

**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:	2024/62/93172/E
Site Address:	1, Lee Lane, Kirkburton, Huddersfield, HD8 0PG
Description:	Erection of garden room and associated alterations
Recommending Officer:	Faiza Bano

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.

Emma Thompson

AUTHORISED OFFICER

Date: 08-Jan-2025

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/93172
Location	1, Lee Lane, Kirkburton, Huddersfield, HD8 0PG
Proposal	Erection of garden room and associated alterations
Publicity end date	17 th December 2024
Number of representations received	None.
Kirklees Local Plan Allocation/Designation	LP Environmental Designations - Biodiversity Opportunity Zones, LP Green Belt, LP Green Space - Strategic Green Infrastructure Network, Bat Alert, LB Airport Consult - Area 1, DEVELOPMENT_HIGH_RISK_AREA
Extension to Time (EoT)	No
Recommendation	Conditional Full Permission

	NO	YES
Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)	✓	
Contrary to previous decision	✓	
Called in by Ward Member	✓	
Significant number of representations received	✓	

If 'No' to all above, proceed with a fast track report

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

Policy

National

National Planning Policy Framework (NPPF) December 2024
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed places
- NPPF Chapter 13 – Green Belt
- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 51** – Protection and improvement of air quality
- **LP57**- Extension, alteration or replacement of existing buildings

Supplementary Planning Document ‘House Extensions and Alterations’ (2021).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- 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 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- 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

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	No	N/A

Parish/Town Council comments sought (Kirkburton)	No	N/A
Planning History	Yes	<u>Planning Ref:</u> 2004/95858 <u>Location:</u> 1 LEE LANE, KIRKBURTON, HUDDERSFIELD, HD8 0PG. <u>Proposal:</u> ERECTION OF DETACHED TRIPLE GARAGE AND ALTERATIONS TO DRIVEWAY <u>Decision code:</u> RF <u>Decision:</u> RF - REFUSED <u>Decision Date:</u> 2005-02-08 <u>Planning Ref:</u> 2005/91965 <u>Location:</u> 1,LEE LANE,KIRKBURTON,HUDDERSFIELD,H D8 0PG <u>Proposal:</u> ERECTION OF DETACHED TRIPLE GARAGE AND ALTERATIONS TO DRIVEWAY <u>Decision code:</u> FC <u>Decision:</u> FC - CONDITIONAL FULL PERMISSION <u>Decision Date:</u> 2005-06-27
Consultations required	No	N/A

Assessment

Principle of Development

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 dwelling.

Chapter 13 of the NPPF requires Local Planning Authorities to regard the construction of new buildings 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 application 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.

Details of Proposal

The proposed extension projects out by 4253mm and has a width of 3906mm, has an eaves height of approximately 2600mm and an overall height of 3750mm.

The Kirklees SPD sets out that single storey front extensions should comply with certain parameters set out at paragraph 5.14 on page 27 (and listed below) and if they do not, they need to be justified:

Single storey front extensions:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
The house is set well back from the pavement or is well screened; and	Yes – The house is set back from the pavement, featuring a front garden with a hard-standing driveway. The property is enclosed by a wall and hedges, with a gated driveway situated at the front.	
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	Yes – the extension would appear subservient and has been designed with a hipped roof style, in-keeping with host property.	
The materials and design match the existing features of the original house; and	Yes – materials would match existing. Roof system incorporates a double-glazed system.	

The extension would not unreasonably affect the neighbouring properties.	Yes – the modest scale would result in minimal impact on neighbouring property.	
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Design and Visual Amenity: Are the considerations in the following table acceptable?

Summary of local street scene/character:

The site to which the application site relates to is number 1 Lee Lane. The property is a detached dwelling constructed from stone and roofed with red tiles. The property benefits from a large garden to the front, side and rear, and a triple garage with an accessible driveway to the front. The property is screened with a fence, walls and large hedge.

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 on to 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.

As previously highlighted, the site currently benefits from previous permissions on site which have been constructed. From viewing historical maps of the site, it can be suggested that the garage is an extension to the original outbuilding as it stood in 1948 (this was confirmed whilst out on site (the only extensions to the 'original' dwelling are those documented).

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”.

In this case, whilst the extension would be located to the front elevation of the dwelling, the impact of the proposal by virtue of the introduction of additional volume to the dwelling must be considered.

The proposal would be set down and set back from the host dwelling and constructed in materials matching the application property. In this particular case, the footprint of the dwelling would be increased at ground floor level by approximately 16.8 m².

It is considered that this proposal would be acceptable in the context of the original host dwelling and would not amount to disproportionate additions.

The site has previous planning permission for an extension to the existing detached garage. The initial planning application was refused on the grounds

that “the proposed triple garage, by virtue of its size, would have a detrimental impact upon the openness and character of the Green Belt” and was deemed inappropriate for the Green Belt. Subsequently, a revised application was submitted, seeking the erection of a detached triple garage and alterations to the driveway (extending the original garage). This revised scheme, which proposed a smaller scale compared to the initial application, was approved. It was considered appropriate for the Green Belt, with the previous officer determining that the revised scheme appeared less prominent.

The increase in scale and mass of the previous development needs to be afforded when considering any development on the site. It is understood that the garage, as built, has increased in mass but it is difficult ascertain as to what degree. It is unlikely to be of a scale that would preclude further development within the site but must be considered as it is within the curtilage. However the detached garage is situated on a higher topographical level than the original dwelling and is separated by a distance of approximately 21 metres, the proposal would not amount to overdevelopment and provides space to the host building reducing any cumulative impact. As such, officers conclude the scale of development proposed can be supported and would not amount to overdevelopment within the Green Belt.

Consideration has been given here in terms of the proposals impact on the local character and street scene, including subservience, terracing and building line.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on the Local character and street scene	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	The extension is generally modest in scale and the proposed development would not appear overly prominent. The proposed development would be located to the side of the property and will not impact the character or street scene due to privacy provided by various forms of screening and private nature of the application site.	✓
Impact on original house	• KDP2 of the SPD	The original property would remain the dominant feature.	✓

	• Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF		
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	As above. The extension would project across the side of the property and is single storey.	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	Facing materials to match existing.	✓
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Pitched roof style on the side extension – acceptable as it is in-keeping with the original roof style of the host property.	✓
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Modest size windows in extension, which would be in-keeping with existing building.	✓
Accessibility for all users	• KDP 17 of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Private domestic extension which would provide easy access into the main house.	✓

Key Design Principle 1 of the House Extension & Alteration 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 HESPD goes on to 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.

Having taken the above into account, the proposed extension would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building. In addition, the proposal is considered to have an acceptable impact on the openness of the Green Belt.

Residential Amenity: Are the considerations in the following table acceptable?

The main properties affected are:

- There are properties on either side of the boundary; however, due to their detached nature, the large separation distance, and various forms of screening, the neighbouring properties will not be affected or see the development. Additionally, the significant distance between these properties ensures that the proposed single-storey works will not directly affect them. The application site is situated on an elevated topography, further preventing any impact on neighbouring properties.

The proposed garden room would be at ground floor level and therefore screened by the existing boundary treatments on site.

The extension would not cover the entire amenity space of the application property. It is considered that the proposal would not take up 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.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on privacy of neighbours (to sides, rear and front)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	Acceptable for the reasons set out above.	✓
Impact on light and outlook of neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b)	As above.	✓

	Chapter 12 of the NPPF		
Remaining garden space of application property	- KDP 7 of the SPD - Policy LP24 Design (b) and (c) - Chapter 12 of the NPPF	As above.	✓

The proposal is therefore acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Highways and Parking: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on highway safety	- KDP 15 of the SPD - Policy LP22 Parking (f) of the KLP - Chapter 12 of the NPPF	Parking is predominantly provided in curtilage, which remains acceptable due to the location of this property and the neighbouring houses. The property also has a driveway big enough to fit a car after the construction of the proposed garden room extension.	✓
Parking provision	- KDP 15 of the SPD - Policy LP22 Parking (f) of the KLP - Chapter 12 of the NPPF	Maintains appropriate access and off-street in-curtilage parking.	✓
Provision for waste storage	- KDP 16 of the SPD - Policy LP24 Design (d) (iv) - Chapter 12 of the NPPF	None shown on plans however, there is sufficient space within the red line boundary to allow for storage on site. Condition not considered necessary.	✓

The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Other matters: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on trees	• KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF	N/A	✓
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	N/A	✓
Carbon Budget / Climate change statement	• KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • Chapter 14 of the NPPF	Small scale domestic development to an existing dwelling. As such, no special measures required in terms of the planning application with regards to carbon emissions. A Climate Change Statement has been submitted with this application.	✓
Drainage and Flood Risk	• KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP	The rear garden and landscaping would be retained to allow for run-off. The site is not located within an identified Flood Risk Zone 2 or 3 area.	✓

Even though the development is appropriate, it's still important to assess its impact on the openness of the Green Belt. The garden room is single-story and designed to blend with the existing house, minimising visual impact. The

spatial openness is slightly affected, but the design and its scale in relation to the site mitigates this impact. In terms of landscaping, the design includes using materials that match the existing dwelling and, therefore, softens the visual impact and minimally impacts the openness and character of the Green Belt.

The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPE.

Representations, including Parish/Town Council comments:

No representations received.

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: **CONDITIONAL FULL PERMISSION**

Decision Authorisation - Delegated Powers

Application Number: 2024/93172

Officer Recommendation: Approve

Conditions and Reasons

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 to accord with Policies LP01, LP02, LP21, LP22 & LP24 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 and 14 of the National Planning Policy Framework

3. The external walls 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 in accordance with Policies LP01, LP02 & LP24 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 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations	06/11/2024 - 12352-2 (P1) Existing		06-Nov-2024
Grouped Plans and Elevations	06/11/2024 - 12352-2 (P2) Proposed		06-Nov-2024
Grouped Plans and Elevations	06/11/2024 - 12352-2 (P3) Site location and Block plans		06-Nov-2024
General	BLA2918 - Details of External Materials		06-Nov-2024
General	Climate Change Statement		06-Nov-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: 24/12/2024

