

**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:	2024/62/92324/E
Site Address:	21, Northfield Lane, Highburton, Huddersfield, HD8 0QT
Description:	Formation of basement to increase living accommodation
Recommending Officer:	Elenya Jackson

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.

John Holmes

AUTHORISED OFFICER

Date: 18th December 2024

OFFICER REPORT

Site Description

The application site is at 21, Northfield Lane, Kirkburton. It comprises a 2-storey detached house at the end of a long driveway off Northfield Road. The entrance is shared with 19, Northfield Lane. It is located within quite substantial grounds.

Via an upheld appeal, the site benefits from a detached stone building which has permission for one floor of residential accommodation to be used as an annexe.

To the north, south and west of the site are open fields and to the east are the gardens of adjacent properties. The site is located within the Green Belt.

Description of Proposal

This application has been received following the refusal of a non-material amendment and a Section 73 application on site.

The application seeks permission for the development previously refused as NMA / S73 applications). The description of development being as follows:

‘Formation of basement to increase living accommodation’

Alterations forming this application include the addition of three windows in the southwest elevation of the annexe and the creation of an undercroft/basement to the property.

The proposal also includes the associated engineering operations, in particular alterations to land levels surrounding the building, that have been undertaken to facilitate the development.

The works to form the space under the dwelling have previously been undertaken but the windows have not been added into the elevation.

Relevant Planning History

2007/94159 – Erection of single and two storey extensions, porch and double garage (21, Northfield Lane) – Approved

2016/92631-Demolition of existing stone and timber outbuildings and erection of detached single storey building to create annexe accommodation associated with 21, Northfield Lane, Highburton (21, Northfield Lane) – Approved

2017/90828 – Demolition of existing stone and timber outbuildings and erection of detached single storey building to create annexe accommodation associated with 21, Northfield Lane, Highburton (21, Northfield Lane) – Refused; Appeal Upheld 2018/90068

Discharge of condition 4 on previous permission 2017/90828 (APP/Z4718/W/17/3177245) for demolition of existing stone and timber outbuildings and erection of detached single storey building to create annexe accommodation associated with 21, Northfield Lane, Highburton (21, Northfield Lane) – Discharge of Condition Approved

2018/90431: Erection of a garden shed and storage. Refused

2024/90358: Non-material amendment to previous permission 2017/90828 for demolition of existing outbuildings and erection of detached single storey building to create annexe accommodation associated with 21, Northfield Lane, Highburton, Huddersfield, HD8 0Q. Refused

2024/70/90824/E: Variation condition 2 (plans) on previous permission 2017/90828 for demolition of existing outbuildings and erection of detached single storey building to create annexe accommodation associated with 21, Northfield Lane, Highburton, Huddersfield, HD8 0QT. Refused for the following reasons:

- 1. It is considered that; further alterations have been made to the previous scheme which result in an increase to the volume of the proposal which was subject to an enforcement investigation. The cumulative impact the proposal would be disproportionately large in relation to the original structures on site and represent inappropriate development, which is harmful to the Green Belt and the visual amenity of the area. The proposed development is therefore contrary to policy LP57 of the Kirklees Local Plan and paragraph 154c & d of the National Planning Policy Framework.*
- 2. The under-croft floor space and proposed windows would lead to the structure appearing as a standalone dwelling opposed to an ancillary annexe. This would have a harmful visual and spatial impact for the Green Belt contrary to policy LP57 of the Kirklees Local Plan and paragraph 154c & d of the National Planning Policy Framework.*
- 3. It is also considered the application pursuant to section 73 of the Town and Country Planning Act 1990 is not appropriate for the development proposed as it proposes to carry out development without complying with condition 2 that is either spent by reason of the completion of the original planning permission or expired by reason of not implementing the original permission in accordance with condition 2.*

Planning history at no.21 Northfield:

2007/94159 - erection of single and two storey extensions, porch and double garage – Conditional Full Permission approved 21st November 2007.

Analysis of aerial photos from 2006 and 2012 demonstrate the 2007 permisison has been implemented.

Where relevant the planning history is taken into account / referenced to within the consideration of this application in the following report.

Representations

The application was advertised by neighbour letters, which expired on 17/10/2024.

One representation was received which raised the following concerns:

- Proposal is the same as the previously refused application (2024/90824)
- Proposal not being built in accordance with the approved plans
- Proposal not being in keeping
- Proposals prominence from local footpaths

Consultation Responses

No formal consultations deemed necessary

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 27th February 2019).

The site is located within the Green Belt on the Kirklees Local Plan.

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 predates 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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway Safety and Access
- **LP 22** – Parking

- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 53** – Contaminated and unstable land
- **LP 57** – 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.

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 2024, and 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.

- Chapter 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Negotiations
- 7) Conditions
- 8) Conclusion

1 – Principle of development:

Of relevance to the consideration of this application is the recently refused application for variation of condition 2 (ref: 2024/90824). This sets out that a review of all previous correspondence in relation to this address was undertaken and following this it was understood that the site has previously been subject to enforcement investigation relating to the increased height of the building and the construction of a lower ground floor/basement.

It is understood this was agreed to be infilled by 1m to reduce internal ceiling heights although at the time of investigation it was not possible to measure the resultant height of the building due to the stage of construction. Enforcement officers visited the site where it was seen that partitions associated with additional accommodation were erected in the foundations of the building. It was claimed by the applicant that the foundations/undercroft had been infilled and the proposal was compliant with the previous description of development of 'erection of detached single storey building to create annexe accommodation associated with 21, Northfield Lane, Highburton, Huddersfield, HD8 0QT'.

Subsequently, the enforcement case associated with this application was closed in light of no evidence to suggest the undercroft could then be used for additional accommodation or that the height was higher than approved. However, as the current application has been received for the addition of windows to an undercroft, it is understood by officers that the previous undercroft still remains or works to infill have been or are proposed to be undone through excavation following the enforcement investigation. It is of note that the height of the building on the south west elevation as shown on existing plans is 500mm higher than shown on the approved plan suggesting an alteration of land levels to leading in additional bulk and appearance on this elevation.

The application site is located on land allocated as Green Belt on the Kirklees Local Plan. The proposal has been submitted retrospectively for the 'Formation of basement to increase living accommodation'.

The addition of windows into the undercroft, and associated works, would be seen as an additional volume and in particular floor space which would result in a scale of development which could not be considered ancillary to the host dwelling. The resultant building would therefore appear both visually and functionally as a stand alone dwelling and would fail to accord with paragraph 154 C of the NPPF.

Chapter 13 of the NPPF requires Local Planning Authorities to regard the construction of new buildings in the Green Belt as inappropriate development. Exceptions to this include the extension or alteration of a building providing it does not result in disproportionate additions over and above the size of the original building.

An 'original building' is defined in the NPPF glossary as "a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

Policy LP57 of the Kirklees Local Plan states that extensions will normally be acceptable provided that the host building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and other associated buildings will be considered. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building. Furthermore, the proposal should 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 the design and materials used should be sensitive to the character of the Green Belt setting.

Whilst the buildings replaced as part of the previous application for the building were not as large as that for which permission was granted by virtue of application 2017/90828, the replacement building was single storey. The resultant building the subject of this application would see the floorspace increase significantly, with other increases appearing to have also already taken place. The insertion of openings and the associated works would see a two storey building created in terms of appearance and also as a result of the physical works to the building. It is considered the extent of the works the subject of this application would see the building extended such that it would constitute disproportionate additions over and above that which could be considered to meet the requirements of policy LP57 / paragraph 154(c) of the NPPF.

This conclusion is drawn having consideration to the planning history of no.21 which has seen extensions undertaken between 2006 and 2012 (form analysis of aerial photos). It is noted that a planning consent at no.21 (ref: 2007/94159) granted permission for single and two storey extensions, porch and double garage.

The buildings which stood at site and were the subject of application 2017/90828 already stood at site at the time of the 2007 application and were linked with no.21 at that time. A condition of approval for their demolition and redevelopment is that they are used ancillary to no.21. As such it is considered they constitute outbuildings linked with no.21 which has already been extensively developed.

Originally, the development comprised the redevelopment of a small shed and a stone garage, this was replaced via an allowed appeal with a single storey annex which had a volume of 418.1m².

In light of this, officers have assessed the volume increase of the proposal as a result of the additional excavation that has taken place during construction of the proposal.

The volume of the proposal in its current format would be 444.7m³. Having regard to the planning history of the site, extent of previous developments which have taken place and the scale and nature of the

development proposal the subject of this application it is concluded that the further development of the site, the subject of this application constitutes disproportionate additions over and above that of the original dwelling to which the outbuilding the subject of this application relates. The proposal is therefore concluded to constitute inappropriate development.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

It is acknowledged that officers have previously refused development of a similar scale submitted as a non-material amendment and a S73 application. In addition it is considered that the perceived increase in height of the proposal which has been created via additional excavations when coupled with the addition of additional fenestration into the rear elevation of the building would be allowing an additional volume and in particular floor space into the Green Belt which would have spatial and visual implications to the openness of the Green Belt.

In addition, the proposal would be amending the principle of development on site to a two storey structure which would result in a scale of development which would not have an appearance of that which is ancillary to the host dwelling.

It is the case that when viewed in the context of the original development on site, and the justification for the previous approval, the additional volume increase would not be acceptable. The proposal would be allowing additional volume in the Green Belt, which would result in the proposal appearing as a two-storey structure when viewed from the West and in turn appearing as an additional dwelling on site opposed to an ancillary structure.

The proposal would therefore fail to comply with Policy LP57 of the Kirklees Local Plan and the aims of Chapter 13 of the NPPF as the original house would not remain the dominant element.

2 – Impact upon Visual Amenity

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. 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.

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'*

Paragraphs 5.29 and 5.30 of the House Extensions and Alterations SPD relates to outbuildings, setting out the following:

Outbuildings, such as garden offices, detached garages and granny annexes, 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.

Outbuildings should 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 proposal would see the building amended such that it has the appearance of a two storey dwelling, and would read as a building of such scale. As set out in section 10 of the report, the wider visual impact of the development upon openness is considered to be detrimental and as such it is considered the proposal would not be compliant with policy LP24 of the Kirklees Local Plan and principle 1 of the House Extensions and Alterations SPD.

3 – Impact on residential amenity:

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 House Extensions and Alterations 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.

The application site is not located adjacent to any neighbouring residential properties, and therefore the proposals would have no significant impact upon the amenity of adjacent occupiers, in accordance with Policy LP 24, KDP 3 and KDP5 of the SPD.

The additional windows would be located on the western elevation of the building and therefore would not raise any concerns regarding overlooking given the distance they would be sited from neighbouring occupiers.

Due to the location of the existing dwelling and the scale of the extension, there would be no significant harm to the residential amenity of neighbouring residents as a result of the proposal, in accordance with the aforementioned policies.

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 Principles 15 and 16 of the adopted House Extensions & Alterations SPD seek to ensure that acceptable levels of off street parking / waste storage areas are retained and are also considered to be relevant.

The proposals would not result in any significant loss of parking and would not affect waste storage arrangements such that it is considered the proposal would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions and Alterations SPD.

5– Other matters:

Carbon Budget

The proposal is a domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

Ecology

Chapter 15 of the National Planning Policy Framework is 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.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application would not require works to the roof or further excavations. Given the scale of the proposal is it considered it would be unreasonable of the LPA to insist upon a scheme of biodiversity measures to form part of the proposal.

As such the application is considered to be acceptable with regard to the aforementioned policies.

Land Quality

With regard to land quality, paragraphs 187, 196 and 197 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development are considered to be relevant.

Given the nature of the proposal it is considered that it would be unreasonable in this case to require an assessment of land quality to accompany the application and the proposal is concluded to be acceptable having regard to this matter.

6 – Representations:

One representation was received in response to the application:

- Proposal not being built in accordance with the approved plans
Officer response: This submission has been submitted as a full application which requires an assessment on its own merits in accordance with the relevant material planning considerations.
- Proposal not being in keeping
Officer response: The application has been assessed in the context of the original structures on site, the scale of development compared to what received permission and the sites context. It is considered that the application does not relate to the entire building but rather the additional alterations. It is considered that the alterations would not overly detract from the character of the area or impact the host building, for the reasons set out within the assessment.
- Proposal's prominence from local footpaths
Officer response: The proposal has involved additional excavations prior to the receipt of this application. It is considered that the additional excavations would retain the overall height of the development and would not significantly impact on views from the local footpaths.
- Proposal is the same as the previously refused application (2024/90824)
Officer response: This is taken into account within the assessment of this application.

7 – Negotiations:

N/A

8 – Proposed conditions

N/A

9 – Conclusion:

This application for the Formation of basement to increase living accommodation to an existing annexe at 21, Northfield Lane, Highburton, Huddersfield, HD8 0QT has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations SPD, the National Planning Policy Framework and other material considerations.

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.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation

REFUSE

Decision Authorisation - Delegated Powers

Application Number: 2023/92461

Officer Recommendation: REFUSE

REFUSE

1. The spatial and visual impact of the proposal would be disproportionately large in relation to the original structures on site and represent inappropriate development, which is harmful to the openness of Green Belt. The development constitutes inappropriate development for which no very special circumstances have been demonstrated to clearly outweigh the harm by reason of inappropriateness and any other harm. The proposed development is therefore contrary to policy LP57 of the Kirklees Local Plan and policies within Chapter 13 of the National Planning Policy Framework.
2. The development would lead to the structure appearing as a standalone dwelling as opposed to an ancillary annexe which would have a harmful visual impact upon the wider locality contrary to policies LP24 & LP57 of the Kirklees Local Plan, principles 1 of the House Extensions and Alterations SPD and paragraph 135 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	EX001	B	28/08/2024
Proposed Plans	SK006	A	28/08/2024

Plan Type	Reference	Version	Date Received
Existing Plans	EX006	B	28/08/2024
Existing Elevations	EX007		28/08/2024
Climate Change Statement			28/08/2024

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 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. On the basis none were considered possible to overcome the concerns, no amendments were requested in this instance.