



Supporting Planning Statement

**Proposed erection of extensions and
alterations at Four Winds, 2 Highbridge Lane,
Scissett, Huddersfield, HD8 9JY**

Date: Dec 23

Reference: HPS6123

1.0 INTRODUCTION

- 1.1 This Supporting Planning Statement has been prepared by **Householder Planning Services** on the instructions of Mr & Mrs Hepworth in support of an application submitted by their architects, **ADP Architecture and Design Ltd** for proposed extensions and alterations to Four Winds, 2 Highbridge Lane, Scissett.
- 1.2 The proposed works seek to improve the existing property, both in terms of layout, functionality, thermal performance and utilisation of space and design in order to provide a family home to meet the requirements of 21st Century living. In its current form and layout, it fails miserably in that respect.
- 1.3 The application is a re-submission, with a modified design, of a previous application that was refused – Application reference 2023/92461. The reasons for refusal are set out in full below:
- 1. The proposed extensions, taking into account earlier extensions to the dwelling, would be disproportionately large in relation to the original part of the building and represent inappropriate development, which is harmful to the Green Belt and the visual amenity of the area. The proposed development is therefore contrary to Policy LP57 of the Kirklees Local Plan and paragraph 149c of the National Planning Policy Framework.*
- 2. The proposed extensions, by virtue of their scale and design, would not be subservient to the original dwelling and would detract from the character and appearance of the dwelling. To permit the proposals would be contrary to Policies LP24 and LP57 of the Kirklees Local Plan, advice within the House Extensions and Alterations SPD and Chapters 12 and 13 of the National Planning Policy Framework.*

2.0 SITE DETAILS

- 2.1 Full plans have been prepared by ADP Architecture and Design providing details of the proposed extensions as floor plans and full elevations. From these it can be seen that the site is set well back into the site and stands within spacious grounds covered with mature trees. The view from the public highway is limited as a consequence.
- 2.2 There are few properties within the immediate vicinity of the site but, slightly further afield, there are several other large properties stood within their own grounds, several of which have undergone extensions, alterations and modernisations.
- 2.3 The site is located within the Green Belt in the Kirklees Local Plan

3.0 PLANNING CASE FOR THE PROPOSED DEVELOPMENT

- 3.1 Firstly it is necessary to understand the reasons for the proposed development. The existing property has had various forms of extensions and alterations carried out by previous occupiers over the years. These changes have resulted in a disjointed dwelling that does not flow and has a lot of wasted space.
- 3.2 As a result, the layout does not lend itself to modern day living, with a small kitchen tucked into a far corner of the house, several rooms leading on to other rooms, creating a bit of a “rabbit warren” effect which does not sit well with achieving means of escape in the event of a fire, and a very small first floor plan and bedroom provision in relation to the ground floor accommodation. There is much wasted space within the existing large voids. The property is also very inefficient in terms of energy efficiency.

- 3.3 The existing property is essentially made up of three buildings that visually sit together as one mass due to the existing connecting ground floor walls to the front elevation creating “outside rooms”.

Relevant Planning Policy

- 3.4 Given the reasons for refusal of application 2023/92461 detailed at 1.3, Local Plan policies LP24 and LP57 are relevant and paragraph 149c and Chapters 12 and 13 of the National Planning Policy Framework. Conflict with the Council's House Extensions and Alterations SPD.

LP24

Design *Good design should be at the core of all proposals in the district and should be considered at the outset of the development process, ensuring that design forms part of pre-application consultation of a proposal. Development briefs, design codes and masterplans should be used to secure high quality, green, accessible, inclusive and safe design, where applicable. Where appropriate and in agreement with the developer schemes will be submitted for design review. Proposals should promote good design by ensuring:*

- a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape;*
- b. they provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary;*
- c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers;*
- d. high levels of sustainability, to a degree proportionate to the proposal, through: i. There-use and adaptation of existing buildings, where practicable;*

- ii. Design that promotes behavioural change, promoting walkable neighbourhoods and making walking and cycling more attractive;*
 - iii. considering the use of innovative construction materials and techniques, Including reclaimed and recycled materials;*
 - iv. where practicable, minimising resource use in the building by orientating buildings to utilise, passive solar design. This includes encouraging the incorporation of vegetation and tree planting to assist heating and cooling and considering the use of renewable energy;*
 - v. providing charging points to encourage the use of electric and low emission vehicles;*
 - vi. incorporating adequate facilities to allow occupiers to separate and store waste for recycling and recovery that are well designed and visually unobtrusive and allows for the convenient collection of waste;*
 - vii. designing buildings that are resilient and resistant to flood risk, where such buildings are acceptable in accordance with flood risk policies and through incorporation of multi-functional green infrastructure where appropriate;*
 - viii. designing places that are adaptable and able to respond to change, with consideration given to accommodating services and infrastructure, access to high quality public transport facilities and offer flexibility to meet changing requirements of the resident /user.*
- e. the risk of crime is minimised by enhanced security, and the promotion of well-defined routes, overlooked streets and places, high levels of activity, and well-designed security features;*
- f. the needs of a range of different users are met, including disabled people, older people and families with small children to create accessible and inclusive places;*

g. any new open space is accessible, safe, overlooked and strategically located within the site and well integrated into wider green infrastructure networks;

h. development contributes towards enhancement of the natural environment, supports biodiversity and connects to and enhances ecological networks and green infrastructure;

i. the retention of valuable or important trees and where appropriate the planting of new trees and other landscaping to maximise visual amenity and environmental benefits; and

j. the provision of public art where appropriate.

LP57

The extension, alteration or replacement of existing buildings

Proposals for the extension, alteration 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;

b. in the case of replacement buildings, the new building must be in the same use as and not be materially larger than the building it is replacing;

c. the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access; and

d. 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.

Paragraph 149c of the National Planning Policy Framework

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

a) buildings for agriculture and forestry;

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

c) 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;

- 3.5 Having regard to Policy LP57a) and paragraph 149c) of the NPPF, the *original* dwelling (as evident on the 1 July 1948), the main central section of the dwelling with hipped roof and two-storey front projection has a volume of approximately 640 cubic metres. The existing extensions and alterations that have been carried out, create an *existing* dwelling (as it stands today) with a volume of approximately 1613.5 cubic metres. This represents a % increase from the original dwelling of 158.6% (volume).
- 3.6 The increase in volume of buildings within the Green Belt assists in assessing impact on the openness of the Green Belt. In the Officer report on the refused application, it is noted that the assessment only referred to *floor area* and the % increase in floor area. With respect, it is also noted that the figures quoted in the Officer report for the % increases are incorrect. The report states that the % increase of floor area in that application would be some 505.7%, this is

incorrect as only the ground floor area for the original dwelling appears to have been used whereas the ground and first floor areas of the proposed dwelling have been used. The proposed increase in floor area, when calculated properly, was some 302%.

- 3.7 As well as the figures being incorrect, we also consider using floor area rather than volume did not properly assess the impact of the proposal. The large existing roof structures have a significant volume that should also have been taken into account in the assessment.
- 3.8 Notwithstanding the above, there is no dispute between the parties that the proposed extensions, taking account the cumulative historic additions, would result in disproportionate additions over and above the size of the original building meaning that the development would be inappropriate in the Green Belt.
- 3.9 Paragraph 147 of the NPPF states *Inappropriate development is, by definition, harmful to the Green Belt and should not be approved **except in very special circumstances.** (Our emphasis).* We believe that there are very special circumstances that exist here, and these are set out below.

Very Special Circumstances

- 3.10 The property as it stands enjoys permitted development rights (PD). As such, this represents a fallback position for various extensions which could be carried out under permitted development. There would be no control over the design of these extensions. Under the existing PD rights, the existing property could be extended to the rear by 8m across the full width of the original part of the dwelling, and 4m in height. This would result in a volume increase of 418 cubic metres. In addition, a porch could be added to the front elevation of the original dwelling, creating an additional 9 cubic metres.
- 3.11 Taking the above into account, if the PD extensions were maximised, the overall volume of the dwelling would be some 2041 cubic metres.

3.12 Following the recent refusal, the proposals have been amended to take into account the design concerns and these are detailed below:

- The front gable extension has been pushed back to only project forward by 900mm, allowing enough circulation space for the new staircase.
- The gym/home office (existing workshop) has been reduced in width by just over 1.5m, and the roof pitch of this element has been lowered to 30 degrees, which has reduced the roof height of this building, limiting its visual impact.
- The front elevation to the kitchen/master bedroom (existing snooker room) has been set back by 500mm from the face of the *original* building to provide a degree of subservience. This allows the quoin stones to be paced on this corner, further emphasising the corner of the original dwelling.
- The floor level to the proposed kitchen/master bedroom has been set down by 400mm. This, and the reduction in depth of this element created by the appoint above, means that the roof for this extension has dropped considerably and is now level with the existing extension roof, resulting in this now being viewed as subservient to the original dwelling.
- The front elevation of the lobby between garage and utility has been set back 500mm in line with the adjacent extension.

3.13 The above modifications result in a total volume for the resultant dwelling of some 1984 cubic metres. Therefore, the revised proposal provides a building with less volume than the fallback position, and a more carefully considered design than that which could be considered under PD.

Fallback position

- 3.14 From the above it can be seen that exercising the PD fallback position would result in a dwelling of some 2040.5 cubic metres whereas the modified design in this application would result in a dwelling of some 1984.1 cubic metres. This would be less than that allowed under PD.
- 3.15 Demonstration of what could be achieved under PD is shown on the plan at **Appendix A.**

4.0 CONCLUDING COMMENTS

- 4.1 From the above we advance a case that very special circumstances exist that outweigh harm by way off inappropriateness and any other harm. The revised proposals provide a building which has less volume, and is more carefully considered and designed, than that which could be constructed under PD rights.
- 4.2 A fallback position is a material consideration that must be given weight in the planning judgement. A 'fallback position' is what is a development or use which is likely to occur if the planning permission is refused, for example a development which is already permitted or can be built under permitted development rights.
- 4.3 In a Court of Appeal Judgement [Mansell v Tonbridge and Malling Borough Council \[2017\] EWCA Civ 1314](#), Lindblom LJ confirmed the legal considerations in determining the materiality of the 'fall back' position as a planning judgement were as follows:
- The basic principle is that for a prospect to be a real prospect it does not have to be probable or likely, a possibility will suffice.
- 4.4 In this case we have identified the shortcomings of the existing layout of the dwelling to meet modern day living standards and to be energy efficient. For

this reason, if planning permission is refused then there is a high possibility that the applicants will exercise their PD rights. As evidenced above, this would result in a larger volume of development than that being proposed. If planning permission were to be refused, and the 'fallback' would take place would it be less desirable than that for which permission is sought. Our view is that it would. There would clearly be less harm in granting planning permission for this revised proposal and the fallback position outlined above is a very special circumstance to justify acceptance of the proposed development.

4.5 We trust the matter will be given serious consideration by the Council.