

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

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

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

Reference No:	<b>2024/62/92648/W</b>
Site Address:	Coppins, 365, Manchester Road, Marsden, Huddersfield, HD7 6DP
Description:	Demolition of existing conservatory and erection of two storey rear extension and steps to front elevation
Recommending Officer:	Molly Storer

**DECISION – Full Conditional 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.**

Kirsty Nicholls

***AUTHORISED OFFICER***

**Date: 25-Nov-2024**

## **Officer Report**

### **Site Description.**

The application site refers to Coppins, 365 Manchester Road, a two storey detached property located in the area of Marsden. The dwelling is constructed from brick with a slate roof and due to the topography of the site is set above road level, accessed via steps and an upwards sloping front driveway/garden. As well as the front garden and driveway the property also benefits from a rear garden and a detached double garage. There is a conservatory to the rear of the property which will be removed and replaced with the proposed extension.

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

### **Description of Proposal.**

Planning permission is sought for the demolition of existing conservatory and erection of two storey rear extension and steps to front elevation.

The proposed two story extension will project 4m from the rear elevation of the original property with a width of 8.3m. the eaves height would be 5m and the overall height would be 7m. The extension will be set down from the original roof ridge by 0.5m and will have a part gable part hipped roof design. The extension would be constructed from facing brickwork and a slate tiled roof to match the existing property and this would create additional space for a dining/kitchen area on the ground floor and a master bedroom and ensuite on the first floor.

The steps to the front elevation would allow a new stepped access to the new main door on the front west elevation. The new main door would be composite.

### **History of Negotiations.**

Additional volume calculations were received.

### **Relevant Planning History.**

No relevant planning history.

### **Publicity/Representations.**

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification which expired on 29<sup>th</sup> October 2024 2024 – no representations were received.

## **Consultation Responses.**

No consultations were deemed necessary.

## **Policy**

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

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

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

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

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway Safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 51** – Air Quality
- **LP 57** – The extension, alteration or replacement of existing buildings

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2023, together with Circulars, Parliamentary Statements and associated technical guidance

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

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

### **Supplementary Planning Documents**

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

### **Legislation**

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 was adopted 27<sup>th</sup> February 2019.

### **Assessment.**

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

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

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

Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in chapter 2 of the National Planning Policy Framework.

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”.

The site is within the Green Belt. The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. 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.

Within paragraph 154 the exception listed at part c) is for the 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 Kirklees Local Plan sets out that the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable provided that the original building remains the dominant element both in terms of size and overall appearance including the design and materials as well as having regard to previous extensions and the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas.

In terms of this application, the agent provided volume calculations for the scheme to assist in assessing whether the cumulative impact of the extensions would be disproportionate to the original dwelling. The plans state that the volume of the existing dwelling is 463m<sup>3</sup>. The volume with the proposed extension and previous additions (in this case the detached garage) would be 728m<sup>3</sup>. Meaning a 57.2% increase of the overall volume of the house.

Whilst it is acknowledged that this is a large increase it is also noted that there is no formal definition of disproportionate additions and each application must be assessed on its own merits. Previous case law has demonstrated that the assessment of disproportionate additions cannot be made purely in a mathematical way by reference to size when measured in floor space, volume or mass, but that appearance and visual impact are an important part of a proper evaluation. In this instance weight is given to the effect of the proposal on the openness of the Green Belt and on the character and appearance of the area.

The proposed extension would be located to the rear of the property which does not front the highway and would be of an improved design than the existing conservatory. As a result of this scheme the footprint of the building would only slightly increase due to the demolished conservatory and the ridgeline would be set down. Therefore, on balance it is considered that the extension would not significantly affect the openness of the green belt or the appearance of the area and would comply with policy LP57 of the local plan and would be acceptable when assessed against this Policy and Chapter 13 of the NPPF. However it is considered that any future development be controlled to ensure further protection of openness, as such, a condition is recommended to be attached to any grant of permission to remove permitted development rights for any further development at the site to ensure the openness, character and appearance of the Green Belt is retained.

### **1) Impact on Visual Amenity**

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan, the 'House Extension and Alterations SPD' and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.

LP24 of the Kirklees Local Plan requires extensions to be "*subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details*".

5.8 of the Supplementary Planning Document refers to the general rules, where two storey rear extension should:

- be proportionate to the size of the original house and garden;
- not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings);

- not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties;
- not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary;
- be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre; and
- not adversely affect habitable room windows where they adjoin a neighbour's boundary.

The proposed rear extension is considered to be a subservient addition to the existing dwelling, due to it retaining a large amount of land surrounding the original house and harmonising appearance with regard to the use of matching construction materials. Furthermore, the scheme is SPD compliant as it is a detached property and will extend 4m and maintains a significant gap to other properties of more than 1.5m.

In addition, the roof being set down from the ridge of the host property, reduces the potential for undue bulking or massing. It is also noted that the extension will replace an unsympathetic conservatory addition, will not be visible from the highway and will be set well within the property boundary.

Therefore, it is concluded that the design of the proposed rear extension will be a sympathetic addition to the host dwelling.

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

## **2) Impact on Residential Amenity**

Policy LP24 of the Kirklees Local Plan and advice within Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 5 and 6 of the Council's adopted House Extensions & Alterations SPD require that development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

Due to the location of the site there are no properties within ~40m of the property to the front (north), rear (south) or to the west.

*Impact on 363 Manchester Road – property to the east of the application site.*

Due to the rear of the application site being surrounded in dense, high vegetation and the separation distance of ~8m between the properties with

the intervening gardens it is considered that the extension will not be largely visible from No.363. this separation distance will limit the potential for any overbearing or overshadowing impact. With regards to privacy there is a single additional window on the east elevation facing in the direction of this property on the first floor. However, it is considered that the considerable amount of vegetation along the boundary and the separation distance will mean this window will be screened and will not result in any significant overlooking.

With regards to the impact on the 363 Manchester Road, the scheme has been considered in terms of KDP3, 5 and 6 of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12 of the NPPF and the proposals are considered to be acceptable.

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

### **3) Impact on Highway Safety**

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The proposed development, although adding an additional bedroom, will not alter the existing parking arrangements on site or access to and from the adjoining highway, therefore, the proposal is considered to be acceptable from a highway safety perspective.

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

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

### **4) 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.

Due to the size, scale and limited nature of development, it was not considered necessary to request specific measures to address the developments' resilience to climate change. A Climate Change Statement has been submitted with this application which states the development will use locally sourced materials, instal smart energy metering and will keep soft landscaping.

### Biodiversity:

Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the fact that the proposal is small in scale with little opportunity for bats to be affected. However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

## **5) Representations**

No representations were received.

## **6) 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: 2024/92648**

**Officer Recommendation: Approve**

**Conditions and Reasons:**

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

**Reason:** Pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Order 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

**Reason:** For the avoidance of doubt as to what is being approved, in the interests of visual amenity and so as to preserve the openness of the Green Belt, in accordance with Policies LP01, LP02, LP24 & LP57 of the Kirklees Local Plan, principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 & 11 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with policies within chapters 2, 12, 13 and 14 of the National Planning Policy Framework.

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

**Reason:** In the interests of visual amenity and so as to preserve the openness of the Green Belt, in accordance with Policies LP01, LP02, LP24 & LP57 of the Kirklees Local Plan, principles 1 and 2 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with policies within chapter 12 of the National Planning Policy Framework

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A-E inclusive of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of visual amenity and to prevent disproportionate additions to the property and within the curtilage so as to ensure the openness, character and appearance of the Green Belt is retained in accordance with Policy LP24 and LP57 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

Plans and Specifications Schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing and Proposed Site Plans	(AL)01	-	16/09/2024
House Plans and Elevations as Existing	(EX)01	-	16/09/2024
House Plans and Elevations as Proposed	(AL)02	-	16/09/2024
Proposed and existing plans to show volumes	(EX)01a	-	11/11/2024
Application form	-		16/09/2024
Climate change statement	-	-	19/09/2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. It was not considered necessary for amended plans to be sought or submitted in this case.

Report Dated: 25<sup>th</sup> November 2024