

**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:	2023/62/93553/W
Site Address:	7, Owl Mews, Lascelles Hall, Huddersfield, HD5 0BD
Description:	Erection of single storey side extension and porch gallows (Listed Building)
Recommending Officer:	Tom Hunt

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 21-Mar-2024

Officer Report

Site Description

2023/93553 – 7, Owl Mews, Lascelles Hall, Huddersfield, HD5 0BD

The application site is an end terraced dwellinghouse within a historic subdivided stable block and barn in a U-shaped plan. It is constructed with natural stone and stone slate roof, which is hipped at rear. It is Grade II Listed (Historic England Listing ref: 1313322). The group of Listed Buildings has the most visual/historic interest at its northwest elevation as demonstrated by its visually attractive central carriage entrance with elliptical arch and fenestration details compared to the plainer forms of fenestration to the flank and southeast facing elevations (this is confirmed by a previous '91 Appeal and the Listing). There is a low stone wall with thick green hedging cumulatively appearing as over 2m in height from ground to this boundary.

It is accessed via Owl Mews a private road and has gardens to its northeast and southeast including a tennis court and detached outbuildings. The host is partially in the Green Belt to its northeast with its northeast side porch sited within.

Description of Proposal

Erection of single storey side extension and porch gallows (Listed Building)

All figures are approximate and in metres.

The proposed single storey extension with a pitched roof would be adjoined to and forward of the existing porch extension. It would have the dimensions of:

- 3.1m projection from the side
- 4.2m width
- 3.4m roof ridge height measured from ground level.
- 2.4m eaves height measured from ground level.

It would be mainly glazed with an oak frame and have a reclaimed stone slate roof. Whilst the extension's purpose is not designated as a sunroom on plans, its design would resemble that of a sunroom and is likely to not add an additional bedroom to the host in the extension itself.

It is proposed to have a pitch roof canopy over the doorway at the southeast elevation. This would be constructed using oak timber and stone slate tiles. It would have an overall height of 3.1m and extend 1m from the elevation.

History of negotiations/amendments received.

The case officer considered the application on review and sought no amendments as they would require significant alterations to the scheme. The principle of the development could not be supported under policies on heritage amenity.

Relevant Planning History

2023/93554	Listed Building Consent for erection of single storey side extension and porch gallows. <i>Pending (associated application).</i>
94/91380	Erection of joined porch (Listed Building). <i>Conditional Full Permission.</i>
94/91381	Listed Building Consent for erection of joined porch. <i>Granted.</i>
91/02622	Listed Building Consent for erection of joined porch extension to 2 no dwellings. <i>Refused.</i>
91/02621	Erection of joined porch extension (Listed Building). <i>Refused.</i> Appeal ref: T/APP/Z4718/A/92/198840/P8 Appeal ref: T/APP/Z4718/E/92/808651/P8 <i>Dismissed.</i> Officer note: this was for a smaller, mostly glazed/timbered extension with a slate roof (southeast elevation).
90/04028	Erection of joined porch extension (Listed Building) <i>Refused.</i>
90/04029 extension.	Listed Building Consent for erection of joined porch <i>Refused.</i>
86/00212	Listed Building Consent for installation of additional windows. <i>Granted.</i>
86/03985	Listed Building Consent for reconstruction of distressed east wall. <i>Granted.</i>

85/02936 Conversion of barn to 3 dwellings with associated garages (Listed Building).
Granted.
Officer Note: Appeal Dismissed 07/07/1986. No reference number found.

85/02937 Listed Building consent for conversion of barn into 3 dwellings and erection of garage block.
Granted
Officer Note: Appeal Dismissed 07/07/1986. No reference number found.

Representations

We are currently undertaking 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, site notice and press publicity which had a final expiry date of 15/03/2024.

No representations have been received.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- Conservation & Design – Object. Further details are within the ‘Visual and Heritage Amenity’ section of the report.

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 a Grade II Listed Building (Historic England Listing ref: 1313322) on the Kirklees Local Plan. The site is partially within the Green Belt on the Kirklees Local Plan. Of note, the northeast elevation including the single-storey side porch are in the Green Belt.

It is within a Bat Alert layer. It is within a High Risk Coal area for development and is not within an identified risk area for historic gas and landfill.

It is within Flood Zone 1, and there has been some identified local, low level surface water flooding outside of the site. Owl Mews is an unadopted highway (southeast access to site) feeding into Lascelles Hall Road, an adopted highway.

Kirklees Local Plan (LP):

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 30 – Biodiversity & Geodiversity**
- **LP 35 – Historic Environment**
- **LP 53 – Contaminated and unstable land**
- **LP 57 – The extension, alteration or replacement of existing buildings**

Supplementary Planning Guidance and other considerations

- Highways Design Guide SPD
- House Extensions and Alterations SPD (2021)
- Waste Management Design Guide for New Developments (Oct 2020, v.5)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)
- Institute of Air Quality Management Land-Use Planning & Development Control; Planning for Air Quality (2017)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Planning (Listed Building & Conservation Areas) Act (1990)

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 9 – Promoting sustainable transport
- Chapter 10 – Supporting high quality communications
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development

- 2) Impact on visual amenity and heritage amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology
- 6) Representations
- 7) Conclusion

1 – Principle of development:

1.1 Sustainable Development

Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive and proactive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *“good design should be at the core of all proposals in the district”*.

Key Design Principles 1 and 2 of the House Extensions and Alterations SPD have been used as a guide in considering the proposal’s visual amenity impact on the streetscene and host.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

1.2 Green Belt

The site is partially within the Green Belt and the proposed single-storey extension is sited in the Green Belt as is the single-storey porch extension. The general principle of extending and making alterations to a property within the Green Belt are assessed against Policy LP57 of the Kirklees Local Plan and national policy within Chapter 13 of the NPPF.

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 143), the most relevant in this case being:

“c) to assist in safeguarding the countryside from encroachment”
as it is in the countryside.

Policy LP57 of the Kirklees Local Plan mirrors the view of the NPPF by stating at LP57a) that the original building should remain the dominant element in size and overall appearance in relation to extensions. LP57c) states that proposals must ensure that they do 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. LP57d) guides Officers to ensure that 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.

Is it appropriate development in the Green Belt?

Paragraph 152 of the NPPF 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. 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 alteration of a building providing that this does not result in disproportionate additions over and above the size of the original building.

In this instance, the proposed single storey side extension would be located within the Green Belt along with an existing non-original side extension.

As the extension would be limited to a 3.1m projection, is single storey in height and of a subservient design to a two-storey host, it is not considered that the works that fall in the Green Belt would result in an disproportionate addition to the Green Belt and the proposal is therefore not considered to constitute inappropriate development in the Green Belt and would comply with Policy LP57 of the Kirklees Local Plan and Chapter 13 of the NPPF.

1.3 – Heritage

The site is part of a group of Grade II Listed Buildings. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

In addition, Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment support the Act.

Furthermore, LP35 states *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in...harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring...public benefits that clearly outweigh the harm”*. This is mirrored in paragraph 208 in Chapter 16 of the NPPF.

Paragraph 203 goes on and states that Local planning authorities should consider:

“the desirability of sustaining and enhancing the significance of heritage assets... the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and; the desirability of development making a positive contribution to local distinctiveness” when determining these applications.

It is noted that the northeast elevation was reconstructed following structural issues with additional windows (applications ref: 86/00212 and 86/03985).

An analysis of whether harm to the significance of these heritage assets would occur will be assessed and discussed later in the report.

2 –Impact on visual amenity and heritage amenity:

In terms of visual amenity, general design considerations are set out in Policy LP02, LP24 and LP35 of the Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD, and Chapter 12 and 16 of the NPPF, which seeks to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, respecting and enhancing the character of the townscape, heritage assets and protect amenity. LP24 also requires extensions to be “*subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details*”.

The Conservation & Design Officer had been informally consulted on the scheme.

Relevant to this is the Kirklees House Extensions and Alterations SPD 2021, which aims to ensure future development of extensions and alterations is of high-quality design.

The proposed doorway canopy would add a modestly complicated additional architectural detail to the plainly detailed southeast elevation of the group of Listed Buildings disrupting its clean lines however this would appear visually subservient, permeable and of low impact set back significantly from Owl Mews. It would therefore be acceptable subject to condition on matching the roof material to the existing host for visual and heritage amenity.

Paragraphs 5.15-5.16 of the SPD (page 28) relate in general to proposed side extensions to have those be located and designed to minimise its impact in the locality and to reflect the design of the host in roof style, pitch, materials and detailing.

Specific to single-storey side extensions (page 28), paragraphs 5.17-5.18 advise that they should be offset and complement the original building. They should also:

- not extend more than two thirds of the width of the original house;
- not exceed a height of 4 metres; and
- be set back at least 500mm from the original building line to allow for a visual break.

The proposal would comply with those parameters except in the use of materials and detailing.

The current porch is set significantly back by 6.7m from this elevation and does not appear in views of this elevation minimising its visual and heritage impact. The proposed single-storey addition would have its height, bulk and massing prominently closer to this elevation set back by 2.7m appearing as an intrusive element to the host. It would introduce an uncharacteristic feature by further obscuring the side elevation of the host with an additional protrusion closer to the northwest principal elevation harming its historic and architectural interest.

The proposed would add a quantum of incongruous glazing and thickly timbered framing to the traditional stone elevation of an agricultural barn of historic interest. It would introduce an inharmonious roof form to the building's elevation adjoining the existing extension adding an incompatible design and

incongruous use of materials to the host. It would protrude forward of the existing single-storey side extension adding a dominant quantum of bulk and massing to the host to lead to a greater harmful degree of obscuration to its elevation. As such, the design would not appear visually integrated with the existing extension nor host.

As such, it would appear wholly out of character with the historic significance of the agricultural character and design of the barn, altering significantly its u-shaped plan form. This would not appear in keeping with the historic architectural character, design and plan form of the host and be contrary to Key Design Principle 2 of the House Extensions and Alterations SPD and incompatible with Council's duties under the Planning (Listed Building and Conservation Areas) Act.

The submitted Design, Access and Heritage Statement justifies this by confirming that the proposed development would be well screened due to its location near existing mix of hard and natural screening. In addition, its use of stone slate will assist in harmonising the structures with the Listed Building. The Statement concludes that the oak would weather and blend into the fabric of the host to harmonise with the host's natural stone. Nonetheless Officers raise concerns over the uncharacteristic use of glazing and thick oak frames appearing visually intrusive to the host's original and simple U plan form and of a design/material palette failing to appear integrated to the historic character of the host. The existing screening is noted to minimise this effect however the existing green screening could be reduced at any stage revealing more of the original host's elevation and its additions to appear more prominent. As such Officers are unable to consider the more temporary nature of the screening as a sufficiently mitigatory factor in order to compensate for the more permanent structure's visual impacts.

To further minimise harm, an existing narrow window addition (which already appears uncharacteristic to the existing fenestration) will be used to form an internal door opening into the new extension; repurposing the window and obscuring this slightly detractive design would not be significant. The minor alteration would have the removed sections of stone retained on site for any future use.

Whilst the Statement contends that the alterations would have a neutral impact on the group of Listed Buildings, Officers are unable to support the harmful impact to the host. Even though this would be less than substantial harm, great weight should be given to that harm and as such public benefits would be required to clearly and convincingly outweigh this harmful impact. The purpose is to provide a functional use for the applicant for the enjoyment of their garden land and additional shelter to the main entrance as such these purposes would be considered a private benefit. The side extension would appear to harmonise with the use of stone slate tile materials and timber to silver to a degree closer to the natural stone of the host and would modestly obscure a fenestration style which appears uncharacteristic to the host's own with some very limited visual benefit, however this would not be considered sufficient to outweigh the additional quantum of massing close to the significant elevation of architectural and historic interest.

As such, the proposed single-storey side extension would fail to respect the original character and design of the host and area by adding a dominant and visible side extension adding an inharmonious roof form to this elevation and

uncharacteristic substantial sections of glazing to the historic host. In addition, its bulk and massing would protrude forward of its existing porch side extension to appear as an incongruous form of development closely competing with the most significant northwest elevation of the historic host and its plan form leading to less than substantial harm to the significance of the Grade II listed group of Buildings. The adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies. The proposal is therefore contrary to Policies LP24 (a and c) and LP35 of the Kirklees Local Plan, Key Design Principle 2 of the House Extensions and Alterations SPD, Government Policy contained within Chapters 12 and 16 of the NPPF and the Council's duties under the Planning (Listed Building and Conservation Areas) Act.

3 – Impact on residential amenity:

Section B and C of Policy LP24 of the Kirklees Local Plan states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 135f) of the National Planning Policy Framework 2023 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Key Design Principles 3-6 of the SPD guide Officers on assessing impact to residential amenity.

It is considered that the proposed development on the northeast elevation would be sited a sufficient distance away from any other neighbouring properties so as to prevent undue harm to these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect. The limited canopy design is sufficiently positioned at a distance away from the adjacent door of no. 5 Owl Mews to not add any significant additional impact on this neighbour in terms of residential amenity.

Future Occupiers

With reference to Key Design Principle 7 of the House Extensions and Alterations SPD, the proposal would still retain a substantial, outdoor private amenity space available to future and present occupiers for excellent standards of privacy.

The proposal would therefore be in general conformance with LP24b of the Kirklees Local Plan, the Key Design Principles relating to residential amenity of the House Extensions and Alterations SPD and Chapter 12 of the NPPF.

4 – Impact on highway safety:

Turning to highway safety and parking, policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking. The proposed development would not adversely affect the existing parking spaces within the site, nor would intensify use and therefore would not cause additional harm to highway safety. This would comply with Policies LP21 and 22 of the Kirklees Local Plan, Key Design Principles 15 –16 of the House Extensions and Alterations SPD, the KC Highway Design Guide SPD and Chapter 9 of the NPPF

5 – Other matters:

Climate Change

When determining planning applications the Council will use the relevant Local Plan policies, the NPPF and guidance documents/SPDs to meet targets to achieve net zero carbon emissions. A Climate Change Statement has been supplied. Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

Biodiversity

Whilst considering Biodiversity, Key Design Principles 12 –13 of the House Extensions and Alterations SPD, LP 30 of the Kirklees Local Plan and Chapter 15 of the NPPF is relevant.

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest and therefore considered unlikely that the proposals would have an impact on the bat population. In the event of an approval, an informative would have been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to.

The small scale of the proposal would be on an existing lawned area with no significant impacts to existing vegetation or biodiversity. As such, it is proposed that this would require no additional compensation or mitigation to improve biodiversity to make it acceptable in line with KDP 12-13 of the SPD and LP30 of the Kirklees Local Plan.

Contaminated and unstable land

The householder proposal is within a high risk Coal area for development. As such, an informative would be attached to any permission to ensure that the applicants are aware of this potential for land instability through coal mining heritage in accordance with standing advice from the Coal Authority and to comply with LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

6 – Representations:

No representations had been received.

7 – Conclusion:

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the application of Policies in the NPP Framework that protect designated heritage assets of particular importance provides a clear reason for refusing the

development proposed. In addition, the development would also be contrary to adopted and up to date Policies within the development plan.

The proposed single-storey side extension would fail to respect the original character and appearance of the host building and wider area by adding a dominant and incongruous feature with a discordant roof form and uncharacteristic substantial sections of glazing in an oak frame. The bulk and massing would protrude forward of the existing porch and appear as a visually incongruous and over dominant form competing with the most significant northwest elevation of the historic host and its plan form. This would result in less than substantial harm to the significance of the Grade II listed group of Buildings. There are no public benefits that would outweigh this harm. The proposal is therefore contrary to Policies LP24 (a and c) and LP35 of the Kirklees Local Plan, Key Design Principle 2 of the House Extensions and Alterations SPD, Government Policy contained within Chapters 12 and 16 of the National Planning Policy Framework and the Council's duties under Section 66 of the Planning (Listed Building and Conservation Areas) Act.

Recommendation

Refuse

Decision Authorisation - Delegated

Application Number: 2023/93553

Officer Recommendation: Refuse

Reason

The proposed single-storey side extension would fail to respect the original character and appearance of the host building and wider area by adding a dominant and incongruous feature with a discordant roof form and uncharacteristic substantial sections of glazing in an oak frame. The bulk and massing would protrude forward of the existing porch and appear as a visually incongruous and over dominant form competing with the most significant northwest elevation of the historic host and its plan form. This would result in less than substantial harm to the significance of the Grade II listed group of Buildings. There are no public benefits that would outweigh this harm. The proposal is therefore contrary to Policies LP24 (a and c) and LP35 of the Kirklees Local Plan, Key Design Principle 2 of the House Extensions and Alterations SPD, Government Policy contained within Chapters 12 and 16 of the National Planning Policy Framework and the Council's duties under Section 66 of the Planning (Listed Building and Conservation Areas) Act.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan.	Drawing no. CC002.	Unamended	17/01/2024
Existing Elevation Plans with Isometric View.		A	17/01/2024
Existing and Proposed Floor Plans.	Drawing no. CC004.	Unamended	25/01/2024
Proposed Site Layout Plan.	Drawing no. CC002.	Unamended	04/12/2023
Proposed Elevation Plans with Isometric View.		A	17/01/2024
Design and Heritage Statement	Design and Heritage Statement by Dewar Planning. November 2023.	Unamended	04/12/2023
Covering Letter	Covering Letter by Dewar Planning. 01/12/2023	Unamended	04/12/2023
Climate Change Statement	-	-	04/01/2024

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. The case officer considered the application on review and sought no amendments as the principle of the development could not be supported under heritage amenity.

Report Dated: 18/03/2024