

**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:	2024/62/92371/W
Site Address:	7, Haughs Green, Pike Law Road, Scapegoat Hill, Huddersfield, HD7 4NF
Description:	Erection of front and side extensions with alterations to roof and associated works
Recommending Officer:	Laura Yeadon

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.

Emma Thompson

AUTHORISED OFFICER

Date: 29-Oct-2024

Officer Report

[Website](#)

Site Description

7 Haughs Green is a semi-detached property which is constructed from stone with a stone slate roof. The property has a rear elevation which abuts Pike Law Road which has a piecemeal appearance with flat roof sections at different heights and levels which appear to be historical structures and appear to be evident on the 1922 historical maps and therefore, in terms of planning law appear to be original structures. The dwelling is within the defined Green Belt within the Kirklees Local Plan. The amenity space for the property is to the front of the dwelling where lawned gardens are located and further south is a detached garage which is accessed off Pike Law Road.

Surrounding development consists of mainly residential properties to the north and south with open fields to the east and west.

Description of Proposal

The application is for the erection for front and side extensions with alterations to the roof and associated works.

The works comprise of mainly three elements:

- Porch to the front elevation
- Ground floor kitchen extension with accommodation above
- Alterations to the roof on the north elevation of the property

Porch

It is proposed that a porch would be located on the front elevation of the property. The porch would be centrally located within the front elevation of the property projecting 1.5 metres from the front elevation of the property. The width of the porch would be 2.5 metres with an eaves height of 2.5 metres and overall height of 3.2 metres. The construction materials would be an oak frame set upon a stone dwarf wall and a stone tiled roof.

Ground floor kitchen extension with accommodation above

The kitchen is located to the rear of the property, abutting the boundary with Pike Law Road. It is proposed that the side elevation of the kitchen would be extended forward from 2.5 metres to 4.2 metres which would be set back from the front elevation of the property. The eaves height would match the existing with the roof line being set down from the existing ridge by 0.5 metres. Openings are proposed within the front and side elevations of the extension with the construction materials matching the existing.

Alterations to the roof on the north elevation

It is proposed that the existing flat roofs on the northern elevation would be removed and replaced with one continuous roof form which would be a continuation of the existing as a cat slide roof which is mono-pitched away from the boundary with the attached neighbouring property. It is proposed that the roofing material to match the existing.

History of negotiations/amendments received

It was requested that the window arrangement within the south facing first floor elevation of the extension were amended from large, glazed openings to mullion windows to reflect the openings within the existing property. Amended plans have been received with the window arrangement altered and were received on 21st October 2024. Due to the alterations being solely to one bank of windows, it was not considered necessary to re-advertise the proposal.

Relevant Planning History

None

Representations

We are currently undertaking the legal 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 letters.

Final publicity date expired 8th October 2024

Parish/ Town Council – not applicable

As a result of the public consultation period 3 representations have been received. However, this includes an initial objection which has since been requested to be disregarded. One letter of objection remains with the following being a summary of comments:

- Extension would be built over external window to attached neighbour resulting in loss of natural light and ventilation impacting on health and wellbeing
- Construction over window could compromise structural integrity of the wall potentially leading to further issues such as increased dampness or structural integrity

Consultation Responses

None required

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 within the Green Belt and within a 'low risk' area from former coal mining within the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 57** - The extension, alteration or replacement of existing buildings

Supplementary Planning Documents:

- House Extensions and Alterations SPD

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.

- Chapter 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change

Legislation

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).

Assessment

The following matters are considered in the assessment below –

Principle of development:

The site is without notation 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 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted 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 policies 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.”

With specific regard to the House Extensions and Alterations SPD the other key designs principles for consideration are:

- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 9: Construction materials
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

With specific regard to the proposed development the SPD states that in terms of side and front extensions, the SPD states:

Front Extensions

The SPD also clearly refers to front extensions in section 5.2 and the potential impact they could have on the character of the area and visual amenity. The SPD advises that front extensions will not normally be supported 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.

2- storey side extensions

In Section 5.19 of the SPD refers to side extensions and the potential impact they could significantly have on the character of the original house and the street. Adequate space between buildings should be retained to provide a sense of space which is important to the character of an area. 5.20 states two-storey side extensions should:

- not take up all or most of the space to the side of a house;
- maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property;
- and be set back at least 500mm from the front wall of the house.

5.21 includes first-floor side extension which indicates how spaces between houses, are important in providing a sense of space, local character and attractive appearance of an area and should be retained.

Principle of development – Green Belt

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

- whether the proposal would be inappropriate for the purses of the NPPF and Kirklees Local Plan
- 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 the very special circumstances necessary to justify development

Policy L57 of the Kirklees Local Plan is relevant and states the following:

‘Proposals for the extension, alterations 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 or previous extension and of other associated outbuildings will be taken into account. Proposals to extend buildings should have regard to the scale and character of the original part of the building’*

Turning to national planning policy detailed within the NPPF, the following is relevant:

Paragraph 152: *‘Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.’*

Paragraph 153: *‘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.’*

Paragraph 154: *‘A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: c) the extension or alteration of a building, providing the new building is in the same use and not materially larger than the one it replaces’*

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 (para 143), the most relevant in this case being to assist in the safeguarding the countryside from encroachment. Paragraph 152 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.

In terms of the impact of the proposal on the Green Belt, the submitted Design and Access Statement which indicates that the proposed works would increase the footprint of the property by 18% and would increase the volume of the property by 19%. Officers have no reason to dispute these calculations. As the works would extend existing structures within the site, then the matter for assessment is whether the extensions or alterations to the building would result in disproportionate additions to the dwelling. In this case, based upon the calculations set out above, it is not considered that the impact on the Green Belt would be detrimental in terms of visual or spatial openness and that the works would accord within the aims of Chapter 13 of the NPPF.

Therefore, it is considered that the scale of the proposal would not be disproportionate when viewed in context with the attached neighbour and therefore is considered acceptable in terms of Policy LP57 of the Kirklees Local Plan.

Impact on 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. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

With regard to the proposal and the impact of the scheme on visual amenity, the works would impact on all four elevations of the property.

In terms of the SPD and the proposed porch, the front elevation of the property faces away from the adjacent Pike Law Road; is small and subservient to the original building and; the materials would be appropriate for the design of the original property. As such, the front extension (porch) is considered to comply with Key Design Principles 1 and 2 in terms of visual amenity.

With regards to the side extension which is affectively a two storey side extension, whilst the space to the side of the property would be taken up, this is the existing arrangement with the extension coming forward and; the bulk of the extension would be set in from the side boundary by more than 1 metre and is set back from front elevation of the property by at least 500mm. Therefore, it is considered that this element of the scheme is also considered to be acceptable.

The proposed roof alterations would be on the northern elevation of the property and that which is must predominant by facing Pike Law Road. It is proposed that the flat roof would be removed and replaced with a roof form that would tie in with the existing therefore improving the aesthetics of the property and the wider street scene. It is therefore concluded that the visual improvement would also accord with Key Design Principles 1 and 2 of the SPD.

The proposed construction materials would be to match the existing with the exception of the oak frame to the porch. The construction materials are traditional in terms of being stone for the walls and stone slate for the roof which are considered to be acceptable.

As such, the extensions are considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, having regard to principles 1, 2 and 9 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of the National Planning Policy Framework.

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.

In terms of the impact on neighbouring properties, there are no residential properties directly to the front, side or rear which would be impacted by the proposed side extension in terms of overlooking and/or being overbearing.

With regards to the impact on the attached neighbouring property, initial concerns were raised that the window within the north-west elevation of the property which is to the neighbouring dwelling would be lost as a result of the proposed roof works. During the course of the application, information was submitted which confirmed that the neighbouring property would have a rooflight installed as part of the proposed works. The amended plans which sought to amend the window details have incorporated this roof light and therefore, subject to an appropriate condition, this roof light shall be provided within the roof slope of the neighbouring property prior to works within the application site commencing.

Subject to the above, it is not considered that the works would have a detrimental impact on the attached neighbouring property in terms of overshadowing or by being overbearing and is therefore considered to be acceptable.

Therefore, it is considered that the proposed extensions are acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within chapter 12 of the National Planning Policy Framework.

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.

In this case the works would not impact on any parking provision for the property as the area of land to be extended does not form part of any existing off-street

parking. The proposal would result in a 3 bedroom dwelling whereby the SPD requires 2 no. off-street parking spaces to be provided. There is a garage to the south of the property which is within the ownership of the application site which can accommodate one vehicle and there is space to the front of the garage to accommodate a further vehicle and therefore, this would accord with the requirements of the SPD.

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.

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.

A Climate Change Statement has been submitted with the application which identifies mitigation measures to be incorporated as part of the works which are considered proportionate to the scale of development.

Coal legacy – The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 186 and 191 of the National Planning Policy Framework.

Representations:

As a result of the public consultation period 3 representations have been received. However, this includes an initial objection which has since been requested to be disregarded. One letter of objection remains with the following being a summary of comments and LPA response:

- Extension would be built over external window to attached neighbour resulting in loss of natural light and ventilation impacting on health and wellbeing

Response: This matter has been addressed during the course of the application

- Constrution over window could compromise structural integrity of the wall potentially leading to further issues such as increased dampness or structural integrity

Response: This is private matter between relevant land owners that is outside of the remit of the planning system

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: 2024/92371

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 51 of the Planning and Compulsory Purchase Act 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: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24 and LP57 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 9, 14, 15, 16 and 17 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapters 2, 12, 13, 14 and 15 of the National Planning Policy Framework.

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

Reason: In the interests of visual amenity and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework.

4. Prior to the commencement of works within the application site, a rooflight shall be provided in the north elevation roof slope of No. 9 Haughs Green as shown on drawing number 2356 – 02 – B.

Reason: In the interests of residential amenity and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 4 and 5 of the House Extensions and SPD and advice within the National Planning Policy Framework.

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists, or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	4934217		22 nd August 2024
Proposed block plan	4934217		22 nd August 2024`
Existing elevations and floor plans	2356 – 01		22 nd August 2024
Proposed elevations and floor plans	2356 – 02 – B		21 st October 2024
Design and Access Statement	Dated August 2024		22 nd August 2024
Climate Change Statement	Appendix A		28 th August 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.

It was requested that the window arrangement within the south facing first floor elevation of the extension were amended from large, glazed openings to mullion windows to reflect the openings within the existing property. Amended plans have been received with the window arrangement altered and were received on 21st October 2024.

Report Dated: 28th October 2024

Coal – low