

**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:	2024/62/90842/E
Site Address:	The Old Pump House, Wakefield Road, Lepton, Huddersfield, HD8 0LY
Description:	Erection of first floor side extension
Recommending Officer:	Elenya Jackson

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: 15-May-2024

OFFICER REPORT

Site Description

The Old Pump House, Wakefield Road, Lepton, Huddersfield, HD8 0LY is a two storey detached dwelling which currently benefits from its own driveway, a private garden and extensive amount of land.

The property resides to the north of the A62 and 1138m west of the Grange Moor Roundabout and is set 75m back from the roadside.

The area is low density with the closest original dwelling being 171m to the East; however, construction has started on a residential development to the south of the site

The site is located within the Green Belt and a low risk coal area

The site currently benefits from planning permission for a first floor side extension which received permission in 2022.

Description of Proposal

This application has been received for the construction of a first floor side extension.

The proposal would be located on the north-west elevation of the property above the existing garage, this would have a width of 7.1m, a depth of 13.5m including the balcony, this would project 1.9m beyond the principal elevation of the host dwelling.

The proposal would feature a pitched roof with a maximum height of 7.6m (previously 7.2m) and an eaves height of 6.1m (previously 5.1m)

The proposal would feature a predominantly glazed principle elevation which would have oak frame. The extension would feature a white K rend finish. The roof materials would match the existing dwellings.

The proposal would remove the widening of the garage door which was previously granted.

There would be no further excavations below the property.

Relevant Planning History

88/05651: Erection of extension to form motorbike workshop and office. Granted

89/01162: Erection of dog and cat boarding kennels. Refused

92/04447: Erection of 27 Unit Cattery. Conditional Full Permission

94/93159: Erection of Extension. Granted

96/92070: Erection of 7 additional cat chalets. Conditional Full Permission

2002/94065: Erection of bedroom extension. Granted

2007/95368: Erection of Conservatory. Conditional Full Permission

2003/91922: Use of Land for sitting of residential caravan for use of full time cattery care. Refused

2021/91757: Demolition of existing buildings and erection of two detached dwellings. Conditional Full Permission

2022/91682: Discharge of condition 4 (Ground Investigation) on previous permission

2021/91757: Demolition of existing buildings and erection of two detached dwellings. Conditional full permission

2022/92029: Erection of first floor extension. Conditional full permission

2022/44/91682/E: Discharge condition 4 (Ground Investigation Report) on previous permission 2021/91757 for demolition of existing buildings and erection of two detached dwellings. Approved

2023/44/90155/E: Discharge condition 3 (charging electric vehicles), 10 (collection of wastes) on previous permission 2021/91757 for demolition of existing buildings and erection of two detached dwellings: Approved

2023/62/91752/E: Alteration to the existing access design off Wakefield Road. Conditional full permission.

Representations

The application was advertised by neighbour letters, which expired on 7/05/2024

No representations were received

Consultation Responses

Kirkburton Parish Council: No comments recieved

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 located in the Green Belt on the Kirklees Local Plan Proposals Map

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 24** - Design
- **LP 57**- Extension, alteration or replacement of existing buildings

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 2 – Achieving sustainable development

Chapter 12 – Achieving well-designed places

Chapter 13 – Protecting Green Belt land

Chapter 14 – Meeting the challenge of climate, flooding and costal change

Chapter 15 – Conserving and enhancing the natural environment

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 construction of an extension to the side of 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 providing 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 considered. 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.

KC Policy have not been consulted on the application as it is a re-submission of a previous proposal; however, concerns were raised to the scale of the previous application as it was considered that the proposal would further extend the former tank by the addition of a first floor and that cumulatively it was considered that this would result in a disproportionate addition contrary to NPPF para 154, criteria c and local plan policy LP57 as such constituted inappropriate development in the Green Belt.

However, it was considered that due to the property previously receiving permission for a first floor extension above the previous tank in 2002 and there being limited amendments to the principles of Green Belt policy, the previous permission, in this instance, is considered a material consideration.

The scale and massing of what was approved in comparison to what is now being proposed is relatively similar. Whilst this is a historic permission which was determined under a previous policy framework, it would be considered unreasonable, due to the fact that the principles of Green Belt policy are broadly similar, to come to a different opinion on the point of disproportionate additions.

It was highlighted within this report that it was officers opinion that any further extensions or alterations to the property would be disproportionate.

The current application has been received increasing the height of the proposed first floor overall by 40cm. Officers have calculated the volume of the proposed first floor alterations as approximately 326m³ and the previous alterations as 323m³. This represents a 0.9% increase compared to the previous permission.

It is considered in this instance that a 0.9% increase in the volume would not be significant enough to warrant refusal in this instance. However, no further increase in scale would be considered acceptable given the sites historical extensions and alterations.

The proposal is considered to constitute appropriate development within the Green Belt, compliant with Chapter 13 of the NPPF together with Policy LP57 of the KLP and it is considered that the principle of development is acceptable.

2 –Impact on visual amenity and character of the Green Belt

Part of policy LP57 of the KLP stipulates that ‘the design and materials used (for extensions to buildings) in the Green Belt should be sensitive to the character of the Green Belt setting.’

Key Design Principle 1 of the House Extension & Alteration supplementary planning document (SPD) does state that 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. Furthermore, Key Design Principle 2 of the HESPD goes onto 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 not be highly visible within the street scene due to the dwelling being set back from the street scene by 75m.

The proposal would be situated above the footprint of the existing garage, constructed in materials matching the existing dwelling and feature a large amount of glazing to its principal elevation which would reduce the buildings opacity.

Previously, it has been considered that due to the scale of previous alterations to the site further alterations would be tantamount to a disproportionate addition and would require further scrutiny in order to respect the openness of the Green Belt. This application would be a 0.9% increase in volume which is considered marginal in this instance. However, due to the aforementioned reasons, it is deemed necessary to remove Permitted Development rights on site for additional alterations.

Having taken the above into account, the proposed extension would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying 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 in keeping with the existing building.

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 proposals 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 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

The property is set approximately 171m to the west of 317 Lepton Grange and therefore no issues to the residential amenity of the occupiers of this property.

Properties granted under application 2021/91757:

The proposal would introduce first floor windows into the rear of the property. This is situated approximately 9.2m away from the side elevation of the proposed garage and 17.2m away from the main dwelling (2). Dwelling 2 of application 2021/91757 features one window with obscured glazing and officers cannot locate a permission amending this. Therefore, no significant issues would arise regarding overshadowing/loss of light/overbearing to the future occupiers of the site.

4 – Impact on highway safety:

The proposal would not alter parking allocation on the site and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extension 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:

N/A

7 – Negotiations:

No alterations were requested to the application

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 to ensure that the extensions harmonise with the host property as using alternative materials would look out of place within the street scene.

Removal of Permitted Development Rights

9 – Conclusion:

This application to erect a first floor side extension to The Old Pump House, Wakefield Road, Lepton, Huddersfield, HD8 0LY has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Design SPD, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be 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 constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2024/90842

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

3. The external facing 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 Extension 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 – G 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 of the Green Belt in accordance with the requirements of Policy LP57 of the Kirklees Local Plan and the provisions of the NPPF (2023).

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	Date Received
Location Plan	A(00)02	21/03/2024
Proposed site plan and location plan	A(10)03	21/03/2024
Existing Plans and Elevations	A(00)01	21/03/2024
Proposed Plans and Elevations	A(10)02	21/03/2024
Climate change statement		

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.

The proposal has not been amended since its initial submission.