

**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:	2024/62/90538/W
Site Address:	Wood Crest, Stalley Royd Lane, Jackson Bridge, Holmfirth, HD9 7HX
Description:	Erection of two storey side extension, two storey rear extension and first floor balcony including associated works
Recommending Officer:	Lucy Taylor

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: 30-Jul-2024

Officer Report.

Reference: 2024/90538

Location: Wood Crest, Stalley Royd Lane, Jackson Bridge, Holmfirth, HD9 6HX

Proposal: Erection of two storey side extension, two storey rear extension and first floor balcony including associated works

Site Description.

Wood Crest is a bungalow with limited accommodation at lower ground floor level. The external walls of the property are faced in natural stone and the roof is infilled with natural blue slate tiles. The property has a driveway to the eastern side and benefits from a substantial extent of outdoor amenity space, located to all elevations of the property.

The application site is located in the Green Belt.

Description of Proposal.

Planning permission is sought for the erection of a two-storey side extension, two-storey rear extension and first floor balcony, including associated works.

The proposed two-storey extension would project from the southern side of the host building by 6 metres, with a width of 9.5 metres and a maximum height of 3.4 metres. The external walls of the extension would be faced in natural stone and timber and the roof would be infilled with natural blue slate.

A first-floor balcony is proposed to project from the western side of the extension.

In addition, as part of the works, the level of accommodation at ground floor level will be increased. A bedroom, bathroom and WC would be created at lower ground floor level.

History of Negotiations.

The case officer recommended that amended plans be submitted to reduce the extent of built form proposed, as a result of these negotiations, the planning agent submitted amended plans to remove the originally proposed first floor accommodation. As a result of these amendments, the original description of proposal was amended accordingly.

In response to the amended plans, the case officer recommended that further amendments be made, to further reduce the extent of built form proposed. However, no response was received to the officer's emails and therefore, the case officer proceeded to determine the application on the basis of the amended plans as submitted previously.

In this instance, given that the amended plans reduced the extent of built form, it was not considered necessary to re-advertise the application upon the submission of amended plans.

Officers note that, whilst the survey information requested in the consultation response from KC Ecology could have been sought from the planning agent / applicant, given the other reasons for refusal, it wasn't considered reasonable to do so in this instance.

Relevant Planning History.

There is no planning history at the application site and it is not considered that there is any planning history to nearby properties that would be relevant to the determination of this application.

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 which expired on 23rd April 2024 – no representations received.

Consultation Responses.

KC Ecology – The application should not be determined prior to obtaining survey information regarding bats.

Holme Valley Parish Council – Oppose. The style is not in-keeping with the surrounds, the size is too large and dominant for the plot and therefore has issues with over intensification and height.

Policy/Legislation.

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 allocated as Green Belt.

The site falls in an area with a known presence of bats and within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP51 – Protection and Improvement of Local Air Quality
- LP57 – The Extension, Alteration or Replacement of Existing Buildings

Supplementary Planning Documents:

Highways Design Guide SPD (2019)

House Extensions and Alterations SPD:

The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and architects who are planning and designing an extension or alterations (householder development) to an existing residential property, including conservatories and outbuildings, such as garages. It provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration required by the Council.

Holme Valley Parish Council:

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan.

The site falls within Local Characteristic Area 7 – River Holme Wooded Valley.

The policies from the Holme Valley Neighbourhood Development Plan that are relevant to this application are:

- Policy 1 – Protecting and Enhancing the Landscape Character of Holme Valley
- Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- Policy 12 – Promoting Sustainability

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, together with Circulars, Parliamentary 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, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment.

The following matters that will be considered as part of the assessment of the proposal are set below. These considerations will be looked at in detail individually:

- 1) Principle of Development
- 2) Impact on Visual Amenity and Historic Environment
- 3) Impact on Residential Amenity
- 4) Impact on Highway Safety
- 5) Other Matters
- 7) Conclusion

1. Principle of Development

Sustainable Development:

Chapter 2 of the NPPF states that: *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*

Chapter 2 of the NPPF goes on to further state that objectives should: *“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

Policy LP1 goes further and states: *“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”*

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*”.

Green Belt:

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the categories set out in Paragraphs 154 and 155.

Paragraph 154(c) of the NPPF outlines that 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 can be appropriate development in the Green Belt.

Further to this, Policy LP57 of the Kirklees Local Plan states that the extension or alteration of buildings in the Green Belt will normally be acceptable provided that:

“a. in the case of extensions the original building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building;

c. the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard surfacing, curtilages and enclosures and means of access; and d. the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.”

The property as it currently stands is considered to be the original building, with no planning history at the site. Officers have calculated that the existing property has a volume of approximately ~398.5m².

The volume of the resultant property, following the erection of the proposed extensions (including to the lower ground floor) would be approximately 680.39m². In turn, the proposal presents a percentage increase of approximately 58.57%.

As a consequence of the scale and mass proposed the development would represent inappropriate development within the Green Belt by reason of forming disproportionate additions to the original building. There would be additional other harm caused by development through a reduction in the openness of the Green Belt at the site by the formation of additional built form (spatial and visual harm).

As set out in Paragraph 152 of the NPPF, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 goes on to advise that very special circumstances will not exist unless the potential harm to the Green Belt by reason of appropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

No very special circumstances were put forward by the planning agent or applicant.

It is therefore concluded that the proposal constitutes disproportionate additions to the original building which constitutes inappropriate development within the Green Belt. Further harm would be caused to the visual and spatial openness of the Green Belt through the development of land that is presently open and by the cumulative impact of extensions to the original building. There are not considered to be any very special circumstances that exist in this case which clearly outweigh the harm of the inappropriate development in the Green Belt. The proposal fails to comply with Chapter 13 of the NPPF and Policy LP57(a) of the Kirklees Local Plan.

1. Impact on Visual Amenity

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby paragraph 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.”*

Paragraph 135 of the NPPF is of relevance, in particular the following parts: -
- *‘b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping*
- *c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change’*

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, heritage assets and landscape...
c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”*

Developments that are considered to conform appropriately with Local Plan Policy LP24 and the design requirements as set out above, are considered to also conform with Policy 2 of the Home Valley Neighbourhood Plan – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design.

Policy 1 of the Holme Valley Neighbourhood Plan HVNP sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA), in this case Local Characteristic Area 7 – River Holme Wooded Valley.

The key built characteristics of LCA7 are:

- Settlements characterised by a close association between built form and landscape.
- Industrial heritage features such as weirs and mill buildings.
- Mounds and hollows, which are the remains of shallow tunnels created for coal mining, as well as piles of shale material and the remains of plateways (flat stones laid across fields to assist with vehicle movement), are also found across the moorland and fields.

Policy 2 of the HVNP states that new development should protect and enhance local built character and distinctiveness, strengthen the local sense of place by respecting the existing grain of development in the surrounding area, use local materials and detailing which add to the quality or character of the surrounding environment, respect the scale, mass, height and form of existing buildings in the locality and their setting.

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.

- Key Design Principle 1: Local Character and Street Scene - *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.*
- Key Design Principle 2: Impact on the Original House - *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 detail.*

Section 5.7 of the House Extensions and Alterations SPD provides specific guidance on Bungalows, with paragraph 5.31 setting out that '*Careful consideration should be given to two storey and first floor extensions to bungalows. These can cause a negative impact on the street scene and character of the area through changing the height, rhythm or form of a roof in relation to the rest of the street scene*'.

The proposed extensions to Wood Crest are not considered to be subservient additions, creating an extension to the southern elevation of the host property, which would have the same ridge height as the host roof and would appear as two-stories in height when viewed from the wider streetscene, with a visible and fenestrated elevation created at lower ground floor level. As well as appearing as dominate within the immediate context of the site, it is also considered that the extension would be out of keeping with the character of its immediate setting, with the properties adjacent along Stalley Royd Lane bungalows in their construction style.

It is also considered that the application of timber to the external walls of the extension would be out of keeping with the character of the property and with the wider character of the area. As well as this, it is considered that the vast extent of glazing and raised balcony proposed to the principal elevation would appear at odds with the architectural design of the host property and properties within the immediate vicinity, with are relatively tradition in terms of fenestration to the principal elevation been limited to regular windows.

For these reasons, the proposed extensions to Wood Crest are considered to have a detrimental impact to the visual amenity of the application site and surrounding area. Therefore, it is concluded that the proposal fails to comply with LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations and Alterations SPD, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Chapter 12 of the NPPF.

2. 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 135 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.

Policy 2 of the Holme Valley Neighbourhood Development Plan states that *‘designs should respect the scale, mass, height and form of existing buildings in the locality and the site setting. Development should fit in with and neither dominate nor have a detrimental impact on its surroundings and neighbouring properties’*.

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.

The proposal would see a reduction in the extent of garden amenity space at the site, but it is considered that an adequate amount would be retained in accordance with Key Design Principle 7 of the aforementioned SPD.

The proposed extensions to Wood Crest would retain a separation distance of approximately 13 metres from the shared boundary with Wood Lynn to the east of the site and would retain an even greater separation distance from the siting of this neighbouring property itself. Furthermore, no additional fenestration detailing is proposed to the elevation which faces towards Wood Lynn as part of this development. Therefore, the proposal is not considered to result in any undue impacts of overbearing, overshadowing or overlooking for the occupiers of Wood Lynn.

It is considered that the proposed works would be a sufficient distance away from any other properties to prevent undue harm to residential amenity in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing affect.

For these reasons, the proposed developments are 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, Policy 2 of the Holme Valley Neighbourhood Development Plan, Key Design Principles 3, 4, 5 and 6 of the House Extensions and Alterations SPD and Policy LP24 of the Kirklees Local Plan.

3. Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan 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 Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The proposal would see the property have a total of 3 bedrooms, where the property currently has a total of 2 bedrooms. However, the existing driveway at the site would be retained as existing and it is considered that on-site parking could be achieved in accordance with the recommended number of spaces for 3 bedroomed properties as set out in the SPD. It should also be noted that access to and from the property in conjunction with the highway would remain as existing.

In turn, erecting the proposal would appropriately accord with Chapter 9 of the NPPF, LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extension SPD.

4. Other Matters

Climate Change:

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.

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.

As part of this application, a Climate Change Statement was submitted, which sets out various mitigation measures. Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs further mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF, Policy LP51 of the Kirklees Local Plan and Policy 12 of the Holme Valley Neighbourhood Development Plan.

Ecology / Biodiversity:

Chapter 15 of the National Planning Policy Framework is 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 lies within the bat alert layer on the Council's GIS system. KC Ecology were formally consulted on this planning application, concluding that the application should not be determined prior to obtaining survey information regarding bats.

However, given the other reasons for refusal of this application (Green Belt and visual amenity) officers consider it would be unreasonable to not progress with the determination of the application on these grounds.

5. 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 application of policies in the NPPF that protect areas or assets of particular importance provide clear reasons for refusing the development proposed.

The proposal is concluded to be inappropriate development in the Green Belt for which no very special circumstances exist which outweigh the harm. In addition, the proposal is considered to have a detrimental impact to the visual amenity of the application site and surrounding area.

Therefore, for the reasons set out in Sections 1 and 2 of this report, refusal is recommended.

Recommendation: Refuse

Decision Authorisation – Delegated Powers
Application Number: 2024/90538
Officer Recommendation: Refuse

Reasons for Refusal:

1. The proposed extensions by virtue of their size and scale would constitute disproportionate additions to the original building. Further harm would be caused to the visual and spatial openness of the Green Belt through the development of land that is presently open. There are no very special circumstances which exist in this case to clearly outweigh the harm caused by reason of inappropriateness and other harm. The proposal fails to comply with Chapter 13 of the National Planning Policy Framework. and Policy LP57(a) of the Kirklees Local Plan

1. The design of the proposed development would be neither subservient to the host dwelling nor harmonise with the existing dwelling or the wider character and appearance of the area, thereby causing detrimental harm to the visual amenities of the host dwelling and wider locality contrary to Policies LP24 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and policies contained within Chapter 12 of the National Planning Policy Framework.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	01	-	23.02.24
GA Drawing – Existing	02	-	23.02.24
Block Plans	04	B	28.06.24
GA Drawing – Proposed	03	C	28.06.24
Supporting Statement	-	-	23.02.24
Climate Change Statement	-	-	28.02.24
Volume Analysis	-	-	26.06.24

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Negotiations were undertaken as part of this planning application however, the planning officer did not provide a response to the case officer's latest emails, meaning that the application was determined on the basis of the plans submitted up to present.

Report Dated:

29.07.24

