

**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:	<b>2024/62/91882/W</b>
Site Address:	5, Blackmoorfoot, Blackmoorfoot Road, Linthwaite, Huddersfield, HD7 5TR
Description:	Raising of roof height to provide first floor living accommodation and alterations to existing conservatory
Recommending Officer:	Molly Storer

**DECISION – Full Conditional 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.**

Kirsty Nicholls

***AUTHORISED OFFICER***

**Date: 13-Sep-2024**

## **Officer Report**

### **Site Description**

The application site relates to 5 Blackmoorfoot Road, a detached bungalow located within the area of Linthwaite, Huddersfield. The site is located within the Green Belt as defined within the Kirklees Local Plan. The property is constructed from facing brickwork with profile concrete roof tiles. Amenity space is located to the rear and sides and a driveway located to the front. The site slopes upwards from east to west with the garden area sitting adjacent to the junction of High House Edge and Blackmoorfoot Road. To the side elevation facing Blackmoorfoot Road there is an existing conservatory.

The surrounding area is comprised of sporadic built development which is a mixture of both residential and commercial development including the water treatment works to the south.

### **Description of Proposal**

The application seeks planning permission for the raising of the roof height to provide first floor living accommodation and alterations to existing conservatory.

#### *Alterations to the existing conservatory*

The alterations to the conservatory would involve building up the external walling of the conservatory with outer leaf facing brickwork to match that of the existing building. The conservatory would be built on the same footprint as the existing one but the roof will be altered to create a gabled roof.

#### *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 2.3 metres to allow for accommodation within the roof space. The materials would be facing brickwork and render for the walls and profile concrete roof tiles to match that of the existing property.

### **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**

No relevant planning history.

## **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 16<sup>th</sup> August 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 27<sup>th</sup> 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 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 20<sup>th</sup> December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 2.3 metres and to alter the existing conservatory. The dwelling has already been extended by way of a single storey conservatory on the side elevation of the dwelling. However, the alterations to the existing conservatory would not increase the footprint of the dwelling and in any case the conservatory is set back from the front elevation and set in from the rear and side elevation. The main works proposed would be within the roof area, by raising the roof height of the main dwelling. Given that the raising of the roof will be relatively small in scale it is considered that this is not disproportionate to the original building.

It is therefore considered that the scale of the proposal would not be disproportionate when viewed in context of the streetscene 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).

In this case, the principle of development is considered to be acceptable and the proposal shall now be assessed against all pertinent material planning considerations.

**Impact on visual amenity:**

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 work to develop a bungalow the SPD states Paragraph 5.31:

*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.*

It is also noted that the property sits within a corner plot 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 has also increased the roof height of their bungalow and surrounding properties host living accommodation within the roof space and therefore to increase the roof height of the building would not be detrimental to the street scene.

In terms of the conservatory alterations there would reduce the extensive glazing on the side elevation and replace it with a more harmonious addition.

The alterations are 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 properties that would be the most affected by the development would be 7 Blackmoorfoot Road and 3 Blackmoorfoot Road. Impact to these properties will be assessed below.

3 Blackmoorfoot Road – property located to the northwest of the site.

Due to this property being set on a higher ground level, having also increased the height of the roof and the proposed development maintaining the height of the eaves, it is considered that there will be no significant overbearing or overshadowing impact as a result of the works. There will also be no additional windows in the side elevation facing this property meaning there will be no undue overlooking.

7 Blackmoorfoot Road – property located to the northeast of the site.

Due to the orientation on these properties and the separation distance of ~10m it is considered that although the applicant property is located on a higher ground level the 2.3m increase will not cause any significant additional overbearing/overshadowing impact. There will be additional glazing in the northeast elevation at a first floor level however it is considered that this will not cause any further additional harm than that of existing windows within this elevation. It is also noted that glazing will be removed from the conservatory in the elevation facing this property which will increase privacy in this aspect.

Therefore, it is considered that the proposed development is 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 although there are additional bedrooms proposed there is a large driveway to the front/side of property which can accommodate car parking and an associated 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.

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.

**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:** 2024/91882

**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 conservatory and roof 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.

**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:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan	LP01	-	04/07/2024
Grouped plans and elevations	2024/025/07	-	04/07/2024
Application form	-	-	04/07/2024
Climate change statement	-	-	04/07/2024

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:

13<sup>th</sup> September 2024

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