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:	**2024/62/93097/E**
Site Address:	32, Station Road, Shepley, Huddersfield, HD8 8DG
Description:	Erection of outbuilding (Listed Building within a Conservation Area)
Recommending Officer:	Jennifer Booth

DECISION - REFUSED

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Emma Thompson

AUTHORISED OFFICER

Date: 09-Jan-2025

OFFICER REPORT

Site Description

32 Station Road is a two storey dwelling constructed of stone and stone slate for the walling and roofing materials. The dwelling has extensions to both sides with a long extension between the side of the house and the road and a timber framed extension on the side towards the garden. Included within the red line boundary of the site is an area of amenity space to the side and front of the house and a driveway and area of hardstanding to the side.

The dwelling is Grade II listed.

Surrounding the site is predominantly residential with dwellings of different appearances.

Description of Proposal

The applicant is seeking permission for a detached outbuilding.

The outbuilding has replaced a shed and green house. The width is 5.1m and the depth is 4.1m with a height of 2.8m. The outbuilding is timber clad with a flat roof form and patio doors facing the side of the main house.

Relevant Planning History

2018/92170 – Erection of single storey extensions and garage and external and internal alterations - approved

2018/92171 – Listed Building Consent for erection of single storey extensions and garage and external and internal alterations - approved

2020/92120 – Listed building consent for erection of single storey side extensions - approved

2020/92119 - Erection of single storey side extension - approved

History of negotiations

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration.

The outbuilding is not considered to be acceptable in terms of design or materials which is out of character with the host listed building. Amended plans have not been sought.

Representations

The application was advertised by neighbour letters press notice and site notice, which expired on 13/12/2024

As a result of the above publicity, one representation has been received. The material planning matters raised are summarised as follows:

- The outbuilding would be out of character with the listed building.
- Potential loss of privacy given the outbuilding has been built on a platform.
- Increased noise from the garden.

Although other matters, such as the retrospective nature of the application and potential covenant restricting outbuildings, may have been raised only material planning matters can be considered.

Consultation Responses

K.C. Conservation and Design – informal discussion, the outbuilding is inappropriate in terms of its design and materials especially when viewed with the previous extensions to the house.

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 UNALLOCATED on the Kirklees Local Plan Proposals Map. However, the property is sited within the Shepley Conservation Area

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
- **LP 27** - Flood risk
- **LP 30** – Biodiversity
- **LP 33** – Trees
- **LP 35** - Historic Environment
- **LP 53** - Contaminated land

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 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

<u>Principle of development</u>:

The site is within the Shepley Conservation Area. Section 72 of the Listed Buildings & Conservation Areas Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area. This is mirrored in Policy LP35 of the Kirklees Local Plan together with guidance in Chapter 16 of the National Planning Policy Framework. Visual

amenity, residential amenity and highway safety will be assessed in this report. There is no Conservation Area Appraisal for this Conservation Area.

Impact on heritage asset:

The property is a listed building and within a conservation area and as such, the scheme needs to be assessed having regards to Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework. Paragraph 207 of the NPPF requires the submission of a heritage impact assessment which should describe the significance of the heritage asset and the impact the proposals would have. The applicant has supplied a heritage statement which describes the heritage asset. However. it is not considered to accurately consider the impact of the outbuilding. The statement in paragraph 6.02 states that “The proposals do not affect the setting of the Grade II Listed Building or Shepley Conservation Area. There is no alterations or damage to the existing fabric of the Grade II Listed Building”. The outbuilding would be within the curtilage of the host Listed Building and closely related to buildings within the group. The outbuilding forms a close relationship with the main house being read visually with it. Due to the design, scale and materials the building impacts on the character of the listed building and the setting.

Paragraph 6.03 states “We believe that the outbuilding (garden office) is sensitive towards and will not adversely harm the character of 32 Station Road. The proposals will have a positive impact on 32 Station Road, allowing the existing house and garden to become more useable for the dwelling occupier and goes on in paragraph 6.04 to describe “the outbuilding (garden office) is not a permanent structure. It can be demounted, removed and or relocated” and in paragraph 6.05 goes on to state “The outbuilding (garden office) has a timber cladding external wall finish, similar to the appearance of the existing shed which was removed to make way”. Given the close relationship as well as the scale, design and materials the building is not sympathetic to the character and setting of the listed building. A large contemporary structure is introduced with grey membrane flat roof, plastic rainwater goods and timber cladding which would not be sympathetic in design or materials and nor would it relate well to the host and collection of listed buildings. It is acknowledged the outbuilding replaces a shed and a greenhouse. The greenhouse was located adjacent to the host and whilst a modest structure due to the transparency of the materials and transient character reduces the impact on the setting. It would not be uncommon to see such structures associated with historic buildings. The timber shed is of a scale and location appropriate to its setting. The sporadic scattering of outbuildings is not uncommon but to combine the two to form one large structure adjacent to the host listed building is not acceptable.

The statement provided does not justify outbuilding particularly in terms of scale, design and appearance which would be at odds with the traditional character of the listed building and would, when considered with the existing extensions to the north and south sides, cumulatively result in unsympathetic additions detrimental to the character of the host listed building. There has

been no consideration of the impact of the design or location of the outbuilding on the listed building to avoid conflict between the heritage asset's conservation and the proposal (paragraph 208 of the NPPF). As required by paragraph 210 of the NPPF, '*in determining applications Local Planning Authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness'.* The introduction of a contemporary structure in the location and the scale shown would not achieve this aim. Great weight should be afforded to the conservation of the heritage asset (paragraph 212) and any harm should be considered. In this case the development results in less than substantial harm for which there is no public benefit to outweigh the harm (paragraph 215).

The development therefore fails to comply with Policy LP35 of the Kirklees Local Plan and policy contained within Chapter 16 of the National Planning Policy Framework and cannot be supported for the reasons outlined.

<u>Impact on visual amenity</u>:

Key Design Principle 1 of the House Extensions & Alterations SPD does state 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 House Extensions & Alterations SPD 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.

Paragraph 5.29 and 5.30 of the House Extensions & Alterations SPD considers an outbuilding can have as much of an impact on the appearance of a building as any extension. These should be designed to reflect the style, shape and features of the host property and be subservient in terms of the scale of the original dwelling.

The outbuilding takes no design inspiration from the dwelling and would by reason of its position, design and palette of materials form an unsympathetic relationship with the main house, detracting from the traditional and historic character of the host property.

Having taken the above into account, the proposals would cause harm to the visual amenity of the host dwelling, thereby failing to comply with Policy LP24 of the Kirklees Local Plan, KDP 1 & 2 of the House Extensions & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

<u>Impact on residential amenity</u>:

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 & Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key

Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

The scale and position of the outbuilding, relative to the neighbouring properties would not result in any overshadowing or overbearing. The only openings on the outbuilding would look towards the side elevation of the host property and as such would not result in any loss of privacy.

It is noted that concerns were raised in a representation about the potential for more noise. However, the area had an existing shed, greenhouse and garden area. As such, the potential for any additional noise is not considered to be material.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions & Alterations SPD and Paragraph 135 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposals will not result in any intensification of the domestic use. Bin storage for the dwelling would not be moved as part of the proposals. As such the scheme 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 & Alterations SPD.

Other matters:

Biodiversity

The development is for a single storey outbuilding within the grounds of the dwelling. Whilst the property is sited in area, which is known to include bat habitats, in this instance, given the nature of the works, then it is considered unlikely to have an impact on the bat population.

Carbon Budget

The proposal is a small scale 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.

There are no other matters for consideration.

Representations:

One representation has been received. The material planning matters raised are summarised as follows:

- The outbuilding would be out of character with the listed building – **Response:** *this is a material consideration as it relates to the historic environment and visual amenity*. *The design together with the power of materials has been considered by officers and the outbuilding is considered tougher harmful effect on the character of the host property.*
- Potential loss of privacy given the outbuilding has been built on a platform – **Response:** *this is a material consideration as it relates to residential amenity. It is noted that on the submitted plans the openings face on to the side elevation off the host property and would not overlook the neighbouring properties*.
- Increased noise from the garden – **Response:** *this is a material consideration as it relates to residential amenity*. *However, it is considered did the outbuilding would not result in any more noise than that which could occur.*

Although other matters, such as the retrospective nature of the application and potential covenant restricting outbuildings, may have been raised only material planning matters can be considered.

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application to erect an outbuilding at 32 Station Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations SPD, the National Planning Policy Framework and other material considerations.

The outbuilding, by reason of its design, materials and position, would not form a sympathetic addition relative to the listed building or form an appropriate relationship with the traditional character of the host property or group. To permit the proposals would be contrary to Policies LP24 of LP35 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD or Chapters 12 & 16 of the National Planning Policy Framework.

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. For the reasons set out above it is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation **Refuse**

Decision Authorisation - Delegated Powers
Application Number: 2024/93097
Officer Recommendation: Refuse
Reasons for refusal

1. The outbuilding, by reason of its design, materials and position, would be out of keeping with the historic architectural character of the host listed building forming a large unsympathetic addition that detracts from the traditional character and setting of the host property and group. To permit the development would be contrary to Policies LP24 of LP35 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD or Chapters 12 & 16 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Plans and elevations	P01	1064914	04/11/2024
Heritage statement	-	1064912	04/11/2024
Climate change statement	-	1064911	04/11/2024

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.

The outbuilding is not considered to be acceptable in terms of design or materials which result in an uncomfortable relationship with the listed building. Amended plans have not been sought.

Report Dated 07/01/2025