

**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:	2024/62/91285/E
Site Address:	Helm Bank, 4, Waterside Walk, Mirfield, WF14 0EB
Description:	Erection of single storey extension with associated internal and external works
Recommending Officer:	Jennifer Booth

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.

Julia Steadman

AUTHORISED OFFICER

Date: 29-Jul-2024

OFFICER REPORT

Site Description

Helm Bank is a detached, stone built property set off the main road with a drive to the front and gardens to the sides and rear.

The property backs onto the canal with no immediate neighbours.

Description of Proposal

The applicant is seeking permission for a single storey side/rear extension.

The extension would project 6.4m from the original south east elevation of the property. The roof would be pitched.

The walls would be constructed using stone with tiles for the roof covering.

Relevant Planning History

2014/90704 - formation of menage - approved

2005/93025 - erection of double garage - approved

2000/91282 - erection of dormer bungalow (modified) - approved

History of negotiations

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. It is noted that the agent has sought preapplication advice and that the proposals initially submitted had reduced in height. However, the footprint of the extension was larger than that proposed at the pre application enquiry stage. Amended plans were sought and received which reduced the footprint. As the alteration reduced the size, it was not considered necessary to readvertise the amended plans.

Representations

The application was advertised by neighbour letters, which expired on 24/06/2024

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

Consultation Responses

Health and Safety Executive – no concerns

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 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 22** – Parking
- **LP 24** - Design
- **LP 27** - Flood risk
- **LP 30** – Biodiversity
- **LP53** – Contaminated land
- **LP 57** – Extension, alteration or replacement within Green Belt

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.

The site is within Mirfield Neighbourhood Area. There is no made Neighbourhood Development Plan (NDP) within the Mirfield Neighbourhood Area at present. Furthermore, there is no emerging NDP to be considered as a material consideration in assessment of this application. Further details on the progress of neighbourhood development plans in the district can be found at:

<https://www.kirklees.gov.uk/beta/planning-policy/neighbourhood-planning.aspx>

However, the Mirfield Design Guide 2002 is still of some relevance and requires development to be in keeping with the area.

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 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

Principle of development:

The site is within the Green Belt on the Kirklees Local Plan Proposals Map. As such it will be assessed having regard to Policy LP57 of the KLP and chapter 13 of the NPPF which advise that development 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, setting out that extensions should not create disproportionate additions to the original building.

In terms of making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design. The proposal shall now be assessed against all other material planning considerations, including green belt, visual and residential amenity, as well as highway safety.

Green belt:

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt. Paragraph 147 of the NPPF states that inappropriate development should not be approved except in 'very special circumstances'.

Paragraphs 149 and 150 of the NPPF set out that certain forms of development are exceptions to 'inappropriate development'. Paragraph 149 sets out that the extension or alteration of a building could be appropriate provided it does not result in disproportionate additions over and above the size of the original building. Policy LP57 of the Kirklees Local Plan is consistent with advice within the NPPF. Policy LP57 of the Local Plan relates to the extension, alteration and replacement of existing buildings in the Green Belt. In the case of extensions, it notes that these will be acceptable provided that the original building remains the dominant element both in terms of size and overall appearance.

Policy LP57 also outlines that such development should not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standing, curtilages and enclosures and means of access. Further to this, Policy LP57 states that with such development, 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.

In respect of the openness of the Green Belt, openness has been established to have both a visual and spatial aspect. The proposal would introduce additional built development within the Green Belt which may have some effect on the character and openness. It is important to begin by understanding what constitutes the "original building." The glossary within the National Planning Policy Framework defines "original building" as: "A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. The dwelling on site was built as part of an approval from 2000. No extensions have been approved to the house in the interim. However, approval was granted for a detached garage in 2005.

Original Building:

- Original House - 245m²

Existing Extensions to remain:

- Detached Double Garage – 48.5m²

Proposed Extensions:

- Single storey side extension – 43.52m²

Policy LP57 makes clear that the cumulative impact of other associated buildings will be taken into account when assessing whether an extension would be disproportionate. Although detached, the double garage is located very close to the house, so it is reasonable to include the garage as part of the assessment of cumulative additions to the property. This has been set out in case law in a number of planning appeal decisions granted by the Secretary of State.

The proposed single storey extension cumulatively with the existing extensions would equate to a percentage increase of 50% over that of the original house and would represent approx. 37% increase generally used as guidance when assessing applications in the Green Belt. The siting and design of the extension would continue on from the main house forming a proportionate addition to the dwelling and between the host property and the neighbouring dwelling, thereby forming an appropriate relationship in terms of the green belt.

The main house would remain the dominant element of the site, the works proposed would not represent a disproportionate addition to the dwelling and would have little effect on the Green Belt given its proposed scale and location. As such, the proposals are considered to be acceptable in terms of Policy LP57 of the KLP and Chapter 13 of the NPPF.

Impact on visual amenity:

Key Design Principle 1 of the House Extensions & Alterations 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 House Extensions & Alterations SPD goes on to 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.

Part of Policy LP57 of the Kirklees Local Plan 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.'

The proposed single storey extension would project approximately 6.4m from the south-east facing side elevation with an overall depth of 6.8m. The scale of the extension would form a proportionate addition to the dwelling with plentiful amenity space remaining. The enlargement would be faced in stone and would incorporate a pitched roof form which would form an appropriate visual relationship with the main house. The side extension is therefore considered to be acceptable in terms of visual amenity.

Having taken the above into account, the proposals would form an acceptable addition to the host dwelling, thereby complying with Policy LP24 of the Kirklees Local Plan, KDP 1 & 2 of the House Extensions & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

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 & Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key

Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

The submitted plans confirm that no properties located north, west and south of the property would be affected by the proposed two storey extension.

Impact on Mallard Cottage

Mallard Cottage is a residential dwelling located south-east of the site. It is noted that the neighbouring property would occupy a position approximately 43.8m from the proposed two storey extension. Given that the separation distance retained would be substantial, it is considered that there would be no undue harm to the neighbouring occupants with regard to overlooking, overshadowing and overbearing impact.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions & Alterations SPD and Paragraph 135 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposal would create an additional bedroom, which would intensify the domestic use at the dwelling. However, it is noted that off street parking would be retained for at least three vehicles which is considered to represent a sufficient provision for a four bedroomed dwellinghouse. Bin storage for the dwelling would not be changed as part of the proposals. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & Alterations SPD.

Other matters:

Biodiversity

The development is for a single storey extension to the dwelling. Whilst the property is sited in area, which is known to include bat habitats, in this instance, as the works proposed are single storey and include no work to the main roof, then it is considered unlikely to have an impact on the bat population.

Contaminated Land

The property is close to a HP gas line. However, the HSE have been consulted and responded with no objections. As such, the scheme is considered to comply with LP53 of the KLP.

Flood Risk

The application site is identified within Flood Zone 3a / 2 on the Environment Agency's flooding data. As part of the information accompanying the application, the applicant has completed the Environment Agency's pro-forma entitled 'Householder and other minor extensions in Flood Zones 2 and 3' as well as submitting a document setting out the applicant's proposed design solutions to address flood issues ('Effective Flood Performance Design'). The information submitted with the application is considered satisfactory for this nature of development and would address the aims of chapter 14 of the NPPF.

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.

There are no other matters for consideration.

Representations:

None

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.

Conclusion:

This application to erect a single storey extension to the side of Helm Bank has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations SPD, the National Planning Policy Framework and other material considerations.

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: 2024/91285

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 Extensions & Alterations SPD and the aims 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 LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

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	Web ID	Date Received
Location plan	(EX)002	1041126	15/05/2024
Existing plans	(EX)001	1040631	15/05/2024
Proposed plans	(20)001	1050085	22/07/2024
Climate change statement	-	1040632	15/05/2024
Flood risk	-	1041127	15/05/2024

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 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.

It is noted that the agent sought pre-application advice and that the proposals initially submitted as part of this planning application had been reduced in height from that shown at the pre-application stage. However, the footprint of the extension was larger than that previously proposed as part of the pre application enquiry. Amended plans were subsequently sought and received during the course of this planning application which reduced the footprint of the extension. As the alteration reduced the scale of the proposal, the amended plans were not re-advertised.

Report Dated

26/07/2024