

**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:	2024/62/91621/W
Site Address:	9, Lower Park, Park Lane, Berry Brow, Huddersfield, HD4 6TR
Description:	Erection of single storey rear extension and associated alterations
Recommending Officer:	Lucy Taylor

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: 23-Aug-2024

Officer Report.

Reference: 2024/91621

Location: 9, Lower Park, Park Lane, Berry Brow, Huddersfield, HD4 6TR

Proposal: Erection of single storey rear extension and associated alterations

Site Description.

9 Lower Park is a mid-terrace 2-storey dwelling constructed from stone walling to the front and rendered walling to the rear, with a concrete tiled roof. The property benefits from a front and rear garden. Parking is available in front of the property.

The application site is located within the Green Belt.

The application site neighbours Grade II Listed Buildings 11,13,15 Lower Park and is located in close proximity to Grade II Listed Lower Park Farm.

Description of Proposal.

Planning permission is sought for the erection of a single storey rear extension and associated alterations.

The single storey rear extension would have the following dimensions:

- Projection – 3.15 metres
- Width – 4 metres
- Eaves height – 2.4 metres
- Maximum height – 3.5 metres

The external walls of the extension will be faced in white render and the lean-to roof will be infilled with interlocking concrete roof tiles.

Fenestration detailing will consist of glazed bi-fold doors to the rear elevation and two velux windows.

History of Negotiations / Amendments Received:

During the course of the application, the planning agent submitted amended plans, to alter the scheme from the originally proposed two storey rear extension to a single storey rear extension.

The description of proposal was subsequently altered as a result of the amended plans and new neighbour notification letters sent out.

Relevant Planning History.

No planning history at the application site.

Whilst there is some planning history at the neighbouring properties to the site, it is not considered that any is directly relevant to the determination of this current planning application.

Consultation Responses.

None required.

Public Response.

The application was advertised by neighbour letters, a site notice and within the newspaper. The amended plans were readvertised via new neighbour notification letters.

Final publicity date expired: 2nd August 2024.

In response to publicity, four objections were received, which raised the following concerns:

- This proposed extension will significantly impact neighbours right to light. It will impact both the daylight provision and exposure to sunlight received from windows.
- Would feel a greater sense of enclosure in neighbouring properties because of the close proximity and height of the extension.
- Unacceptably affect the outlook from neighbouring windows.
- The reduction of daylight and sunlight will cause the house to retain water and be unable to dry out effectively, subsequently contributing to damp.

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 application site is located within the Green Belt.

The application site neighbours Grade II Listed Buildings 11,13,15 Lower Park and is located in close proximity to Grade II Listed Lower Park Farm.

The application site is located within an area with a known presence of bats.

The site is located within an area identified by the Coal Authority as being at high risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity and geodiversity
- LP35 – Historic Environment
- LP51 – Protection and Improvement of Local Air Quality
- LP57 – The Extension, Alteration or Replacement of Existing Buildings

Supplementary Planning Documents:

- Highways Design Guide SPD (2019)
- 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 December 2023, together with Circulars, Parliamentary 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 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.

1) Principle of Development

Sustainable Development:

Chapter 2 of the NPPF states that: *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*

Chapter 2 of the NPPF goes on to further state that objectives should: *“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

Policy LP1 goes further and states: *“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”*

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”*.

In this instance, it can be stated that the principle of development in this application could be acceptable, subject to the assessment of impacts on the Green Belt, visual and residential amenity, as well as highway safety and any other impacts that may arise. These will be discussed below.

Green Belt:

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the categories set out in Paragraphs 154 and 155.

Paragraph 154(c) of the NPPF outlines that the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building can be appropriate development in the Green Belt.

Paragraph 155 of the NPPF sets out further other forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Paragraph 155(b) is engineering operations.

Further to this, Policy LP57 of the Kirklees Local Plan states that the extension or alteration 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 of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building;

c. the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard surfacing, curtilages and enclosures and means of access; and d. 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.”

Whilst officers cannot clearly interpret what is classified as original at 9 Lower Park, given that there is no planning history at the application site, it is not considered that the single storey rear extension proposed under this application would result in disproportionate development. This is because, the extension proposes a relatively minimal total volume of increased built form (approximately 29m³) and is single storey in height, against a host two storey property. For these reasons, it is considered that the single storey rear extension would appear subordinate to the main dwelling, by virtue of its size, scale, design and siting, to the rear of the host dwelling. It is also noted that, following the erection of the proposed single storey rear extension, a sufficient extent of garden amenity space will be retained to serve the occupiers of No. 9 Lower Park.

Therefore, it is considered that the erection of the proposed extension would not result in the disproportionate development of the host property. The proposal is therefore considered to be in accordance with policies within Chapter 13 of the NPPF and policy LP57(d) of the Kirklees Local Plan.

Furthermore, in line with Policy LP57(c), it is not considered that the proposal would result in a greater impact on openness with regard to the treatment of outdoor areas.

1) Impact on Visual Amenity and Historic Environment

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby paragraph 131 provides a principal consideration concerning design which states: *“The creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

Paragraph 135 of the NPPF is of relevance, in particular the following parts:-

- *'b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping'*
- *'c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'*

Within Chapter 16 of the NPPF, entitled 'Conserving and Enhancing the Historic Environment', paragraph 205 sets out that *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation..."*

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring: - 'a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...'

Chapter 16 of the NPPF refers to Conserving and Enhancing the Historic Environment, paragraph 201 of the NPPF sets out that *"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affect the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."*

Policy LP35 of the Kirklees Local Plan states that: *"development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm."*

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

Paragraph 5.6 of the House Extensions and Alterations SPD sets out that single storey rear extensions should:

- be in keeping with the scale and style of the original house;

- not normally cover more than half the total area around the original house (including previous extensions and outbuildings);
- not exceed 4 metres in height; not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

It is considered that the proposed single storey rear extension is in keeping with the scale and style of the original house, to be read as a subservient single storey addition against the two-storey host property. The extension will have a projection of 3.15 metres and a maximum height of 3.5 metres. Whilst the extension will meet the shared boundary with, and adjoin to, No. 7 Lower Park, it will be directly adjacent to a solid two-storey side elevation at this neighbouring property (discussed further in the residential amenity section of this report). The proposed materials of construction for the extension will match the appearance of the host dwelling and this will be secured by condition upon any grant of approval.

As part of the submission of this application, a Design & Access Statement was submitted, which made the following concluding comments:

- The proposed extension will result in an enhanced building both aesthetically and practical providing a more usable home for current and future needs.
- The massing and design of the extension has been carefully considered and will achieve a balanced final appearance, this will enhance the area and street scene.
- The planning policies have been considered and the design has been developed with these in mind.
- The materials used will be in keeping with the existing building and local character.

With regard to the sitting of the Grade II Listed Buildings, it is concluded that the extension would be sufficiently separated from their siting, with mitigation in place between the proposed extension and Listed Buildings of No. 11, 13, 15 Lower Park, in the form of an existing two-storey rear gable projection. As such, it is concluded that the extension would have a neutral impact on the setting of these heritage assets and therefore, no further justification is required in this instance in accordance with paragraph 208.

In summary therefore, it has been concluded that the proposals would be of a satisfactory design quality and would not cause detrimental harm to the visual amenities of the locality. The proposed development is considered to comply with Chapters 12 and 16 of the NPPF, Policies LP2, LP24 and LP35 of the Kirklees Local Plan and Key Design Principles 1 & 2 of the House Extension and Alterations SPD.

2) Impact on Residential Amenity

Section B and C of LP24 states that alterations to existing buildings should: “...*maintain appropriate distances between buildings*” and “...*minimise impact on residential amenity of future and neighbouring occupiers.*”

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

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 proposal is considered to retain a sufficient extent of outdoor amenity space at No. 9 Lower Park in accordance with Key Design Principle 7 of the House Extensions and Alterations SPD.

The proposed extension is to be sited between the solid two-storey side elevation of No. 7 Lower Park and the existing two-storey gabled projection beyond the rear elevation of the host dwelling (No. 9 Lower Park). As such, it is not considered that the proposal would result in any undue impacts of overbearing or overshadowing for neighbouring properties and would appropriately comply with the line of 45-degrees as set out under Key Design Principle 5 of the House Extensions and Alterations SPD.

Whilst openings are proposed in the rear elevation of the extension these would not result in any greater overlooking of amenity spaces at the rear or to any neighbouring windows when considering the existing relationship.

No glazing is proposed to the extension that would face directly towards any neighbouring properties.

For these reasons, the proposal is considered to have an acceptable impact on residential amenity, and subject to condition would accord with Chapters 12 & 15 of the NPPF, policies LP24 & LP52 of the Kirklees Local Plan, and Key Design Principles 3, 4, 5 & 6 of the House Extensions and Alterations SPD.

3) 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.

The proposals are not considered to directly increase the domestic function of No. 9 Lower Park with regard to the number of bedrooms and the existing parking area to serve the dwelling will be retained as existing.

In turn, the proposals are considered to accord with Chapter 9 of the NPPF, LP21 & LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extension SPD.

4) 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 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.

A Climate Change Statement was submitted with this application, which sets out various mitigation measures. Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs any further mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

Bats:

Chapter 15 of the National Planning Policy Framework is 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 lies within the bat alert layer on the Council's GIS system.

The proposal would not see any direct works or alterations to existing roofing forms at 9 Lower Park. Therefore, it is not considered necessary in this instance for a full assessment of the roof space to be undertaken, given the low likelihood for disturbing roosting bats.

5) Representations

In response to publicity, four objections were received. The concerns raised within the representations are set out below, accompanied with an officer response:

- This proposed extension will significantly impact neighbours right to light. It will impact both the daylight provision and exposure to sunlight received from windows.
- Would feel a greater sense of enclosure in neighbouring properties because of the close proximity and height of the extension.
- Unacceptably affect the outlook from neighbouring windows.

Officer Response: The above representations relate to matters of residential amenity. A full assessment of the impact of the proposal to residential amenity is set out within assessment section 3 of this officer's report, 'Impact on Residential Amenity'. This section concludes that the application is acceptable with regards to residential amenity.

- The reduction of daylight and sunlight will cause the house to retain water and be unable to dry out effectively, subsequently contributing to damp.

Officer Response: Matters relating to concerns of damp are not considered to be material to the determination of planning applications.

6) 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: 2024/91621

Officer Recommendation: Approve

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.

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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, LP35, LP51 and LP57 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8 & 15 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 12, 13, 14, 15 & 16 of the National Planning Policy Framework.

2. The exterior walls of the extension hereby approved shall be faced in white render to match the host property. The roof of the extension shall be infilled with concrete tiles. These materials shall thereafter be retained.

Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD and policies within 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.

Plans and Specifications Schedule:

Plan Type	Reference	Version	Date Received
Existing Survey	(0-)01	A	17.06.24
Scheme As Proposed – Single Storey	(0-)03	-	12.07.24
Design and Access Statement by Bamford Architectural Ltd.	261	-	12.07.24
Climate Change Statement	-	-	13.06.24

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. During the course of the application, the planning agent submitted amended plans, to alter the scheme from the originally proposed two storey rear extension to a single storey rear extension.

Report Dated: 22.08.24