

**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:	2023/62/93705/W
Site Address:	6, Share Hill Road, Wellhouse, Huddersfield, HD7 4JQ
Description:	Erection of front dormer extension and loft conversion
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.

John Holmes

AUTHORISED OFFICER

Date: 13-Mar-2024

Officer Report

Site Description

2023/93705 – 6, Share Hill Road, Wellhouse, Huddersfield, HD7 4JQ

The application site relates to a detached dwellinghouse which appears as a bungalow with accommodation in the roof when viewed from the highway but has an understorey to the rear. Construction materials are red brick and concrete tile roof. It has a tarmacked front amenity space for limited parking, external access to the rear and a garden amenity space with patio to the rear. The garage had been converted into living quarters.

It is adjacent to Wellhouse Conservation Area and a Grade II Listed Building and also is within the Green Belt. There are two other properties of a similar age and type to the host northwest of the Building with a continuous pavement area, they are set back from the building line of the Listed Building and its adjacent properties enough to provide an informal area of parking to those properties.

Description of Proposal

Erection of front dormer extension and loft conversion

All figures are approximate and in metres.

It is proposed to erect a shed dormer at the front of the property, clad in grey grp cladding with roof membrane fitted with three symmetrically arranged windows to the front.

It would project 4m from the roof plane, be 11m width and have an overall height of 2.5m to have a 44m³ increase in volume.

This would add a bedroom, bathroom and extend two offices.

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 and

the principle of the development was not considered to be acceptable, as discussed in the following report.

Relevant Planning History

88/04396 Erection of extension to form bedroom, en-suite and utility room
Granted conditionally.

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 08/03/2024

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 – does not support the proposed development

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 south eastern boundary of the site adjoins Wellhouse Conservation Area and the site is also adjacent to a Grade II Listed Building (Historic England Listing ref: 1267026) on the Kirklees Local Plan. The site is in the Green Belt on the Kirklees Local Plan.

The site is within a Bat Alert layer and Twite buffer area and nearby to the Kirklees Wildlife Habitat Network. It is not within a Coal risk area for development or within an identified risk area for historic gas and landfill. It is within Flood Zone 1.

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 28 – Drainage
- LP 30 – Biodiversity & Geodiversity
- LP 35 – Historic Environment
- 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 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
- 1) Impact on visual amenity and heritage amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology
- 5) Representations

6) 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 within the Green Belt. 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 all proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the exceptions set out in paragraph 154 and 155.

Within paragraph 154 the exception listed at part c) is for 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.

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” and
“d) to preserve the setting and special character of historic towns”*

Policy LP57 of the Kirklees Local Plan mirrors 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 extension would be located within the Green Belt along with an existing non-original side and rear extension.

The host had originally been a bungalow with a single-storey attached side garage with a flat roof as built. There was a two-storey rear extension behind the garage protruding further past the host's own rear elevation and a new pitch roof added over the garage to match the host's own (approved by planning application ref: 88/04396) The addition added 150m³ of volume to the original host which was originally 529m³ in volume. This would have been approximately 28% increase in volume from the original design. The proposal would add a further 44m³ in volume which would take additions to the property to an overall increase by volume of 37%.

In relation to the consideration of whether the addition is disproportionate, in terms of green belt policy, the addition the subject of this application is considered to not form a disproportionate addition. This conclusion is drawn on the basis of its size, when taken in cumulation with previous additions and also the location of the proposal within the footprint of the built form.

To conclude, the proposal would not be deemed as inappropriate development in the Green Belt and would be compliant with Policy LP57 of the Kirklees Local Plan and Chapter 13 of the NPPF.

1.3 – Heritage

The site is located within Wellhouse Conservation Area and next to a Grade II Listed Building. As such, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area. Section 66 of the Act sets out a duty for local planning authorities in considering whether to grant planning permission for development which affects a listed building or its setting, to 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.

Sections 66 and 72 of the Planning (Listed Building & Conservation Areas)

Act (1990) are mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

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.

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:

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”*.

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.

Paragraphs 5.24-5.27 of the SPD (pages 31-32) sets out that dormer and roof extensions are generally *“a prominent and visible element of the street scene. Unsympathetic roof extensions and dormer windows can have a significant effect on the visual appearance of both the individual building and street scene. Poorly designed roof extensions and dormer windows can make a building appear top-heavy, cluttered and asymmetrical.”*

They should be located to the rear, be small and subservient with a substantial area of the original roof retained and should reflect the local character of existing types in the streetscene.

To achieve this, they should be sympathetically designed in style, scale and materials to the host, be set within the roof plane and not project above the

host roof ridge, and be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.

The proposal would not be to the rear, not be considered a small dormer being set almost the full width of the host and would not appear in keeping with the local character of the streetscene. While front roof interruptions have consisted of front gable extensions (no. 8), there are no front dormers to aid in the scheme to appear visually integrated within the streetscene.

The proposed materials of grey grp cladding with roof membrane would introduce low quality materials and an incongruous 'shed' dormer design to the host and would fail to respect or enhance the setting of the Listed Building or the Conservation Area.

The Planning Statement loosely indicates that the front amenity space could include three off-street parking spaces in addition to the four parking areas to the front of the host within the informal area of parking. Following the conversion of the garage into living quarters and the now proposed addition of an extra bedroom, this would increase parking demand and limit further the available off-street parking to be concentrated to the front informal parking area increasing the amount of vehicular clutter adjacent to the heritage assets on a prime access route into Wellhouse Conservation Area.

As such, the proposal would appear as a dominant and uncharacteristic addition to the host and would introduce greater demand for parking to the front of the host with associated vehicular clutter in the street scene, harming the character and setting of the adjacent Listed Building and Wellhouse Conservation Area, and failing to comply with SPD guidance on dormers and Key Design Principles 1 and 2 of the SPD.

Therefore, Officers consider the impact to have a less than substantial harm to the heritage assets. Nonetheless, 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 Supporting Statement sets out that the proposal would improve living arrangements for the occupiers with increased headroom and adaptability for access and to improve the existing roof insulation for greater thermal efficiency and reduction of carbon emissions. The benefits would be predominantly private benefits to the occupiers of the host property. Very limited weight is afforded to the public benefits set out, including to the improvement in thermal efficiency and reduction of carbon emissions particularly as the improvements in thermal efficiency could be carried out without planning permission if the roof insulation were to be updated. No other benefits are considered to be present / arise as a result of the development and it is considered the benefits identified do not outweigh the harm of the development upon the heritage assets.

As such, the proposal would appear as a dominant and uncharacteristic addition to the host, using low quality materials and design and (in conjunction with its size, scale and massing) would appear as a cumulative overdevelopment of the extended host that would lead to detrimental harm to the visual amenities of the locality, as well as less than substantial harm to the significance of the Wellhouse Conservation Area and the adjacent Grade II Listed Building. The adverse impacts of granting permission would

significantly and demonstrably outweigh any benefits of the development. The proposal is therefore contrary to Policies LP02, LP24 (a and c) and LP35 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD, 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 Principle 3 of the Kirklees Householder Extensions and Alterations SPD sets out that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours. In addition, Key Design Principle 4 notes that extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook. Furthermore, Key Design Principle 5 states that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property, and recommends that a horizontal 45 degree line from a neighbouring habitable room window is not breached. Key Design Principle 6 states extensions and alterations should not unduly reduce the outlook from a neighbouring property.

The proposed extensions and alterations are assessed upon whether they would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking and also in terms of its design, size and visual amenities. The closest properties to be affected by the development are no. 7 Share Hill (northwest), and no. 1 Hanging Royd (southeast).

No. 7 Share Hill

The proposed roof addition would be to the southeast of the neighbour separated 4.5m to its front rooflights. The limited projection of the extension and position of the neighbour would adequately ensure that there would be no significant additional overshadowing, overbearing or loss of outlook to the rooflight, and it would introduce no windows to the side elevation of the dormer ensuring no loss of privacy to this neighbour complying satisfactorily with the SPD guidance.

No. 1 Hanging Royd

It is noted that the neighbour has a range of lights to its first floor and attic storey on its side elevation. The proposed bulk and massing of the addition to

the roof would be on lower ground to the neighbour separated by ~7.3m to no. 1, be set predominately behind the range of windows and would generally not raise above those windows in order to avoid any detrimental residential amenity effects.

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 Highways Design Guide SPD advises that new development should have sufficient off street parking spaces to meet need and to ensure on street parking impact is limited.

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF 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 Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

For a 4 plus bedroom dwelling, three off street parking spaces should be provided. As previously indicated, the Parking Statement sets out that there could be three vehicles parked outside within the front amenity space however this is not set out in plans to be formally assessed and appears to lead to an awkward and contrived parking arrangement if solely within the front amenity space. The use of this area solely for parking would lead to a parking dominated frontage which would have a negative visual impact.

Following the conversion of the garage into living quarters and the now proposed addition of an extra bedroom, this would increase parking demand and limit further the available off-street parking to be concentrated to the front informal parking area. The proposed bin arrangements have not been set out on plans however given the front amenity space indicated, there appears to be sufficient remaining space to have the bins stored as existing without affecting highway safety.

Paragraph 115 of the NPPF states that development should be refused on highway grounds if there would be an unacceptable impact on highway safety

or if the cumulative effects would be severe. Officers note that this is a very high standard and in a finely balanced judgement, would consider the proposed parking arrangement to achieve a poor standard of design and site access however the modest increase in bedroom occupancy would not lead to an unacceptable or cumulative impact on highway safety.

In conclusion, the proposed development's car parking arrangement and associated movements would be in general conformance with paragraph 115 of the NPPF and therefore would be supported considering its limited impact on Policies LP21 and 22 of the Kirklees Local Plan, and Chapter 9 of the NPPF.

5 – Other matters:

Climate Change

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.

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.

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.

Drainage

The site is within a low probability Flood Risk Zone and therefore if Officers are so minded to approve the application, a condition would be placed to ensure that the additional parking spaces would be drained sufficiently and/or made permeable in accordance with Policy LP28 of the Kirklees Local Plan and the Highways Design Guide SPD.

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 to a well sealed concrete tile roof with a populated roof interior and therefore considered unlikely that the proposals would have an impact on the bat population or nesting behaviour. In the event of an approval, an informative note would be provided, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant required to seek further advice. The small scale of the proposal would be on an existing footprint with no 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, LP30 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 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.

The proposal would appear as a dominant and uncharacteristic addition to the host and, as a result of its size, scale, massing, materials and design, would appear as a cumulative overdevelopment of the host property leading to detrimental harm to the visual amenities of the locality, as well as less than substantial harm to the significance of the Wellhouse Conservation Area and the adjacent Grade II Listed Building. The adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies. The proposal is therefore considered to be contrary to policy LP2 which seeks to ensure all development proposals build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places.

The proposal is therefore concluded to be contrary to Policies LP02, LP24 (a and c) and LP35 of the Kirklees Local Plan, Key Design Principles 1 and 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.

Recommendation

Refuse

Decision Authorisation - Delegated

Application Number: 2023/93705

Officer Recommendation: Refuse

Reason

1. The proposal would appear as a dominant and uncharacteristic addition to the host property that would, as a result of its size, scale, massing, materials and design, appear as a cumulative overdevelopment of the host property. The proposal would cause detrimental harm to the visual amenities of the locality, as well as less than substantial harm to the significance of the Wellhouse Conservation Area and the adjacent Grade II Listed Building. The adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development. The proposal is therefore contrary to Policies LP02, LP24 (a and c) and LP35 of the Kirklees Local Plan, Key Design Principles 1 and 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location and Block Plan, Existing and Proposed Elevation, Floor, and Section Plans.	Drawing no. 01.	Unamended	09/01/2024
6 Share Hill Heritage and Parking Statement.	-	Unamended	19/01/2024
Supporting Statement	-	Original	09/01/2024
Climate Change Statement	-	-	09/01/2024

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 they would require significant alterations to the scheme.

Report Dated: 11/03/2024

