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:	**2024/62/90933/E**
Site Address:	Quebec Farm, Whitley Road, Whitley, Dewsbury, WF12 0LY
Description:	Erection of extensions and alterations
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: 05-Jun-2024

Officer Report

Site Description

Quebec Farm, Whitley Road is a two-storey detached dwelling located in Whitley, Dewsbury. It is constructed of stone, with a dual-pitched roof finished in stone slates. The property benefits from a small single-storey side extension and a conservatory to the rear. There are gardens to the front and side. There is a driveway and off-street parking.

The property is located in a rural area designated as Green Belt, and there are open fields to the north and west of the applicant property. The neighbouring properties are similar in age and materials of construction, although they vary in size and style.

A PROW runs to the northwest of the property (footpath DEW/11/10).

Description of Proposal

The applicant is seeking permission for the erection of two single storey extensions which would wrap around the host property on the north and eastern elevation. (The site previously has permission for a part two storey and part single storey extension in a similar position).

The side extension would be located where there is an existing single storey extension with a glazed roof (western elevation)

This would extend 3.95m beyond the side elevation of the host property, a depth of 5.5m. The roof of the proposal would be pitched with a maximum height of 5.2m

The single storey side extension (north and eastern elevation) would accommodate a kitchen/dining measuring 1.6m wide, 8.5m deep with a maximum height of 3.7m (20cm less than the previous permission). This would wrap around the host building and extend 2.7m beyond the rear elevation of the host building.

All external materials to match existing, as indicated on the submitted application form.

History of negotiations/amendments received

N/A

Relevant Planning History

At the application site:

92/05225 – Erection of porch extension and conversion of courtyard into a conservatory. Conditional full permission.

2021/91093- Erection of single and two storey extensions and external alterations. Conditional Full Permission

Representations

The application was advertised by neighbour letter, site notice and in the press due to the close proximity to a public right of way. Final publicity expired: 3/06/2024.

As a result of the above publicity, no representations have been received.

No parish/town council comments are required in this instance.

Consultation Responses

None were considered necessary in this instance.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 designated as Green Belt on the Kirklees Local Plan.

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 pre-dates 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 under other matters.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety
- **LP 22** – Parking
- **LP 23** – Core walking and cycling network
- **LP 24** – Design
- **LP 51** – Protection and improvement of air quality
- **LP 57** – Extension, alteration or replacement within Green Belt

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 2019, 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 9** – Promoting sustainable transport
- **Chapter 12** – Achieving well-designed places
- **Chapter 13** – Protecting green belt land
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on the Green Belt
2) Impact on visual amenity
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters
6) Representations
7) Conditions
8) Conclusion

<u>1 – Principle of development</u>:

The site is within the Green Belt on the Kirklees Local Plan (KLP). As such, it will be assessed having regard to Policy LP57 and NPPF Chapter 13, which advise that developments in such areas should be considered having regard to their impact on the openness of the Green Belt and the extent to which the

existing building remains the dominant element. Extensions should not create disproportionate additions.

The NPPF and the KLP both support limited extensions to buildings within the Green Belt. However, for extensions within the Green Belt to be considered acceptable, it is essential that they should neither prejudice the open character of the Green Belt nor be discordant in themselves or in relation to the host property.

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

2 – Impact on the Green Belt

The proposed extension would introduce additional built development within the Green Belt. It is inevitable that this would have some effect on the character and openness of the Green Belt.

Although the proposed extensions would create additional volume, it is considered that these would not be disproportionate or inappropriate additions given the existing situation. Also, there has been a previous permission on site for a two storey extension which has not been included as part of this application.

The extensions would be of an acceptable scale relative to the main dwelling and would be located within the residential curtilage. The original building would remain the dominant element in terms of size and overall appearance. Furthermore, this area is populated with other properties and buildings.

It is considered that the effect on the Green Belt would be minimal. Accordingly, the proposals are considered in line with Chapter 13 of the NPPF and Policy LP57 of the KLP.

3 – Impact on visual amenity:

The property is located in a rural area designated as Green Belt, and there are open fields to the north and west of the applicant property. The neighbouring properties are similar in age and materials of construction, although they vary in size and style.

In terms of design, the proposed extensions would be finished in materials to match the existing. The roofs would be dual pitched, hipped, or lean-to roof designs, which match the existing or are considered sympathetic. The design of the proposed extensions is considered acceptable from a visual amenity perspective.

In terms of scale, the proposed extensions would be small in scale and are considered subservient to the host dwelling which would remain the dominant feature following development. The proposed extensions would slightly increase the footprint of the building and would also increase the bulk and massing. However, the host property and its associated curtilage is of a scale

which would support the proposed extensions without amounting to overdevelopment or appearing incongruous, and while retaining a reasonable area of amenity space. The scale of the proposed extensions is considered acceptable from a visual amenity perspective.

The applicant property is set back approximately 35m from the road and is partly screened by neighbouring properties and existing boundary treatments. Therefore, there would be no significant harm to the visual amenity of the street scene caused by the proposal.

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, thus complying with Policy LP24 of the KLP and the aims of Chapter 12 of the NPPF.

4 – Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out in terms of Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers.

Impact on Whicham House, Whitley Road

This is the neighbouring property to the east of the application site.
Overlooking: The proposal would feature windows that would face onto Whicham House. It is considered that the proposal would continue an existing relationship between the properties due to windows already facing this property and the single storey nature of the proposal would enable sufficient screening should it be required.
Overshadowing/loss of light/overbearing: The proposal would be single storey and not be located within the vertical 45 degree visibility splay of any habitable windows at Whicham House. Therefore, no significant issues would arise regarding overshadowing/loss of light or overbearing.

Impact on Quebec Cottage & Tan House Farm, Whitley Road

These properties adjoin to the south of the application site. Given that the development will come no closer to these neighbours than at present, and that there will be no new windows to the southern elevation, there would be no impacts on the amenities of Quebec Cottage & Tan House Farm, Whitley Road caused by the proposal.

There are open fields to the north and west of the applicant property. Therefore, there are no neighbouring properties to these elevations that would be impacted by the proposed development.

Having reviewed the above, it is considered that this proposal would not result in any significant adverse impact upon the residential amenity of any

surrounding neighbouring occupants, thereby complying with Policy LP24 of the KLP and Paragraph 135 (f) of the NPPF.

5 – Impact on highway safety:

The proposed extensions would be constructed over existing amenity space at the property. No further bedrooms would be created by the proposal and existing parking provision would be retained. The current parking arrangements are considered sufficient. Therefore, the scheme would not represent any additional harm in terms of highway safety and, as such, it complies with Policies LP21 and LP22 of the KLP and Chapter 9 of the NPPF.

6 – Other matters:

Public Right of Way

A PROW runs to the northwest of the property (footpath DEW/11/10). The proposed extensions would be contained within the site and single storey in nature. Taking this into consideration, along with the fact that the property is located at a slightly lower land level than the Public Right of Way, it is considered that the extensions would not have a significant impact on the amenity of its user in this instance, according with Policy LP23 of the KLP.

Carbon Budget

The proposal is a small-scale domestic development to an existing dwelling. As such, no special measures are required in terms of the planning application, with regards to carbon emissions. However, there are controls in terms of Building Regulations, which would need to be adhered to as part of the construction process and which would require compliance with national standards. For this reason, the proposed development is considered to comply with Policy LP51 of the KLP and Chapter 14 of the NPPF.

There are no other matters considered relevant to the determination of this application.

7 – Representations:

No representations have been received.

8 – 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 proposed development harmonises with the host dwelling.

Notes will also be added regarding public rights of way, the hours of work and notifying the applicant that neighbours do not have to grant access to their land.

9 – Conclusion:

This application for erection of extensions and alterations at Quebec Farm, Whitley Road, Whitley, Dewsbury, has been assessed against relevant policies in the development plan, as listed in the policy section of the report, the NPPF and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed development is considered 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: 2024/90933
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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP23, LP24, LP51, and LP57 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the extensions 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 and the aims of Chapter 12 of the National Planning Policy Framework.

NOTE: Public footpath DEW/11/10 is adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works. The Council's Public Rights of Way unit may be contacted by telephone on 01484 221000. Public Rights of Way is based at Flint Street, Fartown, Huddersfield HD1 6LG and the email address is publicrightsofway@kirklees.gov.uk

NOTE: Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

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 13.00 hours, 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 may 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	19/168/A - Existing	-	8/04/2024
Grouped Plans and Elevations	19/168 Rev A - Proposed	-	8/04/2024
Proposed Site / Block Layout	19/168 – Site Plan	-	8/04/2024
Location Plan		-	8/04/2024

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 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 further alterations required.