

PLANNING STATEMENT

**Use of undercroft within an existing residential
annexe building for ancillary residential purposes
and the installation of windows**

21 Northfield Lane

Highburton

Huddersfield

HD8 0QT

August 2024

Background

The annexe building that is the subject of this application is situated at 21 Northfield Lane, Highburton, Huddersfield. The annexe building is located within the substantial grounds of the dwelling.

The annexe building currently has ground floor accommodation which is used for ancillary residential purposes as an annexe to the dwelling.

To the north, south, and west of the site is open land and to the east are the gardens of adjacent residential properties.

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

Proposed development

The proposed development consists of the use of the undercroft of the annexe building for ancillary residential purposes and the installation of windows to the western elevation of the annexe building.

Planning history

The annexe building was approved in November 2017 and work progressed soon after, completing in 2019.

An application for a non-material amendment to install windows in the south-west elevation of the annexe building was refused in March 2024.

The LPA determined that the appearance of the building would be altered materially, and therefore the proposed works fell outside of

matters that could be considered through a non-material amendment application.

The applicant then submitted a variation of condition application (a plans variation) for the installation of windows within the annexe building and this was refused in July 2024 (2024/90824). The LPA opined that it was not possible to vary the plans condition attached to the appeal decision.

It should be noted at this point that the Delegated Officer Report for the variation of condition application suggests that the existing annexe building has not been constructed in accordance with the plans approved, in that it alleges that the height of the building has been raised by some 500mm on its south-west elevation leading to an increased volume of the building envelope over that approved at appeal. This is refuted by the applicant, and Drawing No. EX0007 has been prepared to show there is no material change between what was approved and has been built.

Relevant planning policies

National planning policy is provided by the National Planning Policy Framework 2024 (the NPPF) and associated Planning Practice Guidance. In respect of this application, the relevant section of the NPPF is Section 13: Protecting Green Belt land.

Local planning policy is contained within the Kirklees Local Plan 2019 (the Local Plan) and associated Supplementary Planning Documents and guidance. In respect of this application, the relevant policy within the Local Plan is Policy LP57: The extension, alteration or replacement of existing buildings.

Assessment

Paragraph 143 of the NPPF sets out the five purposes for including land within the green belt –

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

The NPPF also sets out, at paragraphs 152 to 156, some forms of development that may not be inappropriate within the green belt (“exceptions”). This includes, at paragraph 154 c), an extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Policy LP57 of the Local Plan effectively “mirrors” the NPPF in this regard and states that proposals for the extension, alteration or replacement of buildings in the green belt will normally be acceptable provided that:

- a. in the case of extensions the original building remains the dominant element both in terms of size and overall appearance. The cumulative impact 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;

b. in the case of replacement buildings, the new building must be in the same use as and not be materially larger than the building it is replacing;

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

With regards to the details of the proposed development, and in the context of the NPPF and the Local Plan, it is considered that this development represents an “alteration” to an existing building. As the building envelope is to remain “as is”, then the proposed development cannot be considered to be an extension nor a replacement building.

Therefore, in the context of the NPPF, the use of the undercroft and the installation of windows to one elevation of the annexe building, will not result in additions over and above the size of the existing building, as all works will be either be internal or insertions in an elevation. Planning Practice Guidance states that openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume. Note here the reference to volume only – in reference to openness, the existing annexe building will not have an increased volume and so the proposed works cannot be held to have an impact on openness by virtue of size.

Furthermore, in relation to paragraph 143 of the NPPF, the proposed works will have no impact on sprawl, the merging of towns,

encroachment within the countryside, the special character of historic towns, nor urban regeneration.

Turning to the Local Plan, as the building is not to be extended or replaced, then only references to alterations within policy LP57 are relevant. This therefore excludes parts a) and b). There is to be no work to outdoor areas, so this excludes part c).

As stated above, openness can have a visual as well as a spatial dimension, and this is set out in part d) of policy LP57. With regards to the proposed development, the insertion of windows within one elevation of the annexe building is held to have no adverse material impact on the appearance of the building and hence the openness of the green belt. The proposed windows are correctly proportioned and in scale with the building, with materials that match the existing.

The Delegated Officer Report referred to above opines that the insertion of windows to serve the undercroft will mean that the annexe building will appear as a “single dwellinghouse”. This is patently not the case – the annexe building is an ancillary residential building in its own right and it is not unusual for such a building to have the same characteristics as a dwelling – walls, a roof, windows, and doors – but not the same use as a dwelling.

In terms of the impact of the proposed development on the residential amenity of neighbouring properties, the proposed insertion of windows will not affect the private amenity space of neighbouring residents nor face their properties.

Conclusion

For the reasons set out above, the proposed development is considered to be in accordance with the NPPF and the Local Plan and is therefore capable of approval, subject to any reasonable and necessary conditions.