

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2024/62/92250/W
Site Address:	9, Carr Mount, Kirkheaton, Huddersfield, HD5 0PD
Description:	Erection of extensions to dwelling and detached garage/store
Recommending Officer:	Joanna Rednall

DECISION - REFUSED

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

Emma Thompson

AUTHORISED OFFICER

Date: 07-Oct-2024

The Site

9, Carr Mount is a semi-detached property located in Kirkheaton, Huddersfield. The property is faced in render with a hipped roofing style that is infilled with blue slates. To the rear of the dwelling is a single storey projection with a pitched gable roof above. The property benefits from a large lawned garden to the front and side, with an area of hardstanding to the rear.

To the north-east of the site are two detached bungalows at a separation distance of 30+ metres. However, the site is predominantly located by open fields. 9, Carr Mount is accessed via a small, unadopted road that also serves neighbouring properties to the north.

The site is located within the green belt on the Kirklees Local Plan.

The Proposal

The applicant is seeking planning permission for erection of extensions to dwelling and detached garage/store.

The exterior walls of the extensions would be faced in render, and the roofs would be infilled with blue slates. The extensions would not increase the number of bedrooms on site, it would remain at 4 bedrooms.

All measurements are approximate.

Single storey side extension

A lean-to single storey side extension is proposed to the west-facing elevation. This extension has the following measurements:

- 4.4m projection
- 6m width
- 2.3m eave height
- 3.8m ridge height

Fenestration is proposed to the front, side and rear elevations. This is in the form of three full-height UPVC windows to the front and side elevations, and three small windows inserted to the rear elevation.

First floor rear extension

A first-floor rear extension is proposed above the existing single storey rear projection. This extension has the following measurements:

- 5m projection
- 4.6m width
- 5m eave height
- 6.7m ridge height

The first-floor extension would have a gable roof. Three UPVC windows are proposed to the rear elevation to match those of the proposed side extension.

Front extension and balcony

The ground floor of the property would be extended 2.1m forward with a width of 6.1m. The total height would be 3.3m with a flat roof. A balcony is proposed above the flat roof, measuring 1.3m x 4.5m with a glass balustrade measuring 1.1m in height.

Side porch

A porch is proposed to the west-facing elevation with the following measurements:

- 1m projection
- 2.5m width
- 2.4m eave height
- 4m ridge height

Front dormer and hip to gable roof

The hipped roof would be gable in design to facilitate the construction of the proposed front dormer. The front dormer would have the following measurements:

- 4m width
- 1.7m eave height
- 2.5m ridge height
- 4.3m projection

Detached garage

A detached 'L' shaped garage is proposed to the front of the dwelling. The garage has a total width of 12m and a total depth of 10m. The garage has an eave height of 2.4m and a total height of 3.8m to the ridge of the hipped roof.

In terms of materials, it would be constructed from concrete block and render with the roof infilled with dark grey concrete tiles.

Planning History

There is no planning history for the site which is considered relevant to the current proposal.

History of Negotiations

No amendments have been sought in the processing of this application as it was considered substantial amendments would be required to make the application acceptable.

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.

Final publicity date expired: 2nd October 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
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 20th 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 13 – Protecting Green Belt Land
- 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
2. Impact upon residential amenity
3. Impact upon highway safety
4. Other matters
5. Representations
6. Conclusion

1 – Principle of development:

The site is allocated Green Belt 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 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?

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.

In this case, a review of historic mapping and planning history has been undertaken. It appears that the building as it currently stands is original and has not undergone previous extensions.

The proposed development would be substantial additions to the property which would significantly increase the volume of the dwelling. Although no volume calculations have been provided, officers have calculated the cumulative extensions proposed under this application, including the detached garage, would provide an additional ~566.3 cubic metres to the dwellinghouse, of which hosts an existing volume of ~648. This would lead to a substantial increase in volume of around 87%, resulting in development that is disproportionate to the size of the original dwelling and thus would result in harm to the Green Belt land.

However, it is acknowledged that the assessment into whether additions to a building are disproportionate is more than just an arithmetic exercise, but visually whether the extension is disproportionate by means of the overall increase in footprint and volume. It is considered that the significant additions proposed under this application, consisting of a side, front and first floor extension, porch extension, front dormer and detached garage, would result in visually disproportionate additions over and above the size of the original building, and would therefore negatively impact the character and appearance of the Green Belt. The proposed development would therefore be considered inappropriate development and would not comply with LP24 or LP57 of the Kirklees Local Plan and the aims of Chapter 13 of the NPPF.

As such it is considered that this would amount to disproportionate additions over and above the size of the original building, and so would constitute inappropriate development in the Green Belt. This is not compliant with chapter 13 of the NPPF together with part of policy LP57 of the Kirklees LP, and it is considered that the principle of the development is unacceptable.

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.

Single storey side extension and side porch extension

Section 5.3 of the Council's adopted House Extensions and Alterations SPD relates specifically to side extension. Paragraph 5.17 provides the following guidance:

5.17 Single storey side extensions should be offset and complement the original building. As such, single storey side extensions 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.*

It is proposed that the side extension would be set well back from the original building line and would not exceed 4m in height or extend more than two thirds of the width of the original house. The proposed materials are in keeping with the host property, and the lean-to roof design is considered acceptable for the scale of extension proposed. The fenestration details would be UPVC to match the host property and would face towards the main amenity space of the application dwelling and neighbouring fields to the side. The proposed porch is modest in scale with materials and roof design to match the host. Although it is noted that the proposed side extensions comply with the SPD criteria above, the significant cumulative scale of the proposals fails to remain subservient to the original dwelling. The proposed side extension would therefore have an unacceptable visual impact to the host property and local character, including the Green Belt setting.

First floor rear extension

Section 5.22 of the Council's adopted House Extensions and Alterations SPD relates specifically to two-storey and first floor side extensions:

5.22 Two-storey and first floor side extensions should:

- *ideally be visually smaller in relation to the original house;*
- *be set back at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridgeline from the original house;*
- *have a roof design that follows the form of the existing roof; and*
- *retain a gap of at least 1 metre to boundary walls to avoid a terracing effect and to retain rear access to gardens.*

The first-floor extension is located to the rear of the property and would be constructed above the existing single storey rear projection. The extension would follow the outrigger of the first floor, increasing the total eave height to 5m and total ridge height to 6.7m. The first-floor extension would appear visually smaller in relation to the original house. This is because the ridge of the extension is appropriately set down from the ridge of the host property with its matching eaves to the host's own. The gable front feature appears subservient to the host and would reflect the design of the proposed roof. The materials and fenestration details would be in keeping with the host property, and the extension retains a gap of at least 1 metre to the boundaries of the site. Whilst this individual extension is of a scale and design relative to its site, this does not overcome the fundamental objections to the principle of development on this site. It is therefore considered that the cumulative impact of the first-floor extension would create a visually unacceptable impact, contrary to Policy LP24 and LP57 of the Kirklees Local Plan.

Front extension and balcony

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.

The proposed front extension is a modest addition that extends the dwelling's front elevation in line with the adjoining neighbour. The existing bay window would be retained to minimise the visual impact of the development and replicates the appearance of the existing dwelling, as well as in keeping with design features on the adjoining neighbour. The roof would be flat to facilitate a balcony above and is partially hipped to the side to adjoin with the front porch of the neighbouring dwelling. This is considered to have an acceptable visual impact.

A balcony is proposed above the front extension and a clear balustrade approximately 1.1m in height is proposed around the perimeter. This would be accessed via UPVC French doors inserted to the front elevation and accessed via a bedroom. The proposed balcony is considered to appropriately abide by the parameters as set out in paragraph 5.28 of the Council's adopted SPD. This addition would not detrimentally overlook neighbouring homes or gardens and would not detrimentally overlook neighbouring dwellings and would provide views over the rear amenity space of No.9 and the adjacent fields.

Notwithstanding the above, it is considered that the cumulative impact of the proposed first floor and balcony extensions in addition to the side, first floor and porch extensions, would cause detrimental harm to the visual amenity of the host dwelling and character of the Green Belt setting. The proposed extensions would not leave the original dwelling the dominant feature and would appear visually disproportionate over and above the size of the original property. a

Front dormer and hip to gable roof

Also of relevance to the consideration of the application are paragraphs 5.24, 5.25 and 5.26 of the House Extensions & Alterations SPD, which specifically state the following:-

5.24 - Roofs are a prominent and visible element of the street scene. Unsympathetic roof extensions and dormer windows can have a significant effect on the visual appearance of both the individual building and street scene. Poorly designed roof extensions and dormer windows can make a building appear top-heavy, cluttered and asymmetrical.

5.27 Dormer windows should:

- *relate to the appearance of the house and existing roof;*
- *be designed in style and materials similar to the appearance of the existing house and roof;*
- *not dominate the roof or project above the ridge of the house;*
- *be set below the ridgeline of the existing roof and within the roof plane;*
and
- *be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.*

The dormer in this case is of a significant size and height that would dominate the front roof plane of the host property. The dormer is not set below the ridgeline of the existing property with only a small area of roof retained to the sides and below. The roof of the existing property would be increased in volume to form a gable design. This would unbalance the appearance of the semi-detached property and would create a cluttered and asymmetrical appearance with the addition of the front dormer. There are no existing dormer windows on neighbouring properties, and the windows on the dormer are not aligned with existing openings on the front elevation of the application property. It is therefore considered that the cumulative impact of the front dormer, hip to gable roof, front balcony, and additional extensions above would cause significant harm to the visual amenity of the original property and would form disproportionate additions and would be detrimental to the character of the Green Belt setting.

Detached garage

The SPD states outbuildings can have as much of an impact on the appearance of the building as any other extension. Wherever possible these should reflect the style, shape and architectural features of the existing house and not be detrimental to the space around the building.

Section 5.30 provides specific guidelines for outbuildings:

5.30 Outbuildings should normally:

- be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings;
- be set back behind the building line of the original building so that they do not impact on the street scene; and
- preserve a reasonable private amenity space appropriate to the potential number of occupants of the house and follow a general principle that no more than 50% of garden space should be lost.

The detached garage would be located in the front amenity space of the dwelling. It is noted on the proposed block plan that the existing garage, measuring 8m x 4m x 2.5m would be demolished. This garage is present on the historic 1955 OS map and would therefore be considered part of the original dwelling. The proposed garage is 'L' shaped, measuring a maximum width of 12m and depth of 10m and a total height of 3.8m. The structure would be separated at a distance of 13m to the front of the property.

The proposed garage would add a significant mass and bulking to the application site. This element of the proposal would result in a footprint larger than that of the original property in a prominent position to the front of the dwelling close to the PROW (KIR/169/10). The garage would therefore not be subservient in footprint to the original building and it is not set behind the building line of 9, Carr Mount. Although the hipped roofing style would mitigate some degree of mass and obtrusiveness of the development and the proposed plans indicate screen planting to the east of the development, this is

not considered to overcome the detrimental harm the outbuilding would cause to the original property and the Green Belt setting. This is because the garage would be significantly larger than the existing outbuilding, with an additional bulk and massing that would over dominate the host property and local character. It is therefore concluded that the garage would result in significant and incongruous development which would be harmful to the character of the host property and local character.

Having taken the above into account, the bulk and massing of the proposed extensions would cause significant harm to the visual amenity of the host dwelling and character of the Green Belt setting, failing to comply with Policy LP24 and LP57 of the Kirklees Local Plan, KDP 1 & 2 of the House Extension and Alterations Supplementary Design Guide and the aims of chapter 12 and 13 of 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:

8, Carr Mount

8, Carr Mount adjoins the application property to the east. The element of the proposal that would have the most impact on this neighbour is the first-floor rear extension. The first-floor extension projects 5m from the rear elevation of No.8 with one window inserted to the east-facing elevation. The additional window would serve a hallway (non-habitable) with an additional ground floor window proposed to serve a bathroom (non-habitable). These are not considered to cause detrimental harm to be overlooking the windows/ amenity space at No.8 as the main amenity space appears to be located to the front.

The first-floor extension, at a maximum height of approximately 6.7m is considered to have a significant impact upon overbearing/ loss of light currently received at No.9. Key design principle 5 of the Council's SPD relates to the 45-degree line, and although the neighbouring windows are not shown on the plan, given the proximity of the extension to this neighbour, it can be concluded the 45 degree line from the closest windows at No.8 would infringe upon the proposed extension. This would result in an undue overshadowing/overbearing impact and would significantly reduce the outlook of No.9.

The first-floor rear extension is therefore considered to significantly reduce the outlook and have an overbearing and oppressive effect on the windows serving this dwelling, contrary to Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, Policy LP24 of the Kirklees Local Plan 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.

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:

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.

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

Refuse

Decision Authorisation - Delegated Powers

Application Number: 2024/92250

Officer Recommendation: Refuse

Reasons

1. The cumulative impact of the proposed development would result in a significant increase in additional volume of over and above the size of the original building resulting in disproportionate additions and having a greater impact on the openness and character of the Green Belt. The proposed development would represent inappropriate development within the Green Belt as well as impacting on visual amenity for which no very special circumstances have been submitted to outweigh the harm to the Green Belt. The proposal therefore fails to accord with Chapter 12 and 13 of the National Planning Policy Framework, together with policies LP24 and LP57 of the Kirklees Local Plan.
1. The proposed first floor rear extension, by reason of its siting, overall scale and proximity to a neighbouring property, would result in an unacceptable degree of harm to the amenities of the occupiers of the adjacent dwelling No.8 Carr Mount in terms of overbearing and loss of light. The proposal therefore fails to comply with Policy LP24(b) of the Kirklees Local Plans, Chapter 12 of the National Planning Policy Framework and Principles 4, 5, 6 of the Kirklees House Extensions and Alterations Supplementary Planning Document.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	24/66	-	20/08/2024
Site Plan	-	-	20/08/2024
Existing Floor Plans	24/66 A	-	20/08/2024
Existing Elevations	24/66 B	-	20/08/2024
Proposed Floor Plans	24/66 C	-	20/08/2024
Proposed Elevations	24/66 D	-	20/08/2024
Replacement detached garage & store	24/66 E	-	20/08/2024
Application form	-	-	20/08/2024

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 have been sought in the processing of this application as it was considered substantial amendments would be required to make the application acceptable.

Report Dated: 04/10/2024

Low coal

