

**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>2024/62/92113/W</b>
Site Address:	19, Hanging Royd, Wellhouse, Huddersfield, HD7 4JJ
Description:	Demolition of existing conservatory and erection of replacement porch extension (within a Conservation Area)
Recommending Officer:	Joanna Rednall

**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: 24-Sep-2024**

## **The Site**

The application site relates to a two-storey, semi-detached dwellinghouse in the Green Belt. It is constructed with natural stone and has a tiled roof. Its rear elevation is directly abutting Share Hill Road (a classified C Road). Due to the local topography falling from southwest to a westerly direction, this appears as a single-storey dwelling from the highway but is clearly visible as a two storey dwelling approaching from the south.

The property has been extended previously by a single-storey, stone-built side extension and a single-storey conservatory with raised patio to a garden northeast of the dwelling. There is a single-storey, poor condition, detached garage at the end of a driveway which is clearly visible on raised hardstanding/platform. To its west is a Public Right of Way (COL/56/30).

The site lies within Wellhouse Conservation Area.

## **The Proposal**

The application is seeking planning permission for demolition of existing conservatory and erection of replacement porch extension (within a Conservation Area).

The conservatory measures approximately 4.8m x 2.4m with an eave height of 2.8m and total height of 3.2m to the ridge of the lean-to roof. This would be demolished to facilitate the porch extension.

The measurements of the porch extension are as follows:

- ~2.4m projection
- ~4.5m width
- ~3.2m eave height
- ~3.9m ridge height

The exterior walls of the extension would be faced with natural stone. The roof would be lean-to in design and infilled with blue slates.

Fenestration is proposed to the north-east/front elevation in the form of three UPVC windows. To the south-east/side elevation, a door and window is proposed.

## **Planning History**

Relevant planning history for this site is summarised as follows:-

2024/91059 Erection of first floor side extension to exiting dwelling and alterations and demolition of detached garage (Within a Conservation Area) - *Conditional Full Permission*

2022/92838 Demolition of conservatory and side extension and erection of two storey side and part rear extensions and porch with external alterations (within a Conservation Area) - *Withdrawn*.

95/90227 Pre application Erection of single storey extension. - *Conditional Full Permission*.

### **History of Negotiations**

No amendments have been sought in the processing of this application as it was considered acceptable as submitted.

### **Publicity & Representations**

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters; this was deemed adequate publicity as the development was considered not to affect the character or appearance of the conservation area.

Final publicity date expired: 16<sup>th</sup> September 2024.

No representations were received as a result of the publicity.

### **Consultations**

No statutory consultations were requested for this application.

### **Allocation & Policies**

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).

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

#### **Kirklees Local Plan (LP)**

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway Safety

LP22 Parking Provision  
LP24 Design  
LP25 Historic Environment  
LP30 Biodiversity  
LP57 Green Belt

### 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 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. Considered to be of relevance to the consideration of this application are policies within the following chapters:

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Chapter 2 – Achieving sustainable development  
Chapter 9 – Promoting sustainable transport  
Chapter 12 – Achieving well-designed and beautiful places  
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change  
Chapter 16 – Conserving and enhancing the historic environment

### Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)

### Legislation

The Town & Country Planning Act 1990 (as amended).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

### **Assessment**

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area (including impact upon historic environment)
2. Impact upon residential amenity
3. Impact upon highway safety
4. Other matters
5. Representations

## 6. Conclusion

### 1 – Principle of development:

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 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”.

### 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, the most relevant in this case being to assist in safeguarding the countryside from encroachment. Paragraph 152 of the NPPF states that inappropriate development should not be approved except in very special circumstances. Certain forms of development are exceptions to ‘inappropriate development’. All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the exceptions set out in paragraph 154 and 155.

The construction of new buildings is regarded as inappropriate development in the Green Belt. Within paragraph 154 a few exceptions to this includes the extension or alterations of a building if this does not result in disproportionate additions over and above the size of the original building.

Policy LP57 of the Kirklees Local Plan sets out that proposals for the extension, alteration, or replacement of buildings in the Green Belt will normally be acceptable, provided that, in the case of extensions, the original building remains the dominant element in terms of size and overall appearance. The cumulative impact of previous extensions and other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the character of the original part of the building.

### *Is the development inappropriate in the Green Belt?*

The proposal would clearly constitute an extension to the building, and an assessment is therefore required as to whether this extension would

constitute a disproportionate addition over and above the size of the original building.

Policy LP57 also provides other criteria for extensions in the green belt, this being that the:

- c. the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, 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.

The proposal seeks to demolish the existing conservatory and erection of replacement porch extension. The height of the extension would be slightly higher than that of the conservatory to allow for a different roof pitch. The information provided by the applicant's agent demonstrates that the previous application at 19, Hanging Royd (2024/91059) resulted in an approximate reduction of 4m<sup>3</sup> in total volume upon implementation. As a result, the addition of the replacement porch proposed in this application remains below the total volume of the existing property.

In this case, it is noted the proposal could be implemented independently of the extant 2024/91059 permission. The proposed extension, with a volume of ~38.07 cubic metres would replace the conservatory, of which hosts an existing volume of ~35.14 cubic metres. Although the extension would represent an increase in volume to the host property, it is not considered to represent a disproportionate addition when assessed against the scale of the original building. This is an individual conclusion based on the design and appearance of the proposed extension in this case. When assessing the visual impact of the proposal, the extension is located to the front on the opposite side of the dwelling to the highway, and constructed from matching materials and fenestration details to the host ensuring that it would appear sympathetic. Given these factors, it is considered that the proposed extension would not materially detract from the Green Belt setting with regards to design and materials, and the proposed extension would represent a proportionate addition to the original dwelling in this case.

In relation to LP57 (c) the proposal would not result in any additional hardstanding at the application site that would adversely impact on the openness of the Green Belt, those areas are to the rear of the dwelling. and would not impact the existing curtilage and means of access at 19, Hanging Royd.

The extension would, on balance, appear a subservient addition to the existing dwelling in terms of its scale given its design and appearance and the characteristics of the site. Given the above, the proposed extension is considered, in this specific case and given the individual factors related to this site, to constitute appropriate development within the Green Belt, in accordance with Policy LP57 of the Kirklees Local Plan and Chapter 13 of the NPPF.

## Impact on Wellhouse Conservation Area

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. This is echoed within policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

Paragraph 205 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset the Local Planning Authority should give great weight to the heritage asset's conservation irrespective of the level of harm.

At paragraphs 205 – 207 the NPPF is clear, that where development leads to substantial harm, this is necessary to achieve substantial public benefits that outweigh that harm or, in the case of less than substantial harm this should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In this context, preservation means not harming the interest of the building itself, or the wider conservation area within which it is set. In this case, as set out earlier, the extension is a minor increase to a dwelling. The impact of this work would have a neutral impact on the significance of the conservation area.

In this case, the principle of development in this application is acceptable and shall be assessed against the applicable material planning considerations within the following report.

## **2 – Impact on character and appearance of the area**

Policy LP24 (Design) of the Council's adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

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.

Paragraph 5.13 of the SPD relates to front extensions and details that as front extensions are highly prominent in the street scene and can erode the character of the area if they are not carefully designed, large extensions (single and two-storey) and conservatories on the front of an existing house will not normally be acceptable and are considered likely to appear particularly intrusive. Front extensions will not normally be permitted unless:

- The house is set well back from the pavement or is well screened; and
- The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area; and
- The materials and design match the existing features of the original house; and
- The extension would not unreasonably affect the neighbouring properties.

The front extension would be located to the principle north-east facing elevation, separated from the highway by the main bulk of 19, Hanging Royd, but would be visible to the side/south-east. Therefore, the extension has been set back 300mm from this elevation to reduce its prominence.

The visual impact of the development from the highway would be partly screened by the extant 2024/91059 first floor addition. However, it is noted this proposal could be implemented independently of this permission and upon a site visit, it was evident this development had not commenced. Due to the increase in height, part of the lean-to roof of this extension would protrude ~0.5m above the flat roof of the existing single storey side extension. As the extension would be set well away from the highway and constructed from materials to match the material palette of the host, the visual impact is not considered to be detrimental in this case.

The extension would be limited in terms of its projection and height and would form a modest addition to the property. The materials proposed would match the overall alterations to the property to form a cohesive appearance. The extension would not unreasonably impact neighbouring properties, with no windows proposed to the north-west elevation and the main body of the host property partly screening the development from the wider street scene.

It is therefore considered that in terms of visual amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, the adopted House Extensions and Alterations SPD, and advice within the National Planning Policy Framework.

### **3 – 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 House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that: *“extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours”.*
- Principle 4 – that: *“extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook.”*
- Principle 5 – that: *“extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property”.*
- Principle 6 – that: *“extensions and alterations should not unduly reduce the outlook from a neighbouring property.”*

The properties potentially affected by the proposed development are those which directly neighbour the site, these being:

#### *17, Hanging Royd*

The porch would be inset from the shared boundary by approximately 4.1m. In regard to overlooking/privacy the plans show no additional openings to be inserted into the north-west elevation. In regard to overlooking/privacy/overbearing, it has therefore been assessed the position of the extension and limited additional bulk and massing with the proposed fenestration arrangement would not cause detrimental harm.

#### *6, Copley Bank Road.*

This development is separated ~7.7m by the highway northeast of this neighbour. The proposed would be screened by its host's bulk and massing for this neighbour and would therefore offer no concerns regarding residential amenity.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework.

#### **4 – Impact on highway safety:**

Policies LP21 and LP22 of the Kirklees Local Plan and policies within chapter 9 of the NPPF 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 proposed development would not increase the number of bedrooms on site, and it is considered the number of occupants within the dwelling would remain as existing. With this being the case, proposed parking arrangements are considered to be acceptable. The proposal does not propose any changes highway access. It is therefore considered that the proposal is acceptable in relation 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.

There is potential to obstruct the PROW during development therefore Officers recommend an informative attached to the Decision reminding applicants of their lawful obligation to keep this unobstructed and free to access for PROW users.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, principle 15 of the Council's Street Design Guide and chapter 9 of the National Planning Policy Framework.

## **5 – Other matters:**

### *Ecology*

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. Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest, and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

### *Climate Change*

On 12<sup>th</sup> 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.

Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. A Climate Change statement has been submitted with this application.

## **6 – Representations:**

None received

## **7 – 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: 2023/92113**

**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 91 of the Town and Country Planning Act 1990 (as amended).

1. 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 accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

2. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

**Reason:** In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document 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.

**NOTE:** Public footpath Huddersfield COL/56/30 is adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works. The Council's public rights of way unit may be contacted by telephone 01484 221000 and ask for Sharon Huddleston. The Public rights of way email address is [publicrightsofway@kirklees.gov.uk](mailto:publicrightsofway@kirklees.gov.uk)

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	24/973/P01	-	08/08/2024
Existing Block Plan	24/973/P02	-	08/08/2024
Proposed Block Plan	24/973/P05	-	08/08/2024
General Arrangements as Existing	24/973/03	-	08/08/2024
General Arrangements as Proposed	24/973/P04a	-	08/08/2024
Application form	-	-	08/08/2024
Climate Change Statement	-	-	08/08/2024
Heritage Impact Statement/ Planning Supporting Statement	22/973	-	08/08/2024

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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

**Report Dated:**

23/09/2024

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