

# 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>2024/62/92221/W</b>
Site Address:	Sunnydale, Wilberlee, Heys Lane, Slaithwaite, Huddersfield, HD7 5UX
Description:	Demolition of existing single storey side extension and erection of replacement single storey side extension
Recommending Officer:	Molly Storer

### DECISION – CONDITIONAL FULL PERMISSION

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

John Holmes

***AUTHORISED OFFICER***

**Date: 27-Sep-2024**

## **Officer Report**

### **Site Description.**

The application site relates to Sunnydale, a detached, single storey dwelling with rooms in the roof space. The property sits on land higher than Intake Road.

Land to the west of the dwelling consists of a holiday let which was once part of the site however was granted change of use under planning application 2018/93418 and is now separate from the site. The property hosts a large driveway to the front, at a lower land level to the house as well as garden amenity space to the side and rear. There is a detached garage located on the lower land level to the front approved under application 2024/90924.

The site is within the Green Belt, with open fields in each direction. To the east of the site is the hamlet of Wilberlee.

### **Description of Proposal.**

Planning permission is sought for the demolition of the existing single storey side extension and the erection of a replacement single storey side extension

The extension will in part project 3.1m from the west elevation. Part of the extension will project a further 0.6m. This forward most projection will have a width of 5m and have a gable roof and the main part of the extension will have a width of 8m with an adjoining hipped roof. The height to the eaves will be 2.4m and the overall height of 4.5m.

This will replace an existing sideward projection which has a footprint of 1.85m x 8m.

### **History of Negotiations.**

No negotiations have taken place, and no amended plans have been sought or submitted.

### **Relevant Planning History.**

The following planning history is considered relevant:

- 2018/93418 - Change of use of domestic outbuilding to a holiday let – Conditional Full Permission.
- 2024/90924 - Erection of detached garage - Conditional Full Permission.

### **Publicity/Representations.**

We are currently undertaking 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 which expired on 20<sup>th</sup> September 2024 – no representations were received.

### **Consultation Responses.**

No consultations were deemed necessary.

### **POLICY**

The site is allocated as Green Belt on the adopted Kirklees Local Plan.

The site also falls in an area at low risk of ground movement from former mining activity as identified by the Coal Authority. The site falls in an area with a known presence of bats.

The following policies are therefore considered to be applicable in the consideration of this application: -

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

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway Safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP30** – Biodiversity
- **LP51** – Air Quality
- **LP 57** – The extension, alteration or replacement of existing buildings

#### **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 12** – Achieving well-designed and beautiful places
- **Chapter 13** – Protecting the Green Belt
- **Chapter 14** – Meeting the challenge of climate change, flooding & coastal change.

## Supplementary Planning Documents

- House Extensions and Alterations Supplementary Planning Guidance (SPD) 2021

## Legislation

- The Town & Country Planning Act 1990 (as amended).
- The Planning and Compulsory Purchase Act 2004.

## Assessment.

The following matters will be considered as part of the assessment of the proposal. These considerations will be looked at in detail individually:

- 1) Principle of Development
- 2) Impact on Visual Amenity
- 3) Impact on Residential Amenity
- 4) Impact on Highway Safety
- 5) Other Matters
- 6) Representations
- 7) Conclusion

### **1) Principle of Development**

#### *Green Belt*

The general principle of extending and making alterations to a property are assessed against Policies LP1, LP2 & LP24 of the Local Plan and Chapter 12 of the NPPF regarding design. These require, in general balanced considerations of visual and residential amenity, highway safety and other material considerations.

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

- Whether the proposal would be inappropriate development for the purposes of the NPPF and Local Plan Policy LP57.
- 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 very special circumstances to outweigh the harm to the Green Belt.

#### 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, 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'. These are set out within paragraphs 154 and 155 of the NPPF.

The construction of new buildings is regarded as inappropriate development in the Green Belt. Within paragraph 154 a number of exceptions to being considered inappropriate development are listed, one of the exceptions is the extension or alterations of a building providing that this does not result in disproportionate additions over and above the size of the original buildings.

Policy LP57 continues that 'in the case of extensions the original building remains the dominant element both in terms of size and overall appearance. The cumulative effect 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....'. It also goes on to say that the proposal should not result in a greater impact on openness in terms of the treatment of outdoors areas, including hard standing, curtilages and means of access.

In terms of this particular application, the agent provided details on the existing and proposed volumes to assess whether the cumulative impact of the extensions would be disproportionate to the original dwelling. The total existing volume of the dwelling is 734m<sup>3</sup> whereas the total proposed volume for the current proposal and other extensions equates to 108m<sup>3</sup> – this represents a 14.6% increase (these calculations include the volume of the detached garage which was approved under planning application number 2024/90924). Due to this relatively limited volume increase (in conjunction with other consented development) and due to the extension largely being on the same footprint as existing, it is considered the cumulative impact of the proposed development would not result in disproportionate additions to the original dwelling and would not have a negative impact on the openness of the Green Belt meaning it would comply with policy LP57 of the local plan and would be acceptable when assessed against this Policy and Chapter 13 of the NPPF.

It should be noted that the buildings associated with the holiday let to the west of the site are not included within this calculation. This is because as per the current red line boundary Sunnydale is a planning unit in its own right. The holiday let falls under a separate C3 use as of the 2018/93418 permission.

Within the 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 polies 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.”

These principles and the relevant design guidance of the House Extensions and Alterations SPD are taken into account within the following report.

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 case, the principle of extending the existing dwelling is considered to be acceptable and shall be assessed against the applicable material planning considerations within the following report.

## **2) Impact on Visual Amenity**

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 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’*

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.

Policy 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...’*

*and*

- *'c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...'*

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.

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

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

With regards to the SPD the single storey side extension would not extend more than two thirds the width of the original house. The proposed extension would be set back by 0.3m from the front and rear elevation. However this would match the existing side elevation meaning that although the scheme now proposes an extension which is 3.7m in width at the furthest point it is considered that there would be no significant visual improvement by setting it back a further 0.2m. Furthermore, it is also noted that the height will exceed the guidance in the SPD by 0.5m however due to the low eaves height and the proposed roof creating a roof form with a gable element to match that of the existing house it is considered to be acceptable. The extension would also utilise construction materials of white render for the walls and natural blue slate roof tiles to match that of the existing property. Therefore, due to these reasons and its positioning 20m from the highway it is concluded that the proposed extension would have limited additional impacts to visual amenity than the existing.

Therefore, the single storey side extension is concluded to be in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, principles 1 & 2 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of the National Planning Policy Framework.

### **3) Impact on Residential Amenity**

Policy LP24 of the Kirklees Local Plan and advice within 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, 5 and 6 of the Council's adopted House Extensions & Alterations SPD require that development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

Due to the holiday let to the west of the site having only visitors and no permanent residents, whilst acknowledging that there will be adequate amenity space remaining for these visitors and future occupiers of the host property, it is considered that there will be no residential amenity impact in this case.

Sunnydale has two neighbours; The Barn to the east and 4-5 Wilberlee to the south.

#### Impact on No. The Barn

This neighbour is located to the east.

With regards to the side extension, this will be constructed to the west of the application site and will therefore be screened by the applicant property so there will be no significant overbearing or overshadowing impact. No additional windows will face in the direction of this property so there will also be no significant impact to privacy or resultant impact in terms of overbearing, overshadowing or oppressiveness of the development.

#### Impact on 4-5 Wilberlee

This neighbour is located to the south.

Although there will be additional glazing in the elevation facing in the direction of this property it is considered that this will cause no significant additional harm than existing windows within this elevation. In terms of being overbearing or overshadowing the separation distance of ~25 meters leads to the conclusion the side extension is not considered to cause harm to the amenity of this neighbour in this regard.

The proposal is therefore concluded to accord with policies LP1, LP2 & LP24 of the Kirklees Local Plan, the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policy within chapter 12 of the National Planning Policy Framework.

#### **4) 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 proposed development will not directly increase the domestic function Sunnydale (with no new bedrooms proposed), nor will it reduce existing parking arrangements on site. It should also be noted sufficient parking will still be retained by the remaining driveway and garage on the site. Due to this

and access to and from the adjoining highway not being impacted, the proposal is considered to be acceptable from a highway safety perspective.

It is also considered that waste storage and collection arrangement would likely remain as is as a result of the proposal, in compliance with Principle 16 of the House Extensions and Alterations SPD.

In turn, erecting the proposed outbuilding at Sunnydale would appropriately accord with Chapter 9 of the NPPF, Policies LP21 and LP22 of the Kirklees Local Plan and Key Design Principles 15 and 16 of the House Extensions and Alterations SPD.

## **5) 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.

Due to the size, scale and limited nature of development, it was not considered necessary to request specific measures to address the developments' resilience to climate change, over and above that in the submitted Climate Change Statement.

### Biodiversity-

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.

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

## **6) Representations**

No representations were 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: 2024/92221**

**Officer Recommendation: Approve**

### **Conditions and Reasons:**

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted

**Reason:** Pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Order 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:** In the interests of visual amenity and so as to preserve the openness of the Green Belt, in accordance with Policies LP01, LP02, LP24 & LP57 of the Kirklees Local Plan, principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 & 11 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with policies within chapters 2, 12,

13 and 14 of the National Planning Policy Framework.

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

**Reason:** In the interests of visual amenity and so as to preserve the openness of the Green Belt, in accordance with Policies LP01, LP02, LP24 & LP57 of the Kirklees Local Plan, principles 1 and 2 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with policies 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:-

Plan Type	Reference	Version	Date Received
Application form	-	-	07/08/2024
Climate change statement	-	-	07/08/2024
Existing site plan	SK03	-	07/08/2024
Existing and proposed drawings	SK01	-	07/08/2024

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

No negotiations took place, and no amended plans were sought or submitted.

Report Dated:

30/09/2024