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:	**2024/62/91059/W**
Site Address:	19, Hanging Royd, Wellhouse, Huddersfield, HD7 4JJ
Description:	Erection of first floor side extension to existing dwelling with alterations and demolition of detached garage (within a Conservation Area)
Recommending Officer:	Tom Hunt

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 19 June 2024

Officer Report

Site Description

2024/91059 – 19, Hanging Royd, Wellhouse, Huddersfield, HD7 4JJ

The application site relates to a two-storey, semi-detached dwellinghouse in the Green Belt. It is constructed with natural stone and has a tiled roof. Its rear elevation is directly abutting Share Hill Road (a classified C Road). Due to the local topography falling from southwest to a westerly direction, this appears as a single-storey dwelling from the highway but is clearly visible as a two storey dwelling approaching from the south. It had been extended previously by a single-storey, stone-built side extension and a single-storey conservatory with raised patio to a garden northeast of the dwelling. There is a single-storey, poor condition, detached garage at the end of a driveway which is clearly visible on raised hardstanding/platform. To its west is a Public Right of Way (COL/56/30).

The site lies within Wellhouse Conservation Area.

Description of Proposal

Erection of first floor side extension to existing dwelling with alterations and demolition of detached garage (within a Conservation Area)

It is proposed to have a first floor side extension, set back 0.5m from the rear elevation and a roof ridge set down from the host. It would project 3.7m from the side, have a depth of 6.2m and an overall height of 6m with matching eaves. Materials would be to match the host elevation and roof and fenestration would be to match existing with new windows side and rear.

The conservatory will remain, but the garage would be demolished. Agent submitted calculations demonstrate that there would be a reduction in overall volume by 6m3.

The proposal would serve to add a bedroom and study room to a two bedroom house.

History of negotiations/amendments received.

The Officer requested side elevations to be shown on plans to assess the impact on residential amenity.

Relevant Planning History

2022/92838	Demolition of conservatory and side extension and erection of two storey side and part rear extensions and

	porch with external alterations [within a Conservation Area] *Withdrawn.*
95/90227	Erection of single storey extension. *Conditional Full Permission.*

Pre application
Informal advice from Officer.

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 site notice, press notice and neighbour letters which had a final expiry date of 31/05/2024.

No representations have been received.

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).

Kirklees Local Plan (LP):

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 7 – Efficient and effective use of land and buildings**
- **LP 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 28 – Drainage**
- **LP 30 – Biodiversity & Geodiversity**
- **LP 32 – Landscape**
- **LP 25 – Historic Environment**
- **LP 43 – Waste management hierarchy**
- **LP 57 – The extension, alteration or replacement of existing buildings**

Supplementary Planning Guidance and other considerations

- Highways Design Guide SPD
- House Extensions and Alterations SPD (2021)

- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th December 2023, 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 4 – Decision-making
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- 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
- Chapter 16 – Conserving and enhancing the historic environment

Assessment
The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity and heritage amenity
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters – e.g. trees/ecology
5) Representations
6) Conclusion

<u>1 – Principle of development</u>:
1.1 Sustainable Development
Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive and proactive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

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".*

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

1.2 Green Belt

As outlined above the site is located within the Green Belt on the Kirklees Local Plan. Therefore, the proposal will be assessed having regard to NPPF Chapter 13 , paragraph 142 which advises Officers to attach *"great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."*

The proposal would remove an existing outbuilding for a first floor side extension of lesser volume.

There are five identified purposes of the Green Belt, paragraph 143, of which the following are considered most relevant to the proposal:

c) to assist in safeguarding the countryside from encroachment;

as the site is in the countryside.
Paragraph 152-153 states that *"inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."* and that *"substantial weight is given to any harm to the Green Belt". It goes on to define that:*

> *"Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."*

Keeping land permanently open in the Green Belt does not imply freedom from "any form" of new built development. The exceptions are set out in paragraphs 154-155 of the NPPF which define categories of appropriate development.

One of those exceptions that may be considered relevant to the proposal to be considered is Policy LP57 of the Kirklees Local Plan and paragraph 154c). They both support extensions to existing buildings as long as they are not disproportionate. Policy LP57 goes on to expand on this by requiring the host to remain as the dominant element, not having a greater impact on openness in terms of outdoor areas and to have any extension's design and materials to be sympathetic to its Green Belt setting.

Reviewing the site history and historic site surveys from June 2009, the garage was considerably larger than present with a collection of single-storey structures and was reduced by volume relatively recently. Through the passage of time, enforcement action could no longer be taken on those unplanned structures.

Is it inappropriate development in the Green Belt?
The proposal seeks to have a reduction in overall volume achieved by the removal of the garage and an addition to the host lesser in volume than the garage. This would therefore be acceptable.

The host would remain as the dominant element as demonstrated by the addition's diminutive design. The extension materials and fenestration will be to match the host ensuring that it would appear sympathetic to its setting.

Whilst the driveway would remain, the removal of the garage would reduce the urban sprawl of existing built development and appear to have an unobtrusive first-floor extension with high quality materials sitting well within its setting.

To conclude, the proposal would not be deemed as inappropriate development in the Green Belt and would be compliant with Policy LP57 of the Kirklees Local Plan and Chapter 13 of the NPPF.

1.3 – Heritage
The site is located within Wellhouse Conservation Area. As such, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area.

Section 72 of the Planning (Listed Building & Conservation Areas) Act (1990) are mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, Policy LP35 states *"development proposals affecting a designated heritage asset…should preserve or enhance the significance of the asset. In cases likely to result in…harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring…public benefits that clearly outweigh the harm".* This is mirrored in paragraph 208 in Chapter 16 of the NPPF.

Paragraph 203 goes on and states that Local Planning Authorities should consider:
"the desirability of sustaining and enhancing the significance of heritage assets… the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and; the desirability of development making a positive contribution to local distinctiveness" when determining these applications.

An analysis of whether harm to the significance of these heritage assets would occur will be assessed and discussed later in the report.

<u>2 –Impact on visual amenity and heritage amenity</u>:
In terms of visual amenity, general design considerations are set out in Policies LP02, LP24, and LP35 of the Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD and Chapters 12 and 16 of the NPPF, which seeks to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, respecting and enhancing the character of the townscape, heritage assets and protect amenity.

In this instance, the proposal would comply with the specific design requirements of the House Extensions and Alterations SPD (page 29-30) relating to first floor side extensions.
The proposed parking spaces would be within an existing driveway area serving as parking spaces. Whilst parked vehicles may cause some visual clutter in the rural landscape, the existing garage does not meet Highways Design Guide SPD requirements for internal garage spaces for modern vehicles and would not be suitable for its use. Officers concur that the parked vehicles would have a lesser visual harm over the existing built form as they would not be permanent structures. As such, the removal of built development above existing platform level would have a modest visual enhancement to the spatial openness of the rural landscape, allowing the transition from built development to countryside to be positively distinct and be in keeping with LP32 of the Kirklees Local Plan.
Whilst it would more completely obscure an original side elevation of low visual interest, this would still have a high-quality design with quality materials appearing in keeping with its rural setting and the Conservation Area. The removal of the harmful garage outbuilding in its poor-quality design and materials for a more appropriate first floor extension would appear to have a modest improvement in terms of visual amenity to the Conservation Area and would therefore not require public benefits or would conflict with Council duties to have special regard to Conservation Areas, LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.
Nonetheless Officers recommend that Permitted Development Rights be removed on all extensions to avoid visual harm and intrusion in this sensitive Green Belt setting.
In summary, it has been concluded that the proposal would be of a satisfactory design quality and would be in keeping with the landscape character of the area, in accordance with Policy LP02, LP24, LP32 and LP35 of the Kirklees Local Plan, the House Extensions and Alterations SPD and Chapters 12, 13 and 16 of the NPPF.

3 – Impact on residential amenity:

Section B of Policy LP24 of the Kirklees Local Plan states that all development should:

> *"…provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings..."*

Further to this, Paragraph 135f) of the National Planning Policy Framework 2023 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

The proposed would be screened by its host's bulk and massing for this neighbour and would therefore offer no concerns regarding residential amenity.

No. 6 Copley Bank Road
This development is separated ~7.7m by the highway northeast of this neighbour and would have no windows facing. As such, its orientation and position of the limited additional bulk and massing with the proposed fenestration arrangement would not raise concerns in relation to residential amenity.

Future Occupiers

With reference to Key Design Principle 7 of the House Extensions and Alterations SPD, the proposal, built over an existing footprint, would have a neutral impact on the outdoor private amenity space available to future and present occupiers for no additional impact on standards of privacy or useability.

The proposal would therefore be in general conformance with LP24b of the Kirklees Local Plan, the Key Design Principles relating to residential amenity of the House Extensions and Alterations SPD and Chapter 12 of the NPPF.

4 – Impact on highway safety:

The proposal would still offer a driveway space sufficient for two vehicles to meet the requirements of the Highways Design Guide SPD and to allow a sufficient turning area to enter the highway in forward gear. Bin arrangements are not set out but there is sufficient space remaining to allow those to remain as existing.

There is potential to obstruct the PROW during development therefore Officers recommend an informative attached to the Decision reminding applicants of their lawful obligation to keep this unobstructed and free to access for PROW users.

The proposed development would not cause additional harm to highway safety and would provide adequate access for waste management. This would comply with Policies LP21, LP22 and LP43 of the Kirklees Local Plan, Key Design Principle 15 of the House Extensions and Alterations SPD, the KC Highway Design Guide SPD and Chapter 9 of the NPPF.

5 – Other matters:

Climate Change
When determining planning applications, the Council will use the relevant Local Plan policies, the National Planning Policy Framework and guidance documents/SPDs to embed the climate change agenda and to achieve 'net zero' carbon emissions by 2038.

A Climate Change Statement has been supplied. Due to the proposed limited nature of the development, it is not considered that further specific mitigation measures are required to facilitate this development.

Drainage

The site is within a low probability Flood Risk Zone and therefore a condition is recommended to have the additional parking spaces drained sufficiently and/or made permeable in accordance with Policy LP28 of the Kirklees Local Plan, Key Design Principle 14 of the House Extensions and Alterations SPD, the Highways Design Guide SPD and Chapter 14 of the National Planning Policy Framework.

Biodiversity

The site is located within an identified bat alert and twite buffer area and likely bat roosting areas given the tracts of woodland nearby. It is also close to the Kirklees Wildlife Habitat Network. The proposal is to a side elevation which appeared well sealed at site survey and therefore of low roosting potential. It would be within an existing footprint with no further impact to vegetation or habitat. Nonetheless Officers recommend an informative to be attached to remind applicants of their lawful duties should breeding birds or evidence of bats be discovered within the site.

The proposal would have a neutral impact in terms of Policies LP24h) and LP30 of the Kirklees Local Plan, Key Design Principles 12-13 of the House Extensions and Alterations SPD and Chapter 15 of the National Planning Policy Framework.

6 – Representations:

No representations had been received.

7 – 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 development would constitute sustainable development and is therefore recommended for approval.

Recommendation Approve

Decision Authorisation - Delegated

Application Number: 2024/91059

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 accord with Policies LP01, LP02, LP07, LP21, LP22, LP24, LP28, LP30, LP32, LP43 and LP57 of the Kirklees Local Plan, Key Design Principles 1-17 of the Council's House Extensions & Alterations Supplementary Planning

Document, and Policies within Chapters 2, 4, 9, 11, 12, 13, 14, 15 and 16 of the National Planning Policy Framework.

3. The external walls 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 LP02, LP24 and LP35 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and policies within Chapters 12, 13 and 16 of the National Planning Policy Framework.

4. Prior to the hereby approved extension being first brought into use, the parking spaces shall be laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. 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) these areas shall be so retained, free of obstructions and available for the parking of vehicles.
Reason: To ensure that sufficient parking is provided for the site and to accord with Policies LP21 and LP22 of the Kirklees Local Plan, Key Design Principle 14 of the 'House Extensions and Alterations SPD' and Chapter 14 of the National Planning Policy Framework.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or reenacting that Order) no development included within Class(es) A, and E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.
Reason: In the interests of residential and visual amenity in accordance with Policies LP24 and LP35 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD and Policies within Chapters 12, 13 and 16 of the National Planning Policy Framework.

FOOTNOTE: Public footpath Huddersfield COL/56/30 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 01484 221000 and ask for Sharon Huddleston. The Public rights of way email address is publicrightsofway@kirklees.gov.uk

FOOTNOTE: Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected and that that the works carried out is lawful.

FOOTNOTE: The site is located within the Kirklees Bat Alert Layer and Twite buffer area and there is an increased potential for roosting bats or disturbance to breeding birds. If signs of bats or bird breeding activities/nesting are discovered on site, development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan.	Drawing no. 24/973/01.	Unamended	23/04/2024
Existing Block Plan.	Drawing no. 24/973/02.	Unamended	23/04/2024
Existing Elevation and Floor Plans.	Drawing no. 24/973/03a.	A	29/04/2024
Existing Elevation Plan of Garage.	Drawing no. 24/973/06.	Unamended	29/04/2024
Proposed Block Plan.	Drawing no. 24/973/05a.	A	23/04/2024
Proposed Elevation and Floor Plans.	Drawing no. 24/97304a.	A	29/04/2024
Heritage Impact Assessment	Heritage Impact Assessment by Paul Matthews Architectural Ltd. Job no. 22/973. Date: April 2024	Unamended	23/04/2024
Climate Change Statement	-	-	23/04/2024

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 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 case officer considered the application on review and sought no significant amendments as it met Local Plan policies on visual, heritage and residential amenity.

Report Dated: 17/06/2024