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:	**2024/62/92667/E**
Site Address:	Heather Lodge, Penistone Road, High Flatts, Huddersfield, HD8 8XY
Description:	Demolition of existing porch, side and rear extensions and outbuildings, and erection of two storey rear extension, single storey side extension and detached garden room
Recommending Officer:	Elenya Jackson

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.

Julia Steadman

AUTHORISED OFFICER

Date: 18-Dec-2024

OFFICER REPORT

Site Description

Heather Lodge, Penistone Road, High Flatts, Huddersfield, HD8 8XY

The site is located approximately 1 km south of Birds Edge within an area which is allocated as Green Belt in the Kirklees Local Plan.

The area immediately surrounding the site is predominantly agricultural in nature with widely separated residential properties and farmsteads.

The site is currently occupied by a detached dwelling along the northern boundary, a private driveway along the south-eastern boundary and a reasonable amount of amenity space. The site has several previous extensions and outbuildings which are predominantly located to the rear of the dwelling.

The site is located in both a high and low risk coal area.

Description of Proposal

This application has been received for the 'Demolition of existing porch, side and rear extensions and outbuildings, and erection of two storey rear extension, single storey side extension and detached garden room'

The replacement porch would extend 3m beyond the side elevation of the dwelling, have a width of 4m, a maximum height of 3.7m and an eaves height of 2.7m. This would feature a pitched roof.

The two-storey rear extension would extend a maximum of 6.6m beyond the rear elevation of the dwelling, have a width at first floor of 5.6m, a maximum height of 6m and an eaves height of 4.4m (matching the host dwelling).

There would be a single storey side projection on the dwelling which would extend 2.4m beyond the south-eastern elevation of the property. This would feature a lean-to roof with a maximum height of 4m.

Finally, the proposal would also include the erection of a single storey out building to the south-east of the dwelling. The proposal would have a depth of 5m with a width of 8m. The proposal would have a slight incline to the roof towards the eastern boundary of the site with a maximum height of 2.5m

Relevant Planning History

2008/92302: Erection of two storey extension and porch. Conditional full permission

2011/92165: Extension to time limit of previous permission 2008/92302 for erection of two storey extension and porch.

Representations

The application was advertised by neighbour letters, which expired on 11/11/2024.

No representations were received.

Consultation Responses

Denby Dale Parish Council: No comments received.

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 22** – Parking
- **LP 24** - Design
- **LP51**- Protection and improvement of local air quality
- **LP52**- Contaminated and unstable land
- **LP57**- 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 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate, flooding and costal 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

<u>1 – Principle of development</u>:

The application site is located on land allocated as Green Belt on the Kirklees Local Plan. The proposal is for the construction of alterations and extensions to the the dwelling.

Chapter 13 of the NPPF requires Local Planning Authorities to regard new development 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.

The site is within the Green Belt on the Kirklees Local Plan Proposals Map. As such a key consideration will be its impact on the Green Belt and it will be assessed having regard to Policy LP57 and NPPF chapter 13. In addition, the impact of the development on design grounds, residential amenity and highway safety will also be considered along with, biodiversity and all other material considerations and representations received.

2 –Impact on openness of the Green Belt and visual amenity:

Key Design Principle 1 of the House Extensions & Alterations supplementary planning document (SPD) states 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. Furthermore, Key Design Principle 2 of the HEASPD goes onto state 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 details.

The proposal is for the erection of a two-storey rear extension with an additional single storey side projection, a porch and an outbuilding.

During the course of the application, the scale of the two-storey extension has been reduced following concerns raised by officers and further information has been requested relating to the volume changes on site.

Officers are of the understanding that, 127.16m3 would be removed from the existing dwelling via the removal of the existing porch and single storey extension and a additional 423.1m3 would be removed via the removal of outbuildings which are located at the rear of the site. This would cumulatively result in an initial reduction in the scale of extensions to the ‘original’ building of 550m3.

Following the receipt of revised plans officers calculate the proposed alterations to the dwelling to have a volume of 275.42m3 and the prosed outbuilding to have a volume of 102m3.

The Planning Practice Guidance (PPG) sets out 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” and this is acknowledged by officers.

In this case, it is understood that a two-storey extension would be visually different to the existing structures on site; however, officers consider that the two storey extension would be located at the rear of the dwelling, constructed out of matching materials and has been reduced in scale since submission in order to mitigate against harm to the openness of the Green belt.

The single storey side extension would largely occupy the same footprint as the existing side extension on site and the revised porch is not considered of significant scale in the context of the host dwelling.

The proposal would erect an additional outbuilding within the site to be used as a garden room. Officers consider that the scale of the outbuilding would not significantly detract from the host building and would be set back a sufficient distance from the public realm to not significant impact the character of the area.

Officers consider that overall, the volume of development on site would be reduced and the location of development within the green belt would be condensed.

It is considered that the proposal would comply with Policy LP57(a) of the Kirklees Local Plan and the aims of Chapter 13 of the NPPF as the proposed extensions.

Officers consider that, the proposal would not accord with the requirements of the Kirklees House Extensions and Alterations SPD, but due to the proposals reasonably remote location, the scale of the extension would not result in disproportionate additions to the host dwelling in the context of paragraph 5.8 of the SPD.

The porch would be subservient to the host dwelling and located a sufficient distance from the public realm to not appear obtrusive in the context of the dwelling.

Finally, the proposed outbuilding would be subservient in scale to the host dwelling, set back from the principal elevation of the dwelling and retain a suitable amount of amenity space.

Officers consider it necessary to remove permitted development rights for the erection of outbuildings in the site. It is considered that the erection of additional outbuilding would offset the reduction in volume and increase the overall footprint of development on site, thus impacting the openness of the Green Belt and Character of the area.

Therefore, the proposal would comply with Policy LP24 and LP57 of the Kirklees Local Plan in terms of the form, scale and layout as the extensions

would form an acceptable addition to the property in keeping with the existing building and would represent a reduction in volume of development within the Green Belt. Therefore, the proposal would accord with the aims of chapter 12 and 13 of the National Planning Policy Framework

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 detrimental impact upon the amenity of adjacent occupiers, in accordance with Policy LP 24, KDP 3 and KDP5 of the SPD.

It is considered that the proposal would not take up a significant amount of useable amenity space and sufficient amenity space would be retained if the proposal was to receive permission. Therefore, the proposal would be acceptable in terms of the residential amenity of future occupiers of the dwelling.

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.

4 – Impact on highway safety:

The proposals would result in some intensification of the domestic use of the property. However, due to the proposal not impacting existing parking arrangements on site, 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.

Contaminated Land

KC Environmental Health have not been consulted on this application; however, the site is located within a high-risk coal area. As a result, it is considered reasonable to add a condition relating to the unexpected discovery of contaminated land. This is reasonable due to the application including ground works. Due to the scale of the proposal, it is considered a footnote would suffice advising of the hours of construction on the application, should permission be granted. As such the application is considered to comply with guidance within Policy LP 52 of the KLP and Chapter 15 of the NPPF

6 – Representations:

No representations received.

7 – Negotiations:

During the course of the application, negotiations took place with the applicant's agent in relation to the scale of the two-storey extension. This was subsequently reduced and amended plans received. This decision is based on those amended plans.

An extension to time for determination of the application was agreed following receipt of the amended plans to allow adequate time for a full assessment to be made.

8 – Proposed conditions

As referred to in the main assessment above, the following conditions will be included:

- Standard three years condition
- In accordance with plans
- Materials for the extension to match that of the original house
- Removal of permitted development rights for outbuilding
- Unexpected discovery of contaminated land

9 – Conclusion:

This application for the Demolition of existing porch, side and rear extensions and outbuildings, and erection of two storey rear extension, single storey side extension and detached garden room at Heather Lodge, Penistone Road, High Flatts, Huddersfield, HD8 8XY 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 constitute sustainable development and is therefore recommended for approval.

Recommendation **APPROVE**

Decision Authorisation - Delegated Powers
Application Number: 2024/92667
Officer Recommendation: APPROVE

APPROVE

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

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 Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

3. The external facing and roofing materials of the extension 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 Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of 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 class E of Part 1 of Schedule 2 to that Order shall be carried out within the red line boundary of the site.
Reason: To ensure that unsatisfactory extensions and outbuildings do not have an unacceptable impact on the openness of the Green Belt in accordance with the requirements of Policy LP57 of the Kirklees Local Plan and the provisions of the National Planning Policy Framework.

5.In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required.

The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority.

Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.
Reason: So as to protect the development from any potential contaminated land and to comply with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared in accordance with *Model Procedures for the Management of Land Contamination – Contaminated Land report 11* (CLR11), National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Location Plan	PL06		25/09/2024
Proposed Elevations Plans	PL04 C	C	9/12/2024
Proposed Floor Plans	PL03 C	C	2/12/2024
Proposed Outbuilding plans	PL05	C	17/12/2024
Existing Plans	PL01 A	A	25/09/2024
Existing Elevations	PL02 A	A	25/09/2024

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 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.

Officers requested clarification on the volume of existing structures to be removed and a reduction in the scale of the two-storey rear extension.

REPORT DATED: 17/12/2024