

**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:	2023/62/93706/W
Site Address:	4, Little London, Blackmoorfoot Road, Blackmoorfoot, Huddersfield, HD7 5PY
Description:	Erection of attached garage and porch
Recommending Officer:	Molly Storer

DECISION – Conditional Full Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 21-Feb-2024

Officer Report

Site Description

4, Little London, Blackmoorfoot Road, Blackmoorfoot, Huddersfield, HD7 5PY

The application site refers to 4 Little London a two storey end of terrace property in a small enclave of dwellings outside Blackmoorfoot. The site was originally an agricultural building which was formed into 7 dwellings in the early 2000s. The property benefits from a large driveway/parking space to the side of the dwelling and has a separate garden amenity space across the accessway to the front of the property. The dwelling is constructed from natural coursed stone with a natural slate roof.

The site is also located within the Green Belt.

Description of Proposal

Planning permission is sought for the erection of an attached garage and porch. The extension would project by ~4m from the south (side) elevation and would have an overall length of ~9.2m. The extension would have a lean-to roof design with an eaves height of 2.5 and an overall height of 4m.

Proposed construction materials include natural coursed stone for the exterior walls and natural slate for the roof to match the existing dwelling. The extension would have bi-folding doors in the west facing elevation and garage doors in the east facing elevation. The south facing elevation would host a single entrance door and a small single window. A 1.2m gap would be maintained to the sites boundary.

History of negotiations/amendments received

No amendments have been sought in the processing of this application. There was email correspondence with the agent regarding a historic refusal on the site. Comments were sought in relation to the proposal potentially removing turning space for the development which was the previous reason for refusal.

The agent responded with justification stating that the area where the garage is located has not been used for vehicle turning ever since the applicants moved in 6 years ago. It was also stated that there is a gate to this area which was in

place when the applicants purchased the property in addition to pictures of adequate parking spaces on the other side of the accessway.

Relevant Planning History

2001/90664 – Re-use of existing agricultural buildings and new extensions to form 7 dwellings – Conditional Full Permission.

2003/93698 – Erection of garage extension to building under conversion – Refused.

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.

Neighbour letters expired on 26th January 2024.

No representations have been received.

Consultation Responses

KC Highways: 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 application site is located upon land classified as Green Belt within the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 57** – Green Belt 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, 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 12** – Achieving Well-Designed and beautiful places
- **Chapter 13** – Protecting Green Belt Land
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Other Material Considerations:

- Kirklees Highways Design Guide SPD (2019)
- Kirklees House Extensions and Alterations SPD (2021)

Assessment

The following matters are considered in the assessment below –

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

1 – Principle of development:

1.1 – Sustainable Development

NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

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 – Land Allocation (Green Belt)

When considering any planning application in the Green Belt, the National Planning Policy Framework (NPPF), sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and that local planning authorities should ensure that substantial weight is given to any harm in 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.

Paragraph 154(c) of the NPPF, permits extensions to a building within the Green Belt, provided that it does not result in disproportionate additions over and above the size of the original building. Local Plan Policy LP57 reflects this and states that the cumulative impact of development proposals; of particular relevance to this scheme, LP57 sets out 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. 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*
- c. 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.*

Further, the SPD (paragraph 2.11) makes reference to the Green Belt, stating that care should be taken to ensure that the design is sympathetic to countryside character, both on the building itself and in the treatment of any outside space.

The proposed extension to 4 Little London presents a total volume of approximately 162.36 m³ against a approximate volume of the existing property of 730m³. Further to this there have been no additional extensions to the property since it was turned from an agricultural building into dwellings. There are also no other associated outbuildings or garage associated with this property. This represents a proportionate single storey extension that would be around a 22% increase in the volume of the original property. it is considered that the extension would not appear visually disproportionate or result in the dominance of the original building being threatened.

When taking into account the visual appearance of the proposed works, the original building would still appear dominant in size and appearance. It is

considered that the extension would appear subordinate to the original dwelling by virtue of its overall depth and height and design.

Therefore, it is considered that the erection of the proposed extension would not result in disproportionate development and would constitute appropriate development in the Green Belt. The proposal is therefore considered acceptable in principle in accordance with Chapter 13 of the NPPF and Policy LP57(a) of the Kirklees Local Plan.

In addition, in line with Policy LP57(c), the proposal would not result in a greater impact on openness in the treatment of outdoor areas too.

2 – Impact on visual amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 131 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that 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...” and “c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”

Key Design Principles 1 and 2 of the Council’s adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

Section 5.3 of the Council’s House Extensions and Alterations SPD sets out specific guidance for side extensions, stating that *‘Side extensions should be located and designed to minimise the impact on the local character of the area. The design should reflect the design of the original building in terms of roof style, pitch materials and detailing.’*

The proposed side extension at 4 Little London would generally be considered to have an acceptable impact upon the overall appearance of the dwellinghouse.

The proposed extension would project 4.1 metres beyond the south elevation of the host dwelling; therefore, it would not extend more than two thirds the width of the host property, in accordance with the design guidance as set out within the House Extensions and Alterations SPD. In addition, the extension would be significantly set back from the principal elevation, by 3.7 metres, and would be set down from the host roof pitch by at least 2.5m. For these reasons, the size/scale of the proposed extension is considered to be subservient to the host property of 4 Little London.

The extension would be finished in a material palette to match the appearance of the host property and the proposed windows would be in keeping with the architectural style of existing fenestration detailing at 4 Little London. The garage door is a single width opening that would not look out of place and the bifold doors are in a discreet location.

Given the end of terrace positioning of 4 Little London and being off the main road – Holt Head Road, the extension would not be overtly visible from public vantage points and therefore, would be acceptable in the context of the character of the wider streetscene.

For all of the reasons outlined above, it is considered that the proposal would not cause detrimental harm to the visual amenities of the locality. The proposed development is considered to comply with Chapter 12 of the National Planning Policy Framework, LP24 and LP57 of the Kirklees Local Plan and Key Design Principles 1 & 2 of the House Extension and Alterations SPD.

3 – Impact on residential amenity:

Section B and C of LP24 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 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Key Design Principles 3, 4, 5 and 6 of the Council’s adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive/overbearing.

Pioneer House – a detached dwelling to the west of the application site:

In terms of privacy to this property although there would be glazing in the form of bifolding doors on the west elevation facing Pioneer house this would be significantly set back from the west elevation. Due to the separation distance being over 12m between the bifolding doors and habitable windows in this neighbouring property it is considered no significant material harm would be caused to the privacy of the occupants.

In terms of an overbearing or overshadowing effect, the separation distance alongside the limited scale, single storey design mean that the extension will not be overbearing nor will overshadow this property. Therefore, it is considered not to cause significant harm to residential amenity to this property.

2 Pioneer Barn – a semidetached dwelling to the south of the application site

In terms of privacy to this property although there are 4 windows in the elevation facing on to 4 Little London it is likely that these are secondary/non-habitable windows. Furthermore, there is an existing ~1.8m wall/fence which screens the majority of the ground floor windows which would be most affected. Therefore, privacy is not significantly impacted in this case.

In terms of an overbearing or overshadowing effect to No.2, due to the design of the extension especially the lean-to roof and the low eaves height it is considered not to create significant massing. It is also noted that a 1.2m gap will remain between the development and the property boundary further lessening the impact of the extension. It is therefore considered not to cause significant residential harm to the residents at No.2 Pioneer Barn.

For these reasons, the proposed development at 4 Little London is not considered to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan and Key Design Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations SPD.

4 – Impact on highway safety:

Principle 15 of the House Extensions and Alterations SPD states that: *“Extensions and alterations should maintain appropriate access and off-street ‘in curtilage’ parking.”*

There were concerns raised about a previous, similar application at the site being refused due to it potentially removing turning space for the original development. The agent provided a justification statement and evidence that the area where the garage is located has not been used for vehicle turning ever since they moved in 6 years ago. From the site visit it is clear that there are opportunities for the parking of vehicles, with limited turning, elsewhere on site. In addition, since the refusal of planning permission the agricultural building to

the south of the site has been converted to residential and there appears to be no specific condition to retain this as a turning area on the original planning permission: permitted development rights for extensions were removed to solely protect the Green Belt.

The application proposes no increase to the number of bedrooms at the site. It should be noted that there is generous space within the site for parking opposite the property. It is therefore considered that the proposal is likely to have a neutral impact upon the safe and efficient operation of the highway network.

Principle 16 of the House Extensions and Alterations SPD relates to the storage and collection of bins, but these arrangements are unlikely to be altered by this development.

Given the above, the impact upon highway safety is considered to be acceptable. The proposed development is therefore considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan, Chapter 9 of the National Planning Policy Framework and Principles 15 and 16 of the House Extensions and Alterations SPD.

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. This includes KDP 8-11 of the SPD.

Whilst a Climate Change Statement has been submitted, due to the limited nature of the development which is proposed, it is not considered that specific mitigation measures are required to facilitate this development having regard to the requirements of building regulations which would need to be adhered to and the improved insulation likely to be required to be incorporated as a result.

Biodiversity –Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the fact that the property in this case appears to be well sealed and maintained with little opportunity for bats where affected by this extension.

However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

6 – Representations:

No representations have been received.

7 – Conclusion:

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.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development, on balance, would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2023/93706

Officer Recommendation: Approve

Conditions and Reasons

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

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

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

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP21, LP22, LP24, LP32, LP51 & LP57 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8 & 15 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 9, 12, 13, 14 & 15 of the National Planning Policy Framework.

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

Reason: In the interests of visual amenity and to accord with Policies LP2, LP24 and LP57 of the Kirklees Local Plan, Principles 1, 9 & 2 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 12 and 13 of the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Form	-	-	21/12/2023
Proposed plans and elevations	23 J 57 01	A	05/01/2024
Location plan	23 J 57 02	-	21/12/2023

Plan Type	Reference	Version	Date Received
Climate change statement	-	-	21/12/2023

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 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 have been sought in the processing of this application.

Report Dated: 20/02/2024