proposal was also advertised through a site notice, along with notifying Kirkburton Parish Council. No objections have been made to the proposal as a result.

7 – Negotiations:

No alterations were requested during the course of the application.

8 – Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Matching materials condition

9 – Conclusion:

The application to erect a single storey side extension to The Willows, Town End Lane, Lepton, Huddersfield, HD8 0NA 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.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Governments 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: 2023/93518

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

3. The external facing and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of chapter 12 of 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: 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: -

Plan Type	Reference	Date Received
Grouped Plans and Elevations – Proposed Plans	1019404	29.11.2023
Grouped Plans and Elevations	1019403	29.11.2023
Location Plan	1019401	29.11.2023

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 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 alterations have been sought since submission as the proposals were considered to be acceptable in their original form.

Report Dated: 15.02.2024