

**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>2024/62/92044/E</b>
Site Address:	Fairleigh House, Penistone Road, Birds Edge, Huddersfield, HD8 8XW
Description:	Erection of detached garage and single storey extension following demolition of existing outbuildings
Recommending Officer:	Nicole Helliwell

**DECISION – Conditional Full Permission**

**I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.**

Sarah Longbottom

***AUTHORISED OFFICER***

**Date:** 18 November 2024

## **Officer Report**

**Reference No.** 2024/62/92044/E

**Site Address:** Fairleigh House, Penistone Road, Birds Edge, Huddersfield, HD8 8XW

**Proposal:** Erection of detached garage and single storey extension following demolition of existing outbuildings

## **Site Description**

The application relates to Fairleigh House, a two-storey detached property located on Green Belt Land in Lepton, Huddersfield. The dwelling is faced in natural stone and incorporates a dual-pitched roof finished in slate. The site is not within a conservation area, nor are there any listed buildings within close proximity. However, it is noted that a Public Rights of Way (KIR/27/10) is located along the eastern boundary of the site.

## **Description of Proposal**

The application seeks planning permission for the erection of a detached garage and a single storey extension. The existing outbuildings will be demolished as part of the application. The details of the proposal are summarised below:

- Single storey extension (projection approx. 4.48m, overall height approx. 4.96m and eaves height of approx. 4.23m – 4.62m due to changes in ground level)
- Detached garage (length approx. 12.4m, depth approx. 8m, overall height approx. 6.05m and eaves height approx. 3.2m)

## **History of Negotiations/Amendments Received**

Concerns were raised regarding the development's impact on the Green Belt and visual amenity. The cumulative impact of the proposed extension, detached garage and the annex building was considered disproportionately large in relation to the original building and as such, would represent inappropriate development, which is harmful to the Green Belt and the visual amenity of the area. Amendments were received which omitted the annex building from the application. Officers deemed that the alterations made were acceptable and it was considered that no further publicity was required.

## **Relevant Planning History**

Not Applicable.

## **Representations**

The application was publicised by neighbour notification letters, which expired on 22<sup>nd</sup> October 2024. As a result of the above publicity, no representations have been received.

### **Parish/Town Council Comments**

Denby Dale Parish Council – No objections however concerns were expressed over the size of the annex

***Officer comment:** The annex has since been omitted from the planning application.*

### **Consultation Responses**

The following is a brief summary of Consultee advice (more details are contained in the 'Assessment' section of the report, where appropriate):

KC Environmental Health – No objection subject to recommended condition

KC Highways Development Management – No objection subject to recommended condition

### **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 located within the designated Green Belt on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 3** - Location of New Development
- **LP 7** - Efficient and Effective Use of Land and Buildings
- **LP 21** - Highway Safety and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 28** - Drainage
- **LP 30** - Biodiversity & Geodiversity
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - Contaminated and Unstable Land
- **LP 57** - The Extension, Alteration or Replacement of Existing Building

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.

In this case, the following SPDs are applicable:

- House Extensions and Alterations SPD (adopted 29th June 2021)
- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)

### **National Policies and Guidance**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20<sup>th</sup> 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. Most specifically in this instance, the below chapters are of most relevance:

- **Chapter 2** - Achieving Sustainable Development
- **Chapter 4** - Decision-Making
- **Chapter 12** - Achieving Well-Designed 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**

#### **1. Principle of development**

##### **Impact on the Green Belt**

The application site is located within the designated Green Belt on the Kirklees Local Plan (KLP). As such, the proposal will be assessed having regard to KLP Policy LP57 and Chapter 13 of the NPPF. The National Planning Policy Framework and the Kirklees Local Plan both support limited extensions to buildings within the Green Belt. For extensions within the Green Belt to be acceptable, it is essential that they should not impact on the open character of the Green Belt nor be discordant in themselves or in relation to the host property.

Paragraph 2.11 of the House Extensions and Alterations SPD states that when considering any application, substantial weight will be given to any harm to the Green Belt and applications may be refused if it is considered that the development would result in the encroachment of urban character into a countryside setting.

Paragraphs 153 and 154 of the National Planning Policy Framework states that certain forms of development are exceptions to 'inappropriate development'. One of these is 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.

The application site relates to Fairleigh House, a residential dwelling located off Penistone Road. 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. The submitted plans confirm that the property currently benefits from two summerhouses, a storage building, shed and a garage. However, it is noted that these outbuildings will be demolished as part of this application.

The application seeks planning permission for the erection of a detached garage and a single storey extension. The proposal originally included an annex building, however this has since been removed following negotiations with the applicant's agent. It is considered that the proposed additions would be subservient and would have an acceptable scale relative to the original dwellinghouse. Furthermore, given the size of the host property and its associated curtilage, it is considered that the effect on the Green Belt would be minimal. It is therefore considered that the impact of the proposals on the openness of the Green Belt, both spatially and visually, would be acceptable. On this basis, it is considered that the proposed development would preserve openness and would constitute an acceptable form of development in the Green Belt in accordance with Policy LP57 of the Kirklees Local Plan and the guidance contained within Chapter 13 of the NPPF.

### **1. Impact on Visual Amenity**

Key Design Principle 1 of the House Extensions & Alterations Supplementary Planning Document (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 SPD goes onto 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.'*

#### Detached Garage

The detached garage would be located within the rear curtilage of the dwellinghouse and would have a length approx. 12.4m, depth approx. 8m and an overall height approx. 6.05m. The structure would be faced in natural stone and would incorporate a dual pitched roof finished in natural slate to match the appearance of the original build. Although the structure would have a large scale, it would be concealed to a certain degree by the existing boundary treatments and would appear subservient in relation to the original dwellinghouse. For these reasons, the proposed development is not considered to have any significant visual impact on the character and appearance of the host property and surrounding area and therefore would be acceptable in this regard.

#### Single Storey Extension

The proposed single storey extension would project approximately 4.48m from the south-western elevation of the original dwellinghouse. The enlargement would be faced in materials to match the appearance of the host property and would incorporate a flat roof form with roof lights. Although this feature would generally constitute poor design, the extension would be concealed by the existing boundary treatments and would have limited visibility from public vantage points. It is also noted that the extension would have a large scale. However, it would be a subservient addition and would maintain a sense of space within the plot. Therefore, it is considered that the proposed development would respect the character and appearance of the host property and wider street scene.

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan, KDP 1 & 2 of the House Extensions and Alterations Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

## **2. Impact on Residential Amenity of Neighbouring Residents**

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 SPD goes into further detail with respect to

Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

#### Impact on Lodge Mill Farm

The submitted plans confirm that the host dwelling is situated in an isolated location with the nearest residential property (Lodge Mill Farm) located approximately 171m away from the proposed development. Given that the separation distance retained would be substantial, it is considered that there would be no significant harm to the neighbour's residential amenity with regards to overbearing, overshadowing or overlooking impact.

Having considered the above factors, the development proposed would have an acceptable impact upon the residential amenity of the neighbouring occupants and would comply 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 and Alterations SPD and Paragraph 135(f) of the National Planning Policy Framework.

### **3. Impact on Highway Safety**

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The submitted plans demonstrate that the proposal would not intensify the domestic use at the dwelling. Therefore, given that sufficient off road parking would be retained on site, it is considered that the proposed development would be acceptable in terms of highway safety and would accord with Policies LP21 and LP22 of the KLP, Chapter 9 of the NPPF, Principles 15 and 16 of the Kirklees House Extensions and Alterations SPD and the Highways Design Guide SPD.

### **4. Other Matters**

#### Climate Change

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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures.

#### Contaminated Land

The site of the proposed development is not shown to be on potentially contaminated land. Whilst KC Environmental Health have no objections to permission being granted, groundworks are likely required and a watching brief should be maintained, Officers therefore recommend a condition in relation to unexpected contamination.

There are no other matters considered relevant to the determination of this application.

#### **5. Representations**

No representations were received following the statutory publicity.

#### **6. Conclusion**

This application for the erection of a detached garage and single storey extension with associated external alterations at Fairleigh House has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed development is considered acceptable.

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:** 2024/92044

**Officer Recommendation:** Approve

**Conditions and Reasons**

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

**Reason:** Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

**Reason:** For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP7, LP21, LP22, LP24, LP28, LP30, LP52, LP53 and LP57 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

3. The single storey extension hereby approved shall be faced in natural stone for the external walls and flat roof membrane for the roof. The materials of construction shall thereafter be retained for the lifetime of the development.

**Reason:** In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of Chapter 12 of the National Planning Policy Framework.

4. The detached garage hereby approved shall be faced in natural stone for the external walls and natural slate for the roof. The materials of construction shall thereafter be retained for the lifetime of the development.

**Reason:** In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of Chapter 12 of the National Planning Policy Framework.

5. If contamination, the presence of coal and/or evidence of coal workings not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 189 and 190 of the National Planning Policy Framework.

6. 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 – G of Part

1 of Schedule 2 to that Order shall be carried out within the red line boundary of the site.

**Reason:** To ensure that unsatisfactory extensions and outbuildings do not have an unacceptable impact on the amenities of surrounding properties, in accordance with the requirements of Policy LP24 of the Kirklees Local Plan and the provisions of the Kirklees House Extensions and Alterations SPD.

**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:** All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

**NOTE:** Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

**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: -**

<b>Plan Type</b>	<b>Reference</b>	<b>Revision</b>	<b>Date Received</b>
Site Location Plan	H1239 000	2	13/09/2024
Existing Drawing Site Plan	H1239 001	0	13/09/2024
Existing Drawing Floor Plan Ground Floor Level	H1239 010	0	13/09/2024
Existing Drawing Ground Floor Level	H1239 011	1	13/09/2024
Existing Drawing Floor Plan First Floor Level	H1239 015	0	13/09/2024
Existing Drawing Elevations	H1239 021	0	13/09/2024
Existing Drawing Elevations	H1239 022	0	13/09/2024
Existing Drawing Site Plan Demolition and Downtakings (excluding annex building)	H1239 050	0	13/09/2024
Proposed Drawing Site Plan	H1239 101	2	13/11/2024
Proposed Drawing Site Elevations	H1239 105	1	13/11/2024
Proposed Drawing Floor Plan Ground Floor Level	H1239 110	0	13/11/2024
Proposed Drawing Ground Floor Plan Ground Floor Level	H1239 111	2	13/11/2024
Proposed Drawing Extension Roof Plan	H1239 115	0	13/11/2024
Proposed Drawing Roof Plan	H1239 116	1	13/11/2024
Proposed Drawing Detail Elevations Extension	H1239 201	0	13/11/2024
Proposed Drawing Detail Elevations Extension	H1239 202	1	13/11/2024
Proposed Drawing Elevations Garage	H1239 203	1	13/11/2024

<b>Plan Type</b>	<b>Reference</b>	<b>Revision</b>	<b>Date Received</b>
Proposed Drawing Detail Elevations Garage	H1239 204	1	13/11/2024
Proposed Drawing Detail Elevations Garage	H1239 205	1	13/11/2024
Climate Change Statement	H1239 451	0	13/11/2024

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. The Case Officer undertook negotiations with the agent to secure amended plans. Revised drawings were submitted which were considered acceptable with regard to visual amenity and its green belt setting.

**Report Dated: 14/11/2024**