

**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:	<b>2024/62/90838/E</b>
Site Address:	5, Hopton Hall Lane, Upper Hopton, Mirfield, WF14 8EP
Description:	Demolition of existing garage and erection of outbuilding with associated external alterations
Recommending Officer:	Edward Cheseldine

**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: 28-May-2024**

## **Officer Report**

2024/90838 - 5, Hopton Hall Lane, Upper Hopton, Mirfield, WF14 8EP

### **Site Description**

The application relates to a two storey, traditional style dwelling which dates back to the 19th century. The dwelling is formed in three distinct sections, which were likely all separate dwellings at one time. The dwelling is set on a relatively steep hill which rises from the north to the south. Each section of the dwelling gets slightly smaller in height as they progress up the hill. The dwelling is faced mostly in natural stone, with some render to the side and rear elevations. The dwelling benefits from a garage and hardstanding to the side and a modest sized garden to the rear. It is at a lower ground height than the fields that rest behind the site.

### **Description of Proposal**

The applicant is seeking permission for demolition of existing garage and erection of outbuilding with associated external alterations including a car port and walling.

The outbuilding and car port will be 8.420m(w) x 5.30m(d), with an eaves height of ~2.00m and ridgeline height of ~3.30m. The building will be constructed of oak cladding which falls under a pitched roof clad in blue slate roof tiles. There will be glazing to the front, side and rear of the outbuilding.

In addition, a sandstone wall will be erected between the existing dwellinghouse and outbuilding.

### **Relevant Planning History**

2021/91590 - Demolition of existing garage and erection of two storey and single storey side extension – Refused

2022/90403 - Demolition of existing garage and erection of single storey side extension and link – Full permission granted

### **Amendments/Negotiations**

None due to officer concerns regarding the principle.

## **Planning Consultations**

Mirfield town council – No comment

## **Public Representations**

Neighbourhood notification letters were produced to advertise the application, which expired on the 21-May-2024. As a result of the publicity, there were no representations made.

## **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 27<sup>th</sup> February 2019).

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

On 12<sup>th</sup> 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 21** – Highway Safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** – Biodiversity
- **LP 33** – Trees

- **LP57** – Extensions, alterations & replacement buildings in the Green Belt

Kirklees Council adopted supplementary planning guidance on house extensions on 29<sup>th</sup> 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 House Extensions & Alterations Supplementary Planning Document 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 20<sup>th</sup> December 2023, and the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 12 – Achieving well-designed places 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

### **Other Material Considerations**

- Kirklees House Extensions & Alterations Supplementary Planning Document (2021)
- Kirklees Highways Design Guide SPD (2019)

### **Assessment**

- 1) Principle of development
  - a. Green Belt
- 2) Impact on visual amenity

- 3) Impact of residential amenity
- 4) Impact on highway safety
- 5) Environmental matters
- 6) Conclusion

### Principle of development

#### *Green Belt*

The application site is located on land allocated as Green Belt in the Kirklees Local Plan.

Chapter 13 of the NPPF requires local Planning Authorities to regard the construction of new buildings in the Green Belt as inappropriate development. The erection of an outbuilding to a dwelling can be considered as an “extension” to the host building if it is closely associated with that building and as such may be acceptable in accordance with the NPPF and Policy LP57 of the Local Plan.

Paragraph 154 of which regards expectations, criterion c) *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 will normally be acceptable provided that the host building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and other associated buildings will be 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, there is implementable planning permission for the erection of a single storey extension and link. It has been put forward within the Design and Access statement that the volume of the building is similar to the previous 2022 permission, which the officer does not dispute. The development proposed is detached from the main building and therefore the impact is assessed accordingly.

The Planning Practice Guidance (PPG) sets out that “openness is capable of having both spatial and visual aspects”. In terms of a visual assessment, the outbuilding and carport will occupy an area where a garage has been erected. The garage is not considered to be part of the original building, the width of

which is ~5.60m, views to the side of the garage open out onto an open countryside setting. The current proposal has a width of ~8.45m, there is a high-pitched roof of considerably mass. Its footprint is elongated in comparison to the existing garage and implementable extension whilst being positioned further to the south. Due to the lower ground level of the site, compared to the topography of the field to the rear, the open view of the field will be screened which reduces the sense of openness. In effect the dwelling with the walling proposed and original building will create an extended continuation of development significantly reducing the open aspect in this location. The development proposed would therefore have a greater impact to the essential characteristic of the Green Belt which is its openness.

In terms of a spatial assessment, development will be sprawled across the site, extended far beyond the built material as it stood in 1948. The planning unit will therefore have extended southwards by a significant distance which is, in part because of the separation of the garage from the main building and its elongated form. It would form disproportionate additions over and above the size of the original building due to the continuous form and development far beyond its original footprint. It would appear only marginally below the ridgeline of the original building group.

The development is therefore considered to represent inappropriate development due to disproportionate additions and elongated form and mass which creates a frontage that encloses the sense of space within the Green Belt. The development is contrary to Chapter 13 of the NPPF and Policy LP 57 of the Kirklees Local Plan.

#### Impact on visual amenity

The Council's guidance, set out in the Kirklees Local Plan (LP 24) & the Kirklees House Extensions & Alterations Supplementary Planning Document, states that good design should be at the core of all proposals in the district, by way of ensuring alterations respect the character of the host dwelling and its historic surroundings by respecting the form, scale, layout materials that are present.

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Supplementary Planning Document 2021, which aims to ensure future housing development is of high-quality design.

- Key Design Principle 1 of the House Extensions & Alterations Supplementary Planning Document states '*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 of the House Extensions & Alterations Supplementary Planning Document states '*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 outbuilding and car port is a large structure which will be constructed in oak cladding. It will be placed in a frontal position on a busy section of road. Although there is a ~3.30m distance of separation between it and the dwelling house, it will be connected by a stone wall. The dwelling has the appearance of three separate buildings, due to its staggered roof line and each section being incrementally set back.

Due to the height of the roofline, its elongated form and the slope of Hopton Hall Lane the outbuilding will compete with the dwellinghouse and not appear subservient. The ridgeline is only minorly set down from the dwellinghouse.

External timber cladding will be used, which set against the historic dwelling will appear incongruous. The dwelling has a traditional style, boundary materials are predominately coursed stone walling. Due to the bulk of the garage and its positioning in relation to the dwellinghouse, the materials will contrast with the traditional building materials of the area. In addition, there are no distinctive features on the front of the outbuilding which would link it with the other materials and details on the site. It would compete with the local vernacular of the building group and the materials of the boundary wall that runs along Hopton Hall Lane, whilst reducing views to the site's surroundings.

The design of the proposal would appear detrimental to visual amenity and therefore be contrary to LP 24 of the Kirklees Local Plan and Key Design Principle 1 & 2 of the Kirklees House Extensions & Alterations Supplementary Planning Document.

#### Impact on residential amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Extensions and Alterations Supplementary Policy Document goes into further detail with respect to outlining principles.

- Key Design Principle 3, '*extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours*'.
- Key Design Principle 4, '*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.*'

The outbuilding will be formed of habitable space, it includes a playroom and office space, with windows to the side and rear. Due to the layout of the area, the location of the development and the screening of the host dwelling, there will be no impact to residential amenity in accordance with Policy LP24 of the Local Plan and the NPPF.

#### Impact on highway safety

The proposal will add habitable space to the property, however the number of bedrooms will not increase. One car parking space is indicated to be at the front of the outbuilding with a second in the car port. Land registry information, shows there is a 1.0m section to the front of the existing garage which is indicated as public land. The parking space to the front of the outbuilding would therefore not be suitable for a car parking space, as the remaining land is measured to be 4.60m. However, the outbuilding could be reduced in size if there were no other outstanding matters in order to address highway concerns and to ensure the development is in accordance with Policy LP21 and LP22 of the Local Plan.

#### Environmental Matters

##### *Trees*

There is a cluster of protected trees to the south of the site. The TPO area is indicated to fall over the application site. A visual assessment of the area has indicated that there are no protected trees on the site, the nearest being ~12.70m away. The area of development is currently hard surfaced and there is a significant ground level drop. It is unlikely the works would affect the roots of the trees.

##### *Ecology*

The development is for the erection of an outbuilding. Whilst the property is not located in an area which is known to include bat habitats, it is on the border. Additionally, an existing garage will be demolished. Bats are a

protected species, if bats are found during the development, then work must cease immediately, and the advice of a licensed bat worker sought.

### *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.

### **Conclusion**

The application for the erection of a detached outbuilding and walling at 5 Hopton Hall Lane has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework, the Kirklees Local Plan, the House Extensions & Alterations Supplementary Planning Document other material considerations. The development would be contrary to Green Belt policy set out in the NPPF and Kirklees Local Plan, as well as being contrary to LP24 (design) which is further expanded in the Kirklees House Extensions & Alterations Supplementary Planning Document, the application is therefore not acceptable.

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

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

**Recommendation**

**Refusal**

## Reasons for Refusal

- 1) The proposed development, when considered cumulatively with the host property, combined with its overall scale, siting and design, would result in disproportionate additions to the original dwelling and a detrimental reduction in the openness of the Green Belt and harm to visual amenity. The proposed development would therefore represent inappropriate development within the Green Belt and no very special circumstances have been submitted to clearly outweigh the harm caused by reason of inappropriateness or other harm. The proposal would therefore fail to accord with the requirements of Policies LP24 (a) and LP57(a) of the Kirklees Local Plan and policies within the National Planning Policy Framework.
  
- 2) The proposed development, due to its materials and scale would appear incongruous, forming a structure that competes with the design and appearance of the original building, which neither respects the character of the host dwelling or landscape the site is situated in. The design would be contrary LP 24 of the Kirklees Local Plan and Principles 1 & 2 of the House Extensions and Alterations Supplementary Planning Document.

### Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan	LP 01	-	20/03/2024
Location plan OS	202005_001_OS	-	20/03/2024
Existing site plan topography	202005_002	-	20/03/2024
Grouped plans – existing	202005_003	-	20/03/2024
Proposed ground floor plans	202005_004	-	20/03/2024
Proposed roof plan	202005_005	-	20/03/2024
Proposed elevations	202005_006	-	20/03/2024
Materials board	202005_007	-	20/03/2024
Design and access statement	DAS	-	20/03/2024
Climate change statement	CCS	-	20/03/2024

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 has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments were sought.