

**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:	2024/62/90041/E
Site Address:	87, Drub Lane, Drub, Cleckheaton, BD19 4BZ
Description:	Erection of first floor extension and associated alterations
Recommending Officer:	Morgan Braithwaite

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.

Emma Thompson

AUTHORISED OFFICER

Date: 04-Apr-2024

OFFICER REPORT

Site Description

87, Drub Lane, Cleckheaton, BD19 4BZ is a single storey detached property constructed from stone, with an integral double garage. The property benefits from a large area of amenity space wrapping around the property from the front to the west and around to the rear of the dwelling. There is also parking provision for up to two cars to the front of the dwelling.

The dwellings that form the street scene are not uniform in appearance, scale, or material palette. The area is predominantly residential, local amenities are within driving distance.

Description of Proposal

This application has been received for the erection of a first-floor extension to the existing dwellinghouse and would be constructed of materials which would match that of the existing. The initial plans saw the extension covering the existing footprint of the original dwellinghouse, with a length of approximately 16.2m and an approximate width of 10.5m. The proposal would see an increase in the ridge height from 4.5m to 8m and an eaves height from 3.1m to 5.4m. However, amended plans have been submitted upon request to reduce the scale of the proposal by removing the section of the extension over the garage. It is noted that a previous Class AA application (2023/93260) was made for a first-floor extension over the original dwelling, which has been approved, which is in line with the amendments requested through this application.

Relevant Planning History

2001/90184: Erection of extensions. Conditional Full Permission.

2003/95038: Demolition of existing bungalow and outline application for erection of 2 no. 2 storey dwellings. Refused.

2006: Demolition of existing bungalow and garage and erection of detached dwelling with detached garage. Refused.

2007/93443: Demolition of existing dwelling and erection of detached dwelling with integral garage. Conditional Full Permission.

2008/90187: Demolition of existing dwelling and erection of detached house with integral garage (revised house type). Conditional Full Permission.

2009/90160: Erection of 2 storey side extension and alterations to raise roof to form 1st floor extension. Conditional Full Permission.

2013/90106: Demolition of existing dwelling and erection of 2 dwellings. Conditional Full Permission.

2023/93260: Prior approval for enlargement of dwellinghouse by erection of additional storey. Details approved.

Representation

The application was advertised by neighbour notification letters, which expired on 20.02.2024

A representation has been made objecting to the proposal. The representation raised concern regarding the scale of the proposal, impact on the green belt and potential non-compliance with LP24 of the Kirklees Local Plan.

Consultation Responses

None required.

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 unallocated on the Kirklees Local Plan but is allocated on Green Belt land.

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
- **LP57** – The extension, alteration, or replacement of existing buildings
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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

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 erection of a first-floor extension 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 provided that it does not result in disproportionate additions over and above the size of the original building.

Policy LP57 of the Kirklees Local Plan states that extensions shall 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 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. 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.

In this instance, the application site is comprised of a single storey detached dwelling with a large amenity space. Permission has been granted for a first-floor extension by means of previous applications (2009/90160, 2013/90160, 2023/93260) with plans showing various proposals for an additional storey to the property.

The proposed development would see the addition of a first floor to the property which would cover a large proportion of the ground floor footprint, only excluding developing above the garage. Although no volume calculations have been provided, officers have calculated that the proposal would result in a volume addition of approximately 55%. Notwithstanding the calculations, this does exceed the 33% volume increase generally used as guidance when assessing applications in the Green Belt. Weight should be afforded to the fall back position established by application 2023/93260. The increase upwardly has been established through the submission of the class AA.

As set out in the PPG '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' so whilst a volume calculation is helpful, the impact visually is also important. To extend the property would result in some impact on openness. However, this should be considered taking into account the fallback as well as the context of the surrounding area. Existing development along Drub Lane varies and the scale proposed by the development is not out of character with other built form. Whilst the development may not be subservient to the original building, it is deemed that the proposal would not negatively impact the character and appearance of the Green Belt or character original dwellinghouse and would sit comfortably within the street. As such the development can, on balance, be supported and is justifiable in this instance having regard for policies LP24 and LP57 of the Kirklees Local Plan and the aims of the House Extensions and Alterations SPD. As the resulting scale and mass is significant when compared to the original building it is unlikely further extension could be supported. As such, permitted development rights should be removed restricting any further extension or outbuilding.

For the reasons outlined the development can be supported and would constitute sustainable development in the Green Belt. This is compliant with Chapter 13 of the NPPF together with part of Policy LP57 of the Kirklees Local Plan, and it is considered that the principle of the development is acceptable.

Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. In terms of extending and making alterations to the property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions and Alterations SPD and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other planning considerations, including visual and residential amenity, as well as highway safety.

These issues along with other policy considerations will be addressed below.

2 –Impact on visual amenity:

Key Design Principle 1 of the House Extensions & Alterations supplementary planning document (SPD) state that extension and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area of 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.

The proposal would be visible from the street scene, as the proposal is for a first-floor extension to the original dwellinghouse. The proposal would create a two-storey dwelling. The materials of the proposal would be in keeping with the host dwelling.

It is noted that a Class AA application (2023/93260) received approval for the details submitted. This application sees an enlargement to the proposal in comparison to the plans submitted in the prior approval application. There has also been a representation made with concerns for the impact the proposal would have on visual amenity, residential amenity for neighbours and the impact on the openness of the Green Belt. Amended plans reduce development proposed addressing officer concerns regarding impact. The scale and design is consistent with other development along Drub Lane and would not be out of keeping nor would it impact on openness when affording weight to the fall back. Having taken the above into account, the proposed extension would not cause harm to the visual amenity of the host dwelling or the wider street scene, and therefore would comply with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale, and layout and (c) as the extension would form a subservient addition to the property and would be in keeping with the existing building. It is also considered that the proposal would not cause significant harm to the openness of the Green Belt.

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

The proposal would not cover any amenity space of the dwelling due to being a proposal for a first-floor extension. It is worth noting that the first floor has been approved under the submission of a Class AA which introduces development at first floor level. This includes accommodation at the rear at a higher level than at present. The proposed plans now submitted reflect those previously received. It is a common relationship in the street. The location of development and relationship to the site will avoid any detrimental impact in terms of loss of amenity. As such, the development would not result in harm to any neighbouring occupant in terms of overlooking, overshadowing/loss of light and overbearing impact when affording weight to the on site situation as well as the fall back. Therefore, the development complies with Policy LP24 (c) and

Key Design Principles 3 on privacy, 5 on overshadowing/loss of light, 6 on preventing overbearing impact and 7 on outdoor space.

Impact on 74, Drub Lane, Drub, Cleckheaton, BD19 4BU

74 Drub Lane is a two-storey semi-detached dwelling located to the south-west of the applicant site. The property is constructed from brick, featuring a pitched roof. There is approximately 31.1m between the front elevations of each property, with a carriageway separating the two dwellings.

The proposed raised roof height would add some bulk to the host dwelling. It is noted that an increase could cause some additional overshadowing and overbearing impact to the neighbouring property. However, a similar increase has been agreed through the submission of a Class AA. Given the roof design, design of surrounding properties and the sufficient separation distance of 31.1m, it is considered that the proposal would not result in significant overshadowing or overbearing impact, causing harm to the amenity of the neighbouring occupants. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 76, Drub Lane, Drub, Cleckheaton, BD19 4BU

76 Drub Lane is a two-storey semi-detached dwelling located to the south-west of the applicant site. The property is constructed from brick, featuring a pitched roof. There is approximately 30m between the front elevations of each property, with a carriageway separating the two dwellings.

The proposed raised roof height would add some bulk to the host dwelling. It is noted that an increase could cause some additional overshadowing and overbearing impact to the neighbouring property. However, a similar increase has been agreed through the submission of a Class AA. Given the roof design, design of surrounding properties and the sufficient separation distance of 30m, it is considered that the proposal would not result in significant overshadowing or overbearing impact, causing harm to the amenity of the neighbouring occupants.

Impact on 78, Drub Lane, Drub, Cleckheaton, BD19 4BU

78 Drub Lane is a two-storey semi-detached dwelling located to the south-west of the applicant site. The property is constructed from brick, featuring a pitched roof. There is approximately 31.2m between the front elevations of each property, with a carriageway separating the two dwellings.

The proposed raised roof height would add some bulk to the host dwelling. It is noted that an increase could cause some additional overshadowing and overbearing impact to the neighbouring property. However, a similar increase has been agreed through the submission of a Class AA. Given the roof design, design of surrounding properties and the sufficient separation distance of 31.2m, it is considered that the proposal would not result in significant overshadowing or overbearing impact, causing harm to the amenity of the neighbouring occupants.

Impact on 80, Drub Lane, Drub, Cleckheaton, BD19 4BU

80 Drub Lane is a two-storey semi-detached dwelling located to the south-west of the applicant site. The property is constructed from brick, featuring a pitched roof. There is approximately 31.3m between the front elevations of each property, with a carriageway separating the two dwellings.

The proposed raised roof height would add some bulk to the host dwelling. It is noted that an increase could cause some additional overshadowing and overbearing impact to the neighbouring property. However, a similar increase has been agreed through the submission of a Class AA. Given the roof design, design of surrounding properties and the sufficient separation distance of 31.3m, it is considered that the proposal would not result in significant overshadowing or overbearing impact, causing harm to the amenity of the neighbouring occupants.

Impact on 82, Drub Lane, Drub, Cleckheaton, BD19 4BU

82 Drub Lane is a two-storey semi-detached dwelling located to the south-west of the applicant site. The property is constructed from brick, featuring a pitched roof. There is approximately 31.2m between the front elevations of each property, with a carriageway separating the two dwellings.

The proposed raised roof height would add some bulk to the host dwelling. It is noted that an increase could cause some additional overshadowing and overbearing impact to the neighbouring property. However, a similar increase has been agreed through the submission of a Class AA. Given the roof design, design of surrounding properties and the sufficient separation distance of 31.2m, it is considered that the proposal would not result in significant overshadowing or overbearing impact, causing harm to the amenity of the neighbouring occupants.

Impact on 85, Drub Lane, Drub, Gomersal, Cleckheaton, BD19 4BZ

85, Drub Lane is a two-storey dwelling located to the north-west of the applicant site. The property is constructed from stone, featuring a pitched roof and dormer windows to the front and rear elevations. There is approximately 9.6m between the side elevations of the two properties, with no.85 sitting forward from the applicant property. The proposal would see two-bathroom windows placed on the south-west elevation of the applicant dwelling, which faces towards no.85, however, there are no windows in this side elevation of no.85.

The scale and windows positions, including large 'patio' style doors at the first floor, are not considered to result in any detriment to the neighbouring occupants when taking into account the fallback as well as the positioning of number 85.

The proposed raised roof height would add some bulk to the host dwelling. It is noted that an increased roof height could cause some additional overshadowing and overbearing impact to the neighbouring property. However, a similar increase has been agreed through the submission of a Class AA. Given the roof design, design of surrounding properties and the offsetting of the properties, it is considered that the proposal would not result in significant overshadowing or overbearing impact, causing harm to the amenity of the neighbouring occupants.

Impact on 99, Drub Lane, Drub, Cleckheaton, BD19 4BZ

99, Drub Lane is a bungalow located to the north-east of the applicant site. The property is constructed from stone, featuring a pitch roof, with two smaller extensions to the rear of the property also featuring pitched roofs. There is approximately 4.2m between the side elevations of each property, no.99 is set back from the applicant dwellings and has an opening to its western elevation on the ground floor. The proposal would see the addition of a first-floor

bathroom window to the side elevation, along with windows to the rear of the dwelling. The proposal would see the height of the applicant property raising to 8m. It is noted that the increase in the applicant properties height and volume could cause some overshadowing and overbearing impact on no.99. A similar increase has been agreed through the submission of a Class AA which is afforded weight.

The scale and windows positions, including large 'patio' style doors at the first floor, are not considered to result in any detriment to the neighbouring occupants when taking into account the fallback as well as the positioning of number 99.

It is considered that the proposal would have a minimal adverse impact upon the residential amenity of adjacent occupiers and would accord with Policy LP24 of the KLP and the Key Design Principles of the House Extensions and Alterations SPD.

4 – Impact on highway safety:

The proposal would result in some intensification of the domestic use of the property. However, the proposal would see the addition of further bedrooms, increasing the number of bedrooms from 3 bedroom to a proposed 6 bedrooms. There is sufficient parking provision by means of two parking spaces within the integral garage and a further two spaces to the front on the property.

Therefore, the proposal would not result in any additional harm in terms of highway safety and as such, complies with 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 small-scale 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.

6 – Representations:

A representation was received as a result of site publicity. The representation objected to the proposal, raising concern for the scale of the development and its impact on the Green Belt.

Due to the site context as well as the fall back position established by the previous application there is justification in this instance to allow the proposed development as amended.

7 – Negotiations:

Alterations to the proposal have been requested and resubmitted by the agent. The amended proposal sees a reduction in the scale of the proposal which is similar to that of the Class AA application which was conditionally approved. The amended proposal is considered, on balance, acceptable.

8 – Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Matching materials condition.

Remove permitted development to avoid detriment to the character and openness of the green belt.

9 – Conclusion:

The application to erect a first-floor extension to 87, Drub Lane, Drub, Cleckheaton, BD19 4BZ has 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 cumulative impact of the proposed development would not amount to disproportionate additions over and above the size of the original building, so would not constitute inappropriate development in the Green Belt, as it would not be detrimental to the visual amenity of the host dwelling and would have no adverse impact on neighbouring properties. This accords with Chapters 12 and 13 of the National Planning Policy Framework, together with policies LP24 and LP57 of the Kirklees Local Plan.

However, amended plans have been submitted which have reduced the scale of the proposal and is of a design which is similar to that of the Class AA application previously approved. As such, these amendments would not amount to disproportionate additions over and above the size of the original building, and so would not constitute inappropriate development in the Green Belt. The amended plans, therefore, shall be approved.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Governments 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 seen in the amended plans would constitute sustainable development and is therefore recommended for approval.

Recommendation Approval

Decision Authorisation - Delegated Powers

Application Number: 2024/90041

Officer Recommendation: Approval

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 Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

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

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A - E of Part 1 of Schedule 2 to that Order shall be carried out within the red line boundary of the site. **Reason:** To ensure that unsatisfactory extensions and outbuildings do not have an unacceptable impact on the openness and character of the Green Belt, in accordance with the requirements of Policy LP24 and LP57 of the Kirklees Local Plan and Chapters 12 and 13 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays

08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction/ sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations – (20)001 PROPOSED GAA1	(20)001 REV A		26.03.2024
Proposed Site / Block Layout – (20)002 BLOCK PLAN A3	(20)002 REV A		26.03.2024
Location Plan – (EX)002 LOCATION PLAN A4	1024049		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 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.

Concern was raised regarding the scale of the proposal in relation to other dwellings and impact on the Green Belt. Additional plans were provided showing the dwelling in relation to the height of other dwellings and the impact on the Green Belt, which have been assessed.

Alterations to the proposal have been sought since submission. These amendments have been considered acceptable.

Report Dated: 28.03.2024