

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:	2024/62/92915/W
Site Address:	11, Lumb Lane, Almondbury, Huddersfield, HD4 6SZ
Description:	Erection of extensions and alterations to dwelling with associated parking and landscaping and installation of roof mounted solar panels
Recommending Officer:	Molly Storer

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 11-Dec-2024

Officer Report

Site Description

The application site relates to 11 Lumb Lane, a detached property located in the area of Almondbury. From the front the property appears to be two storey however from the rear, due to the low garden level, there is a section located under the ground floor. The property is situated within a large plot with garden amenity space to the front and rear. There is parking located to the west of the site and garage space is situated under the ground floor of the property.

There is also a change in levels within the site, due to the topography of the wider area with the land sloping downwards from the front to rear of the site.

The site is situated within a predominantly residential area, whereby the neighbouring dwellings vary in design and form. The site is also situated within the Green Belt on the Kirklees Local Plan, with open countryside being located to the rear of the site.

Description of Proposal

The application is for the erection of extensions and alterations to dwelling with associated parking and landscaping and installation of roof mounted solar panels

The works comprise of mainly three elements:

- Single storey side extension
- Raised terrace
- Alterations to the roof
- Alterations to fenestration and external walling materials

Single storey side extension:

The side extension would project 6.5m from the west elevation of the property and will have a width of 5m with a height of 3m. This will be constructed from natural stone and will have a raised terrace above.

Raised terrace:

It is proposed that there will be two sections of raised terrace - the first section is proposed above the single storey rear extension this will measure 6.5m x 5m. the second section will be located to the rear where the existing patio is located. This will have a width of 11.6m and a width of 5m at its longest. It will be accessed via steps from the rear garden and doors from the ground floor of the property. It will be situated 2.4m above the garden level .

Alterations to the roof:

The roof of the property will be altered from a hipped roof to a gabled roof form.

Fenestration and external elevation changes:

The main property will be rendered in 'K-rend Champagne' cladding which is an off-white colour however some elements, notably the extension and waling below the terrace will remain in natural stone. There will also be areas of zinc/aluminium cladding and the roof will be constructed from blue slate roof tiles.

History of negotiations/amendments received

No negotiations/amendments were deemed necessary.

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 29th November 2024

Parish/ Town Council – not applicable

As a result of the public consultation period 4 representations have been received. These were all supporting comments which are summarised below:

Representation 1:

- Scheme will be in keeping with the surrounding area.
- Will allow the property to benefit from natural light and the views

Representation 2:

- Plans look to continue the trend seen along the street

- Would want the trees to be maintained and more use of stone

Representation 3:

- Sympathetic development
- Similar to neighbouring properties

Representation 4:

- An entirely sympathetic development which will positively enhance the area

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 design 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

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 purposes 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 calculations state that the proposed works would increase the volume of the property by 29%. It is noted when looking at historical imagery that there was a single storey side addition to the property however it is considered that this would not significantly increase the proposed volumes, as existing extensions are to be taken into account with the proposed. 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.

Section 5.5 of the SPD states that balconies/terraces should not negatively affect neighbouring properties or alter the local character of the area. Balconies and roof terraces should be:

- Positioned, and screened if required, so that they do not overlook neighbouring homes or gardens.
- Sited away from locations that are sensitive to additional noise levels or disruption.

In this instance the host property is stone fronted and is a part two and three storey dwelling, with part of the terrace being to the three-storey (rear) element. It is considered the terrace would add a feature to the rear which compliments the existing dwellings appearance as there is an existing patio in this location. From the rear section on the terrace there will be steps reaching up to the side terrace which is located above the single storey rear extension.

The property is mostly enclosed with garden area to the east, south and west and would not be easily visible from the street. It is concluded, therefore, that the proposed terrace would not significantly impact the visual appearance and characteristics of the original building as constructed or the local area. It is also noted that balconies/terraces are a common feature within the immediate area, looking over the valley to the south. Furthermore, due to the lightweight affect, and its rear/side elevation siting, the proposal is not considered to lead to any significant negative visual impact.

Section 5.17 of the SPD relates specifically to single storey side extensions and provides the following advice: 5.17 Single storey side extensions should:

- not extend more than two thirds of the width of the original house;
- not exceed a height of 4 metres; and
- be set back at least 500mm from the original building line to allow for a visual break.

In this instance the single storey side extension will be positioned behind the existing single storey side addition and will only extend 2m beyond this and therefore will be mostly screened and not overly visible from the street. In any case the extension will be constructed from natural stone to match the existing property, will be set back from the front elevation by 3.6m and will have a height of 3m. In addition, the side extension will only look onto the applicants own land and will be situated ~7m from the property boundary. Therefore, it is considered that this element of the scheme is also considered to be acceptable.

With regards to the proposed application of render and cladding to the host dwelling, it is deemed appropriate from a visual amenity perspective, the mix of stone and off white render throughout the exterior of the property will encourage overall harmonisation between the host dwelling and the additions. In addition, it is not considered that the application of render and the cladding would negatively impact upon visual amenity to the host dwelling or its setting within the street scene, with several other properties within the street having visible rendered walls and grey cladding giving a modern appearance. The plans show

that the render would be of an off-white colour to have a neutral tone lessening any visual impacts.

The proposed roof alterations would see the main roof changed from a hipped roof to a gabled roof. While this would add more bulk and massing to the roof it is considered to be a harmonious design which ties into the more modern properties on the opposite side of the road. It is therefore concluded that the visual improvement would also accord with Key Design Principles 1 and 2 of the SPD. However it is acknowledged that the scheme brings the property close to maximising its development potential.

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, west (side) or rear which would be impacted by the proposed side extension in terms of overlooking and/or being overbearing with the closest property in these directions being over 30m away.

With regards to the impact on the property to the east (No.9 Lumb Lane), initial concerns were raised that the rear terrace could result in overlooking due to only having a 0.9m screen with opaque glazing situated 3.1m from the boundary. However, a condition will be attached to any grant of permission which states a 1.8m privacy screen must be placed on this boundary to prevent privacy impacts.

Subject to the above, it is not considered that the works would have a detrimental impact on the attached neighbouring property in terms privacy.

In terms of an overbearing/overshadowing impact it is considered that due to the main additional development of the side extension being located on the opposite side of the property that this will have no impact to this neighbour. Whilst the terrace would be within 3.1m of the property boundary this is considered to have no significant further impact than the existing patio on this elevation.

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 for the side extension would create a garage which could be used for parking and in any case, there remains a sufficient amount of space for off-street parking. The proposal would result in a 4 bedroom dwelling whereby the SPD requires 3 no. off-street parking spaces to be provided. The garage could accommodate one vehicle and there is space indicated on the plans to the west of the garage to accommodate a further 2 (most likely more) vehicles 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.

Representations:

As a result of the public consultation period 4 representations have been received.

Representation 1:

- Scheme will be in keeping with the surrounding area.
- Will allow the property to benefit from natural light and the views

Representation 2:

- Plans look to continue the trend seen along the street
- Would want the trees to be maintained and more use of stone

Representation 3:

- Sympathetic development
- Similar to neighbouring properties

Representation 4:

- An entirely sympathetic development which will positively enhance the area

Response:

It is agreed that the extensions/alterations would fit with the character of the street scene. It is considered that the mix and amount of stone, render and cladding would be of an appropriate design. It is also noted that there are no TPO's in or within close proximity to the site.

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: 2024/92915

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 raised terrace shall not be brought into use until a 1.8 metre obscurely glazed screen (to a minimum privacy level of Grade 4 or equivalent) or timber fencing or metal balustrade to a height of 1.8m high has been constructed on the east elevation of the raised terrace. The obscure glazed screen or timber fencing or metal balustrade shall thereafter be retained.

Reason: To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan the Key Design Principles of the House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 42 of the Conservation of Habitats and Species Regulations 2017. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	-	-	21/10/2024
Existing Site Plan	01	-	21/10/2024
Existing Plans	02	-	21/10/2024

Plan Type	Reference	Version	Date Received
Existing elevations	03	-	21/10/2024
Proposed site plan	04	-	21/10/2024
Proposed plans	05	-	21/10/2024
Proposed elevations	06	-	21/10/2024
Proposed visuals	07	-	21/10/2024
Application form	-	-	21/10/2024
Planning statement	-	-	21/10/2024
Climate change statement	-	-	21/10/2024

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. It was not considered necessary to seek any amendments/further information during the course of this application.

Report Dated: 11th December 2024

Coal – low