

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:	2024/62/91462/W
Site Address:	30, Bank End Road, Bolster Moor, Huddersfield, HD7 4JN
Description:	Erection of single storey side extension, increase roof height to create first floor accommodation and erection of rear dormer windows
Recommending Officer:	Laura Yeadon

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.

John Holmes

AUTHORISED OFFICER

Date: 09-Aug-2024

Officer Report

[Website](#)

Site Description

30 Bank End Road is a detached bungalow located within the Green Belt as defined within the Kirklees Local Plan. The property is constructed from stone with a tiled roof. Amenity space is located to the front, side and rear with a modest sized lawned area to the side. To site slopes upwards from east to west with the garden area sitting adjacent to the junction of Bank End Road and Slades Road. To the front of the property is a an area of hardstanding and to the side elevation facing Bank Top Barn is an existing conservatory which sits on the boundary with the access to the field to the rear of the site.

The surrounding area is comprised of sporadic built development which is a mixture of both residential and commercial development

Description of Proposal

The application is for the erection of single storey side extension, increase roof height to create first floor accommodation and erection of rear dormer windows. The scheme has been submitted following the lapse of an identical scheme under application number 2017/92214.

Single storey side extension

The proposed single storey side extension would be located on the western side of the dwelling facing the garden area to the property. The extension would be set back from the front elevation of the property by 0.6m and in from the rear elevation by 0.4 metres, projecting to the side by 4.1m. The eaves height would match the existing with an overall height of 4 metres to the ridge of the lean-to roof. The proposed extension would be constructed from artificial stone for the walls with artificial stone slate for the roof.

The resultant accommodation would be a lounge area, utility room and WC.

Increased roof height

It is proposed that the eaves height of the building would remain as existing with the roof pitch increased in height by 0.8 metres to allow for accommodation within the roof space. The materials would be artificial stone to the side elevation walls with artificial stone slate for the roof.

Dormer extensions

It is proposed that 2 no. dormer extensions would be located in the rear elevation roof slope. The dormers would appear as identical being a width of 1.5m, height of 2.2m, set up from the gutter line by 1m and down from the increased roof ridge by 1m. No details have been received with regards to the proposed construction materials for the dormer front or cheeks.

History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

Relevant Planning History

2003/92547 dwelling	Outline application for erection of detached <i>Refused</i>
2017/92213	Certificate of lawful development for proposed erection of detached garage <i>Granted</i>
2017/92214	Erection of single storey extension, increase roof height to create first floor accommodation and erection of rear dormer windows <i>Conditional Full Permission</i>

Representations

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters.

Final publicity date expired 5th July 2024

Parish/ Town Council – not applicable

As a result of the public consultation period no representations have been received.

Consultation Responses

None

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 within the Green Belt on the Kirklees Local Plan.

Kirklees Local Plan:

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highways safety
- LP 22 – Parking
- LP 24 – Design
- LP 30 – Biodiversity and geodiversity
- LP 51 – Protection and Improvement of Local Air Quality
- LP 53 – Contaminated and unstable land
- LP 57 – The extension, alteration or replacement of existing buildings

Supplementary Planning Documents:

- House Extensions and Alterations SPD

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 12 – Achieving well-designed and beautiful places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

Principle of development – Green Belt

The site is located within the Green Belt and therefore the main issues are:

- whether the proposal would be inappropriate for the purposes of the NPPF and Kirklees Local Plan
- the effect of the proposal on the openness of the Green Belt, and on the character and appearance of the area
- if found to be inappropriate development, whether the harm by reason of inappropriateness is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify development

Policy LP57 of the Kirklees Local Plan is relevant and states the following:

‘Proposals for the extension, alterations or replacement of buildings in the Green Belt will normally be acceptable provided that:

- a. in the case of extensions the original building remains the dominant element both in terms of size and overall appearance. The cumulative impact or previous extension and of other associated outbuildings will be taken into account. Proposals to extend buildings should have regard to the scale and character of the original part of the building*

Turning to national policy detailed within the NPPF, the following is relevant:

Paragraph 152: *‘Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.’*

Paragraph 153: *‘When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘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.’*

Paragraph 154: *‘A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: c) the extension or alteration of a building, providing the new building is in the same use and not materially larger than the one it replaces’*

Is the development inappropriate in the 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 (para 143), the most relevant in this case being to assist in the safeguarding the countryside from encroachment. Paragraph 152 states that inappropriate development should not be approved except in very special circumstances. Certain forms of development are exceptions to ‘inappropriate development’. These are set out within paragraphs 154 and 155 of the NPPF.

In this instance, it is proposed to extend the building by way of raising the roof by 0.8 metres, constructing 2 no. dormer extensions within the rear elevation roof slope and the erection of a single storey side extension. The dwelling has already been extended by way of a single storey conservatory on the side elevation of the dwelling. Although the extension to the side of the building has a relatively large footprint when read in conjunction with the existing conservatory, the extension would be set back from the front elevation and set in from the rear elevation with a roof ridge which is set down significantly from the main ridge of the building. The other works proposed would be within the roof area, both by raising the roof and by the addition of dormer extensions. Given that the extension would be clearly read and would be subservient to the host building, with the raising of the roof and rear dormers being small in scale it is considered that these are not considered to be disproportionate to the original building.

It is noted that in the previous assessment of the scheme that a Certificate of Lawful Development had been granted within the site for a detached garage. The Certificate is a valid Certificate until such time that there are material changes which would render the Certificate null and void. It appears that there have been no material change in circumstances in this case and therefore the Certificate can still be implemented. In line with the previous assessment for extending the property (planning permission) it was considered reasonable and necessary to remove permitted development rights for future extensions and outbuildings in order to protect the Green Belt from inappropriate development. It is considered that this remains in the consideration of this application and therefore, this condition shall be re-applied.

It is therefore considered that the scale of the proposal would not be disproportionate when viewed in context with the terraced row and therefore is considered acceptable in terms of Policy LP57 of the Kirklees Local Plan and Chapter 13 of the NPPF.

Principle of development – Other matters

The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – 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.”
- Principle 2 – 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 detail.”

With specific regard to the House Extensions and Alterations SPD the other Key Design Principles for consideration are:

- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking

- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

With specific regard to the proposed development the SPD states that in terms extensions, dormer extensions and developing bungalows the SPD states:

Single storey side extensions

In Section 5.17 of the SPD refers to the general rules, where single storey side extension should:

- not extend more than two thirds of the width of the original house;
- not exceed a height of 4 metres;
- and be set back at least 500mm from the original building line to allow for a visual break.

Dormers

Paragraph 5.27 of the SPD states that dormer windows should:

- relate to the appearance of the house and existing roof;
- be designed in style and materials similar to the appearance of the existing house and roof;
- not dominate the roof or project above the ridge of the house;
- be set below the ridgeline of the existing roof and within the roof plane; and
- be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.

Bungalows:

Paragraph 5.31 of the SPD states that:

Careful consideration should be given to two storey and first floor extensions to bungalows. These can cause a negative impact on the street scene and character of the area through changing the height, rhythm or form of a roof in relation to the rest of the street scene.

Paragraph 5.32 goes on to say that:

Increasing the height of the property by amending the roof pitch or eaves height will significantly affect the character and proportions of the building and will impact on the surrounding street scene and is usually unacceptable where the roof pitches and heights in the street scene are consistent.

The above listed policies and guidance within the SPD are taken into account within sections below of this report.

Impact on visual amenity:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

The property sits within a corner plot to adjacent to a road junction. As established within the Green Belt section of this report, it is considered that the works would be subservient to the host dwelling and therefore would have an acceptable impact in terms of size and scale. The adjacent property is a two storey dwelling and therefore to increase the roof height of the building would not be detrimental to the street scene.

In terms of the side extension, this would not extend more than two-thirds of the width of the original dwelling, would not exceed 4 metres in height and would be set back from the front elevation of the property, therefore complying with the SPD.

The proposed dormers would relate to the house and proposed increase in roof height, they can be conditioned to be tile hung (in accordance with the previous permission) and would not dominate the roof. In addition, they would be set below the ridgeline, be set up from the gutter line and would be aligned with the openings within the rear elevation of the property. Therefore, the dormers are considered to comply with the requirements of the SPD.

The extension is considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, having regard to principles 1, 2, 7 and 9 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of the National Planning Policy Framework.

Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

The closest residential property is Bank Top Barn which is located to the west of the site. Given that the side extension would not be viewed from this property and that the increase to the ridge height is 0.8m, it is not considered that this property would be unduly impacted on in terms of overshadowing, being overbearing or from overlooking.

There is a terraced row which faces the application site on Slades Road which face the side elevation of the property. However, given the established separation distances and the road, which separates the site and the terraced row being on a higher ground level, it is not anticipated that there would be significant harm to the occupiers of this property. Therefore, there would be limited harm to the amenity of these dwellings.

Therefore, it is considered that the proposed extensions are acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning

Document as well as policies within chapter 12 of the National Planning Policy Framework.

Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

In this case there is a driveway to the side of property which can accommodate car parking and there is also a certificate of lawful development connected to the site for the provision of a detached garage. As such, it is considered that there would be sufficient off-street parking within the site so as not to be detrimental to highway safety.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

Other matters:

Climate Change - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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.

A Climate Change Statement has been submitted which details mitigation measures proportionate to the proposed development.

Biodiversity – Paragraphs 180, 186, 187 and 188 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the fact that albeit the extension will connect into the existing roof, the property in this case appears to be well sealed and maintained with little opportunity for bats.

This is due to the fact the extension would have no impact on the existing roof structure of the host property as the proposal is single storey.

However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

Coal legacy – The site is located within the Coal Authority’s “Development Low Risk Area”. There is no statutory requirement to consult the Coal Authority regarding development within the “Development Low Risk Area”, instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority’s standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 186 and 191 of the National Planning Policy Framework.

Representations:

None

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 Powers

Application Number: 2024/91362

Officer Recommendation: Approve

Conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

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 Policies LP1, LP2, LP21, LP22, LP24, LP30, LP51, LP53 and LP57 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 14, 15, 16 and 17 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapters 2, 12, 13 14 and 15 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 and be retained thereafter.

Reason: In the interests of visual amenity and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD and advice within Chapter 12 of the National Planning Policy Framework.

4. The rear dormer extensions hereby approved shall be tile hung/clad to the front & cheeks in materials which match those used in the construction of the host property and shall be retained thereafter.

Reason: In the interests of visual amenity and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD and advice within Chapter 12 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 re-enacting that Order) no development included within Classes A, AA, B, C, E and F 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 interest of visual amenity and to preserve the openness and character of the Green Belt from inappropriate development arising from disproportionate extensions or new buildings in accordance with Policy LP57 of the Kirklees Local Plan and Chapter 13 of the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and 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 to 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing elevations, floor plan and section	1596/1		23 rd May 2024
Location plan, proposed site plan, elevations and floor plans	1596/2		23 rd May 2024
Climate Change Statement	JBW/1597		29 th May 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 did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Report Dated: 7th August 2024

Coal –low