

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:	2024/62/92899/W
Site Address:	2, Camp Hill, Scammonden, Huddersfield, HD3 3FR
Description:	Demolition of porch and erection of single storey front extension
Recommending Officer:	Joshua Merriman

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.

John Holmes

AUTHORISED OFFICER

Date: 02-Dec-2024

Officer Report – 2024/92899

Site Description

The application site relates to 2, Camp Hill, Scammonden, Huddersfield, HD3 3FR. The property is a terraced house, adjoined to 1 and 3 Camp Hill, with an existing single storey front element of the property. The property is located within the Green Belt land as designated by the Kirklees Local Plan.

The proposal is to the southern elevation of the dwelling, single storey elements to the southern elevation of the dwellings which form this row of terraced properties are a feature with a mix of lean to and gable roof designs.

Description of Proposal

The applicant is seeking permission for the demolition of the existing single storey structure to the front and the erection of a single storey front extension.

The proposed extension will project a maximum of 3.09m from the front elevation of the existing building, with a maximum height of 3.05m, an eaves height of 2.15m, and a span across the frontage of the building of 4.97m. The proposal would be of a lean to roof design.

The materials proposed are natural stone walls to match the original building, a natural stone slate roof to match the original property, and a glazed oak front door with aluminum type bi-fold doors.

Relevant Planning History

The most relevant planning history relates to the following planning applications:

99/91518 – Erection of Dormer Extension – Refused.

2000/90339 – Erection of Dormer Extension – Permitted Development.

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015).

The application has been publicised on the Council's website and by neighbor notification. The expiry date of the publicity period was the 25/11/2024.

One third party representation was received regarding the application, raising the following summarised points:

- Camp Hill Cottages were built in 1859 by the Wheelright family who were cotton spinners of Berry Mill, Camp Hill has a distinctive façade which was enhanced in the 1980s by adding stone pitch roof porches.
- No access to the property for maintenance and repair via the neighbouring property as the proposed extension will extend up to the boundary between 2 Camp Hill and 3 Camp Hill.
- The depth of the footings put in place with the proposed extension may lay a much more substantial foundation than what is currently in place, causing a significant risk of collapse to the Victorian soak-away located there.
- Work vehicles parked at 2 Camp Hill throughout the period of works will block the single car lane outside the cottages, disrupting access.
- The proposal is not sympathetic to the appearance of the street scene.
- The structure will create an unattractive visual obstruction and will put 3 Camp Hill into shadow for the majority of the afternoon.
- Potential for a pergola to be to the front of the proposal.

The points raised will be discussed in more detail in the assessment section of this report.

Consultation Responses

The following consultations have been undertaken for this application with the summarised responses listed below.

KC Environmental Health – The response from environmental health sets out their recommendation for inclusion of conditions and informative notes relating to contaminated land construction related activities.

The response of the Environmental Health Team is discussed in more detail in the 'assessment' section of this report.

Allocation and Policy

The site is within the green belt as allocated within the Kirklees Local Plan (adopted 2019).

The following legislation, policy and guidance is considered relevant to the determination of this application: -

Kirklees Local Plan

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway and Access
- LP22 Parking
- LP24 Design
- LP30 Biodiversity and Geodiversity
- LP52 Protection and Improvement of Environmental Quality
- LP53 Contaminated and Unstable Land
- LP57 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, 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.

Chapter2	Achieving sustainable development
Chapter12	Achieving well-designed & beautiful places
Chapter13	Protecting Green Belt land
Chapter14	Meeting the challenge of climate change, flooding and coastal change
Chapter15	Conserving and enhancing the natural environment

Supplementary Planning Documents

Kirklees Highway Design Guide (adopted November 2019)
House Extensions & Alterations SPD (adopted June 2021)
The Biodiversity Net Gain Technical Advice Note

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004.
The Conservation of Habitats and Species Regulations 2017

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

Assessment

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon the character and appearance of the area (including impact upon historic environment)
3. Impact upon residential amenity
4. Impact upon highway safety
5. Climate Change
6. Other matters
7. Representations
8. Conclusion

1 – Principle of Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Paragraph 147 of the NPPF states 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.' 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.

The planning history for the site is noted, it appears there have been a number of additions to the dwelling in the past. Notwithstanding this the development proposal would not add a significant additional level of footprint / volume given it would be largely in place of an existing structure and also on an area to the side (which is adjacent to an existing single storey element of the neighbouring dwelling).

Taking account of the size / scale of the development proposal it is considered it would not constitute a disproportionate addition and the proposal would therefore meet the requirements of policies within Chapter 13 of the NPPF and policy LP57 of the Kirklees Local Plan.

2 – Impact on character and appearance of the area:

Visual Amenity

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'*.

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.

The Council's SPD sets out that front extensions are highly prominent in the street scene and can erode the character of the area if they are not carefully designed. Large extensions (single and two-storey) and conservatories on the front of an existing house are likely to appear particularly intrusive and will not normally be acceptable.

Section 5.14 states that "single storey extensions on the front of a house and two-storey or first floor front extensions are usually unacceptable due to the impact on the character of the area and visual amenity and will not normally be permitted 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."

Policy LP57 of the Kirklees Local Plan states that with such development, the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.

The proposal would be set well back from the pavement to the front of the property, as well as being subservient to the original building and well-integrated into the character of the local area via the materials proposed. Furthermore, it is considered that the proposed extension would not have a significant impact on the local area and surrounding street scene, thus, not unreasonably affecting the neighbouring properties.

The content of third party representations is noted, in particular reference to the historic character of the building. Although the properties are not within a Conservation Area and are not listed buildings. The design of the proposal is such that the front elevation would be in line with the front elevation of the single storey elements upon neighbouring properties. The lean to design being a feature to the front of other properties in the terraced row. Whilst it would span the front elevation it is considered that it would be unreasonable of the LPA to refuse permission on the basis of the visual impact of the proposal particularly as a condition can be included requiring the materials of construction to match those of the existing dwelling.

It is therefore considered that in terms of visual amenity, subject to inclusion of the recommended condition, the proposal would comply with Policies LP24 and LP57 of the Kirklees Local Plan, the adopted House Extensions and Alterations SPD, and advice within the National Planning Policy Framework.

3. Impact on Residential Amenity

Sections B and C of LP24 states that alterations to existing buildings should:

"...maintain appropriate distances between buildings' and '...minimise impact on residential amenity of future and neighbouring occupiers."

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

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. The principles are outlined below:

- Principle 3 – that: “extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours”.
- Principle 4 – that: “extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook.”
- Principle 5 – that: “extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property”.
- Principle 6 – that: “extensions and alterations should not unduly reduce the outlook from a neighbouring property.”

The proposals impact on neighbouring properties is assessed below:

1 Camp Hill – Neighbouring Property to the West

Due to the dimensions of the proposed front extension at 2 Camp Hill not extending any further than the existing front porch at the property, it is considered that there will be no significant impact on this property as the proposed extension will have a similar impact as the existing structure already in place at the front of the host property. As such it is considered that it would be unreasonable of the LPA to refuse permission on the basis of the impact of the proposal to this property given the fact the existing structure would remain in place in such an instance.

3 Camp Hill – Neighbouring Property to the East

As the properties front porch is located next to the shared site boundary with 2 Camp Hill, the proposed front extension will be aligned, with this elevation of 3 Camp Hill. As a result, it is considered that there will be no significant impact on the property as a result of overshadowing / being an overbearing structure and the proposal would not lead to significant levels of overlooking.

It is therefore considered that in terms of residential amenity, the proposal would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, and policies within Chapter 12 of the National Planning Policy Framework.

4. Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF 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 extension would not increase the number of bedrooms in the property, therefore, the dwelling is not required to increase its parking provision, and the small parking area to the front of the property is deemed acceptable.

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.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, principle 15 of the Council's Street Design Guide and chapter 9 of the National Planning Policy Framework.

5. 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 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.

Considering the scale and nature of the proposed development, especially that it is for private use, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

6. Other Matters

Land Quality

With regard to land quality, paragraphs 180, 189 and 190 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.

The Environmental Health Team have advised within their response that they have no objection to the proposal subject to condition requiring a scheme of investigation, remediation and verification should contamination be discovered. On the basis of the inclusion of such a condition the proposal is considered acceptable in this regard.

Construction Noise

Policy LP52 is considered to be of relevance and sets out that development must be considered in relation to potential for increases from pollution, in this case the relevant possible increases could relate to noise, light & odour emissions. Whilst it is noted the Environmental Health Team seek inclusion of a condition restricting construction hours, given the scale and nature of the proposal it is considered it would be unreasonable in this case to include such a condition, particularly as separate legislation is in place which can allow for the control of noise should it be at

a nuisance level. An informative note drawing the requirements of this legislation is therefore recommended.

Impact upon Ecology

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Whilst it is acknowledged that the site is located within an identified swift nesting, and twite buffer area, the proposals are relatively modest, and therefore considered unlikely that the proposals would have an impact on the swift and twite populations.

7. Representations

- No access to the property for maintenance and repair via the neighbouring property as the proposed extension will extend up to the boundary between 2 Camp Hill and 3 Camp Hill.

Officer Comment: This has been noted, however, it is considered this is a matter to which little weight can be afforded in the determination of this application and access considerations would be a civil matter between the relevant land owners.

- The depth of the footings put in place with the proposed extension may lay a much more substantial foundation than what is currently in place, causing a significant risk of collapse to the Victorian soak-away located there.

Officer Comment: This has been noted, although it is considered it would be unreasonable of the LPA to refuse permission on such a basis given the requirements of building regulations for a development of this type.

- Work vehicles parked at 2 Camp Hill throughout the period of works will block the single car lane outside the cottages, disrupting access.

Officer Comment: Given the scale of the proposal it is considered it would be unreasonable of the LPA to insist upon a construction management plan to accompany the application.

- Camp Hill Cottages were built in 1859 by the Wheelright family who were cotton spinners of Berry Mill, Camp Hill has a distinctive façade which was enhanced in the 1980s by adding stone pitch roof porches.
- The proposal is not sympathetic to the appearance of the street scene.

Officer Comment: Section 2 of this report addresses visual impact considerations.

- The structure will create an unattractive visual obstruction and will put 3 Camp Hill into shadow for the majority of the afternoon.

Officer Comments: The impact upon 3 Camp Hill is assessed within section 3 of this report.

- Potential for a pergola to be to the front of the proposal.

Officer Comments: The description of development relates solely to 'Demolition of porch and erection of single storey front extension' and is the scheme being considered by the LPA as part of this application. Any subsequent structures which need planning permission would need to be subject to a further application.

8. 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, the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

CONDITIONAL FULL PERMISSION

Decision Authorisation: Delegated Powers

Application Number: 2024/92899

Officer Recommendation: Conditional Full Permission

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 91 of the Town and Country Planning Act 1990 (as amended).
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 to accord with Policies LP01, LP02, LP21, LP22, LP24 & LP57 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12, 13 and 14 of the National Planning Policy Framework.
3. Notwithstanding the plans submitted the external walls and roofing materials of the development hereby approved shall in all respects match those used in the construction of the existing building and be retained thereafter.
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 the Council's adopted House Extensions and Alterations Supplementary Planning Document and Policies within Chapter 12 & 13 of the National Planning Policy Framework.
4. In the event that contamination not previously identified by the developer 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: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors to accord with LP53 of the Kirklees Local Plan and policies contained within Chapter 15 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

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	Date Received
Application Forms	-	10/10/2024
Location Plan	-	10/10/2024
Proposed Plans and Elevations	PLANNING APPLICATION DRAWING	10/10/2024

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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated:

25/11/2024