

**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:	2023/62/93664/E
Site Address:	Four Winds, 2, Highbridge Lane, Skelmanthorpe, Huddersfield, HD8 9JY
Description:	Erection of extensions and alterations (modified proposal)
Recommending Officer:	Elenya Jackson

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.

Emma Thompson

AUTHORISED OFFICER

Date: 13-Feb-2024

OFFICER REPORT

Site Description

Four Winds, 2, Highbridge Lane, Skelmanthorpe, Huddersfield, HD8 9JY is a red brick residential property which has previously been extended.

There are two previous permissions on site which have been constructed.

The dwelling is set back from the street scene and surrounded by a number of mature trees.

The area is low density with few residential properties within the vicinity; however, due to the street scene being low density and highly vegetated, properties are not largely prominent.

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

Description of Proposal

This application has been received for the 'Erection of extension and alterations' and is a modified proposal to a previously refused scheme.

The existing dwelling has width of 44m and the proposal would have a width at ground floor level of 42m.

There would be an infill extension to form a lobby between the existing garage and the main dwelling. This would feature a flat roof with a maximum height of 2.9m and a depth of 5.9m (this is matching the previously refused application)

The proposal would add a first floor to the previously approved single storey side extension and introduce a two storey gable end to the principal elevation of the dwelling. The proposal would increase the eaves height of the single storey side projection by 2.3m to 4.8m. This appears consistent with the previous application.

The gable end to the rear(southern elevation) would have a maximum height of 8.8m (matching the previous refusal) and the detailing would remain largely the same.

The proposal would amend the existing principal elevation to feature a fully glazed gable end which would project 90cm beyond the principal elevation of the dwelling. This has been reduced from 1.8m. There would be a gable end either side which would have a maximum height of 8.1m, this is consistent with the previously refused scheme.

The proposed side extension would have a 48cm projection to the north and south elevation to enable the construction of a two storey gable ends with a maximum height of 8.1m with an eaves height of 5m. This would be 20cm smaller than the previous scheme. The eaves height has been increased from 2.8m

The existing garage would also feature the introduction of a first floor which would increase the eaves height of the proposal from 3.1m to 4.4m (30cm less than the previously refused scheme which had an eaves height of 4.7m) and the overall height of the garage from 6m to 6.6m (a 1m decrease from the previous scheme)

The proposal would also include the construction of a single storey rear extension and a terrace which would extend 4.2m beyond the rear elevation of the existing dwelling (10cm more than the previously refused scheme) and have a width of 12.7m,

The proposals would be constructed with red brick, white render and ashlar stone.

Relevant Planning History

88/03294: Erection of detached swimming pool, gymnasium, snooker room and garage. Refused and dismissed at appeal.

89/02856: Erection of extension to form gym, snooker room, patio and changing room and W C for outdoor pool. Granted conditionally.

2000/92505: Erection of double garage. Conditional full permission

2023/62/92461/E: Erection of extension and alterations. Refused

Representations

The application was advertised by neighbour letters, which expired on 29/09/2023.

No representations were received.

Consultation Responses

Denby Dale Parish Council: No comments received.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The

statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is located within the 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
- **LP51**- Protection and improvement of local air quality
- **LP52**- Contaminated and unstable land
- **LP57**- Extension alteration or replacement of existing building

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 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate, flooding and costal change
- Chapter 15 – Conserving and enhancing the natural environment

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 application site is located on land allocated as Green Belt on the Kirklees Local Plan. The proposal is for the construction of alterations and extensions to the existing dwelling.

Chapter 13 of the NPPF requires Local Planning Authorities to regard the construction of new buildings in the Green Belt as inappropriate development. Exceptions to this include the extension or alteration of a building providing it does not result in disproportionate additions over and above the size of the original building.

An 'original building' is defined in the NPPF glossary as "a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

Policy LP57 of the Kirklees Local Plan states that extensions will normally be acceptable provided that the host building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and other associated buildings will be considered. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building. Furthermore, the proposal should 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 the design and materials used should be sensitive to the character of the Green Belt setting.

The site is within the Green Belt on the Kirklees Local Plan Proposals Map. As such a key consideration will be its impact on the Green Belt and it will be assessed having regard to Policy LP57 and NPPF chapter 13. In addition, the

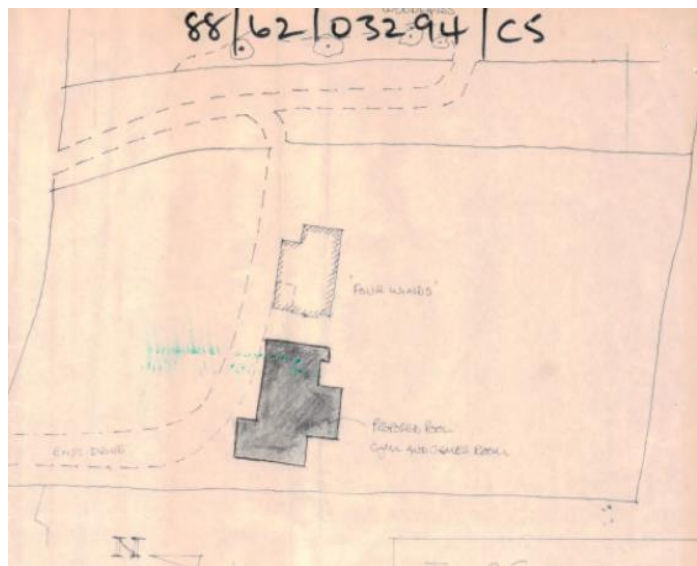
impact of the development on design grounds, residential amenity and highway safety will also be considered along with, biodiversity and all other material considerations and representations received.

2 –Impact on openness of the Green Belt and visual amenity:

Key Design Principle 1 of the House Extensions & Alterations supplementary planning document (SPD) states that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. Furthermore, Key Design Principle 2 of the HEASPD goes on to state that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and details.

This application has been received following the refusal of a previous application. The previous application was assessed as follows:

'Plans submitted under application 88/03294 indicate the original footprint of the dwelling to be approximately 112m² with a width of 12.9m and a depth of 8.7m.



Under application 89/02856, permission was granted for the construction of a single storey side extension which had an approximate width of 11.2m and a depth of 8.8m. This would represent an increase in footprint of 98.6m² which is an 87.5% increase in footprint to the host dwelling. It can also be seen a small outbuilding has been constructed to the north; however, officers are

unable to locate a permission for this.



However, from reviewing previous maps of the site, it appears as though there was an outbuilding in this location in 1955 which was removed.

In 2000, a further permission was granted for the erection of a double garage to the north west of the existing property which had a depth and width of 5.8m. This would represent a further increase of 33.6m² increase to footprint of the dwelling.

Therefore the increase in footprint of the dwelling from the 'original' planning unit would be 118%.

From the plans provided the ground floor footprint of the existing dwelling is approximately 321m² at ground floor level. From the approved planning history of the site, officers have been able to locate approximately 244.2m² of development.

On site, there is a rear conservatory and a workshop which officers have been unable to locate a permission for which have a cumulative floor space of 77m².

Without the addition of the current proposals, the development on site represents 186.6% increase in footprint to the original dwelling.

The Planning Practice Guidance (PPG) sets out that "openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume".

In this particular case, when taking into consideration the scale of the proposed alterations (including the previously approved alterations on site), the proposed development would have a footprint at ground floor level of 387.6m which does not include associated hardstanding and rear terrace. This would represent a 246m² increase at ground floor level from the original planning unit.

The first floor of the property originally had a footprint of 112m² and would increase to 229m² for the main dwelling and 61.8m² above the workshop which officers have been unable to locate a previous permission for. This would represent a 158.9% increase to the first floor footprint of the dwelling.

The combination of the first floor and ground floor additions to the proposal would result in cumulative development on site amounting to 678.4m² across both floors. As the original dwelling was two storeys with a footprint of 112m², this would represent a 505.7% increase to the footprint of the dwelling.

Subsequently, the overall volume of the dwelling would be substantially increased, and the proposal would result in disproportionate additions over and above the size of the original building. It is therefore considered that the proposals impact on the openness of the Green Belt, both spatially and visually, is considered to be unacceptable'.

In the current application a design and access statement has been provided which states that the officers previous assessment of the increase to the footprint of the dwelling was incorrect and that the proposed footprint increase to the dwelling should have been measured as 302% and that the existing dwelling has a volume of 158.6% volume increase above the original dwelling. It is noted 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'.

- The front gable extension has been pushed back to only project forward by 900mm
- 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
- The front elevation to the kitchen/master bedroom (existing snooker room) has been set back by 500mm.
- The floor level to the proposed kitchen/master bedroom has been set down by 40cm.
- The front elevation of the lobby between garage and utility has been set back 500mm in line with the adjacent extension.

As previously highlighted, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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. Very special circumstances have been submitted to accompany the application. The case has been provided that the applicant could construct a single storey rear extension of 8m as permitted development. There is no site

history for a larger home notification at this address and therefore it is considered there is no lawful fall back position, as such minimal weight can be afforded to this justification.

As 'harm' to the Green Belt must be assessed against both spatially and visually, it is considered that if a larger home notification was to be submitted, these alterations would be to the rear of the property and not as visually prominent within the Green Belt as the scheme received by officers. It is considered that these matters do not demonstrate very special circumstances to approve the application in its current form and would not be sufficient to outweigh the harm to the Green Belt.

It is the case the submitted plans and that of the design and access statement, it is clear that the original building has already been substantially extended and the proposal would result in significant and disproportionate additions over and above the original dwelling. The proposal would therefore fail to comply with Policy LP57(a) of the Kirklees Local Plan and the aims of Chapter 13 of the NPPF as the original house would not remain the dominant element.

In addition to the above, it is considered that the increased sense of scale created by the increase to the maximum height of the proposal, coupled with the introduction of two storey gable ends and roof alterations would result in an overly vertical emphasis/contrast with the existing development. The proposal would subsequently result in the application dwelling appearing incongruous in the context of the host dwelling.

The proposal would fail to comply with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would not form a subservient addition to the property in keeping with the existing building; nor advice within the House Extensions and Alterations SPD, specifically KDP1 with respect Local Character, taking into account the rural local area. In addition, the proposal would not accord with KDP2 with regards to the impact on the original house as the design of the extensions is neither well balanced, proportionate or sympathetic to the existing house or the aims of chapter 12 and 13 of the National Planning Policy Framework

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 proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Extensions and Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

The application site is not located adjacent to any neighbouring residential properties, and therefore the proposals would have no significant detrimental impact upon the amenity of adjacent occupiers, in accordance with Policy LP 24, KDP 3 and KDP5 of the SPD.

The extensions would not cover the entire amenity space of the application property. It is considered that the proposal would not take up a significant amount of 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.

Due to the location of the existing dwelling, there would be no significant harm to the residential amenity of neighbouring residents as a result of the proposal.

4 – Impact on highway safety:

The proposals would result in some intensification of the domestic use of the property. However, due to the proposals not impacting existing parking arrangements on site, the proposal would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions and Alterations SPD.

5– Other matters:

Carbon Budget

The proposal is a 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.

Ecology

The application site is located within a Bat alert layer on the Council's GIS mapping system. Due to the scale of the application, a note will be added to the application notifying the applicant, should permission be granted.

As such the application is considered to comply with guidance within Policy LP 30 of the KLP and Chapter 15 of the NPPF.

Contaminated Land

KC Environmental Health have not been consulted on this application; however, the site is located within a high risk coal area. As a result, should permission be granted, it is considered reasonable to add a condition relating to the unexpected discovery of contaminated land. This is reasonable due to the application including ground works. Due to the scale of the proposal, it is considered a footnote would suffice advising of the hours of construction on the application, should permission be granted. As such the application is considered to comply with guidance within Policy LP 52 of the KLP and Chapter 15 of the NPPF

Air Quality

Due to the application relating to an existing dwelling, it is considered that this would be unreasonable and disproportionate to the scale of the development.

6 – Representations:

One representation was received to the application in support of the proposal.

7 – Negotiations:

N/A

8 – Proposed conditions

N/A

9 – Conclusion:

This application for the erection of alterations to Four Winds, 2, Highbridge Lane, Skelmanthorpe, Huddersfield, HD8 9JY 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 proposed extension would form disproportionate additions to the dwelling, which would constitute inappropriate development in the Green Belt. Furthermore, the level of development proposed together with previous extensions would not be subservient to the original house and would be harmful in terms of the appearance and character 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 Supplementary Planning Document and advice within chapters 12 & 13 of the National Planning Policy Framework.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation

REFUSE

Decision Authorisation - Delegated Powers

Application Number: 2023/93664

Officer Recommendation: REFUSE

REFUSE

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 154c of the National Planning Policy Framework.

1. 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 & 13 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Location Plan and Block Plan	22014D-04-02- P01	19/12/2023
Location Plan and Block Plan proposed	22014D-04-p02	19/12/2023
Proposed Plans	22014D-03-P04	19/12/2023
Existing Plans	22014D-01-P01	19/12/2023
Existing Plans	22014D-05-P01	19/12/2023
Climate Change Statement		19/12/2023
Planning Statement		19/12/2023

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 amendments were requested in this instance as the scale of previous additions to the dwelling would render any further extensions inappropriate.