

**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:	2024/62/93199/W
Site Address:	1, Fieldfare Close, Netherton, Huddersfield, HD4 7FA
Description:	Erection of single storey side and rear extensions and associated alterations
Recommending Officer:	Joanna Rednall

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: 08-Jan-2025

The Site

1, Fieldfare Close relates to a detached two-storey dwelling located in Netherton. The property is located in a prominent position elevated above Crosland Factory Lane, and is finished in coursed stone and incorporated a pitched roof finished in tiles. The property benefits from off road parking to the side, a detached garage and gardens to the front and rear.

The application property is located within a new build estate where neighbouring properties are of residential use and comprise two-storey properties of similar materials and architectural styles.

The site is located within the green belt on the Kirklees Local Plan

The Proposal

The applicant is seeking planning permission for erection of single storey side and rear extensions and associated alterations.

The side and rear extensions form a wraparound extension to the south-west corner of the application property. The rear extension has a total projection of ~3.5 metres and width of ~3.4 metres, adjoining the side extension. The side extension projects ~1 metre from the host and has a width of ~5.2 metres, the total height of the extensions is 3 metres.

The submitted information sets out the proposed materials for the walls would be coursed stone and the roof would be flat with corten steel fascia.

Fenestration is proposed to the side and rear elevations of the extensions, this is in the form of anthracite grey glazed sliding doors to the south-west elevation and a black composite door with a small white UPVC window to the north-west elevation.

Internally, the extension serves a kitchen, sitting room and bootility room.

History of Negotiations

No amendments have been sought in the processing of this application as it was considered acceptable as submitted.

Planning History

There is no planning history for the site which is considered relevant to the current proposal.

Publicity & Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters.

Final publicity date expired: 23rd December 2024

No representations were received as a result of the publicity.

Meltham Town Council Comments – support

Consultations

KC Trees: No objections

KC Environmental Health: Raise concern that previous conditions (12, 13 and 14 of 2014/90265 for the erection of 27 dwellings) have not been fully discharged. Recommend contaminated land conditions relating to Phase 1, Phase 2, Remediation Strategy, Implementation of Remediation Strategy, and submission of Validation Report and footnote be added to the decision notice alongside a construction working times condition and note.

Allocation & Policies

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).

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan (LP)

LP1 Achieving Sustainable Development

- LP2 Place Shaping
- LP21 Highway Safety
- LP22 Parking Provision
- LP24 Design
- LP30 Biodiversity
- LP33 Trees
- LP57 Green Belt

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 12th December 2024, 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. Considered to be of relevance to the consideration of this application are policies within the following chapters: -

- Chapter 2 – Achieving sustainable development
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt Land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended).

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
1. Impact upon visual amenity
2. Impact upon residential amenity
3. Impact upon highway safety
4. Other matters
5. Representations
6. Conclusion

1 – 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 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

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, the most relevant in this case being to assist in safeguarding the countryside from encroachment. Paragraph 153 of the NPPF states that inappropriate development should not be approved except in very special circumstances. Certain forms of development are exceptions to ‘inappropriate development’. 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.

The construction of new buildings is regarded as inappropriate development in the Green Belt. Within paragraph 154 a few exceptions to this includes the extension or alterations of a building if this 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 proposals for the extension, alteration, or replacement of buildings in the Green Belt will normally be acceptable, provided that, in the case of extensions, the original building remains the dominant element in terms of size and overall appearance. The cumulative impact of previous extensions and other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the character of the original part of the building.

Is the development inappropriate in the Green Belt?

Policy LP57 also provides other criteria for extensions in the green belt, this being that the:

- c. the proposal does 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
- d. 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.

In this case, a review of historic mapping and planning history has been undertaken. The application site relates to a new- build property, and it appears that the building as it currently stands is original and has not undergone previous extensions

It has been assessed the proposed development would not comprise substantial additions to the property in this case. Although no volume calculations have been provided, officer have calculated the cumulative extensions proposed under this application would provide an additional ~123 cubic metres to the dwellinghouse, of which hosts and existing volume of ~570 cubic metres. This would result in a volume increase of around 21%. However, it must be acknowledged that the assessment into whether additions to a building are disproportionate is more than just an arithmetic exercise, but visually whether the extension is disproportionate by means of the overall increase in footprint and volume. When assessing the visual impact of the proposal, the extensions proposed are located to the side and rear of the property and are limited to single storey in height. The extensions are set back from the side and front elevations from the host and would not appear overly prominent from the wider street scene. The proposed alterations would not significantly impact the host property given the scale of the existing dwelling

which is already in place, and visually, the proposed extensions would leave the original house dominant in all aspects. The submitted application form also outlines the proposed materials would consist of coursed stone to match the original house. For these reasons, visually, the extensions proposed would not result in disproportionate additions to the original building and the original building would remain the dominant element on site.

In conclusion, it is considered that in design terms the extension would not appear as a disproportionate addition, nor would it adversely impact the openness of the Green Belt or lead to encroachment into the countryside. The development, in this site-specific case, would accord with Green Belt Policy set out in LP57 and Chapter 13 of the NPPF.

In this case, the principle of development in this application is acceptable and shall be assessed against the applicable material planning considerations within the following report.

2 – Impact on character and appearance of the area

Policy LP24 (Design) of the Council's adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

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.

Taking each element of the proposal in turn, the single storey side extension would not extend more than two thirds of the width of the original dwelling and would be set back from the front elevation of the property by over 500mm as required by the SPD. The extension would not be more than 4 metres in height and is designed with a flat roof to ensure no undue bulking/massing to the overall design of the extension. Fenestration is proposed in the form of two sets of bi-folding doors to the south-west elevation, these would appear in keeping with the host and would have an acceptable visual impact.

Turning to the rear extension, from a visual amenity perspective, this extension is considered to be a subservient addition. The extension would be a modest addition to the host property being single storey in height and, taking the side extension into consideration, would not cover more than half the total area around the original house. The extension does not project out more than 4 metres from the rear and retains a gap of at least 1 metre from all property boundaries. The extension adjoins the side extension and continues with matching materials and a flat roof design. Although flat roof does not generally represent good design, it is noted a flat roof limits the degree of additional bulking in the green belt setting. Due to these reasons, the proposed rear extension is considered to have an acceptable visual impact.

The submitted plans set out the proposed materials of coursed stone for the walls, a condition will be attached to the decision notice to secure these proposed materials to ensure the development appropriately harmonises with the original house and wider locality of Fieldfare Close.

It is therefore considered that in terms of visual amenity, the proposed would comply with Policy LP24 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:

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.

The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- 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 properties potentially affected by the proposed development are those which directly neighbour the site, these being: No. 2, Fieldfare Close and No's. 6, 4 and 2 Siskin Gardens.

Impact on 2, Fieldfare Close

This property is located north of the application site.

The extension would retain a separation distance of approximately 9.5 metres to this neighbour, and given the limited height of the works, the development is not considered to cause any harmful overlooking / overshadowing / overbearing impacts. The submitted plans show one window is proposed to the north-west facing elevation which serves a non-habitable room. However, this window would be screened by the existing detached garage at the application property and would not result in a detrimental loss of privacy to occupiers at No.2. Due to these reasons, the proposed extensions at 1, Fieldfare Close are considered to have an acceptable impact upon this neighbour's amenity.

Impact on 6, Siskin Gardens

This property is located west of the application site.

It has been assessed that the extension would retain a separation distance of approx.. 18 metres to the rear elevation of No.6. This achieves the minimum distance retained between windows of habitable rooms and non-habitable rooms recommended in the Council's SPD. As a result, it can be concluded the extensions would not result in a detrimental loss of privacy to occupiers of No.6. In addition, due to the limited height of the proposal, it has been assessed that no detrimental overshadowing / overbearing impacts would occur as a result of the development. The extensions are retained at single storey and would not result in a reduced outlook at No.6. Due to these reasons, the proposed extensions at 1, Fieldfare Close are considered to have an acceptable impact upon this neighbour's amenity.

Impact on 4, Siskin Gardens

This property is located west of the application site.

Due to the orientation of the application property in relation to No.4, the proposed development would not result in detrimental overbearing / overshadowing / overlooking impacts. A separation distance of approximately 12 metres is retained between the extension and rear elevation of this neighbour. Although this does not meet the minimum measurement recommended in the SPD, the orientation of the extension as well as existing boundary treatment in place would mitigate any undue overlooking / overbearing impacts. The single storey nature of the development ensures no overshadowing impacts would occur to this neighbour. Due to the above, the proposed extensions at 1, Fieldfare Close are considered to have an acceptable impact upon this neighbour's amenity.

2. Siskin Gardens.

Given the setting and relationship between these two neighbouring properties within the streetscene and in turn, the extent of separation distance between the proposed site of development at 1, Fieldfare Close and the neighbouring property of 2, Siskin Gardens it is concluded that no detrimental overbearing / oppressive impact would result and that no overshadowing / impact upon privacy would occur.

In addition, it has been acknowledged that boundary treatment is in place between these two neighbouring properties, further working to ensure no significant impacts to residential amenity as a result of development.

It is therefore considered that in terms of residential amenity, the proposed 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 advice within Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and policies within 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 development would not increase the number of bedrooms on site, and it is considered the number of occupants within the dwelling would remain as existing. With this being the case, proposed parking arrangements are considered to be acceptable.

The proposal does not propose any changes highway access. It is therefore considered that the proposal is acceptable in relation to highway safety.

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 – Other matters:

Ecology

Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

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 bat alert area, the proposals are relatively modest, and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

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 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.

Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. A Climate Change statement has been submitted with this application.

Impact upon trees

Chapter 15 of the NPPF seeks to conserve / protect the environment and for developments to have a net gain in terms of biodiversity. With regard to trees Policy LP33 of the Kirklees Local Plan is of relevance and states the following:-

‘The Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. Proposals should normally retain any valuable or important trees where they make a contribution to public amenity’

To the rear of the site is an area of protected trees (03/14/g2), KC Tree officers have been consulted on this application and provide the following concluding comments:

“The proposals appear to have no impact on any trees onsite providing no materials are stored within the garden and the root protection zones of any trees. This shouldn’t be a problem as they are situated at the furthest point on the site. No further comments and no objections.”

In this case, as the proposal is for a modest side and rear extension, there is no built form of development proposed within close proximity to the protected area that could interfere with the protected trees. Therefore, it is not considered that the development would result in a detrimental impact on the protected trees. The development is therefore concluded to accord with Policy LP33 of the Kirklees Local Plan, Key Design Principle 13 and policies within chapter 15 of the NPPF.

Contaminated Land

The site has been identified as being potentially contaminated land due to the former use of the site as a factory (site reference 98/15).

The records held by the Council demonstrate that Environmental Health were formally consulted on the original development of 27 dwellings under application number 2014/90265 where it was recommended that contaminated land conditions were attached to the decision notice in respect of intrusive site investigations, site remediation and validation. Subsequently a discharge of condition application (ref: - 2015/90217) was submitted to discharge the contaminated land conditions 10, 11 and 12. Conditions 10 and 11 were

discharged at this time however condition 12 was not due to further gas monitoring results and further measures were required, in addition to imported materials. There are no records available to ensure that this additional information was formally discharged.

It is therefore recommended by the Environmental Health Team that contaminated land conditions are included on the decision notice to demonstrate that all potential contaminated land and ground gas risks have been fully assessed and addressed.

Notwithstanding the above, due to the size and scale of the works proposed, it is not considered that the inclusion of the recommended contaminated land conditions would be reasonable in this instance. It is therefore considered reasonable to add a condition which relates to the reporting of contaminated land which has not been previously identified within the site in the event it is encountered whilst undertaking the development.

6 – Representations:

None received

7 – 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: 2024/93199

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 91 of the Town and Country Planning Act 1990 (as amended).

1. 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

2. The external walls 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.

3. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the Local Planning authority shall be notified in writing within 2 working days. Works on site 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 whole 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 identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and the policies within chapter 15 of the National Planning Policy Framework.

NOTE: Noisy construction related activities should not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no noisy activities on Sundays or Public Holidays.

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.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. 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	(EX)002	A	11/11/2024
EXISTING GA	(EX)001	A	11/11/2024
FINAL DESIGN	(SK)006	B	14/11/2024
Application form	-	-	11/11/2024

Plan Type	Reference	Version	Date Received
Climate Change Statement	-	-	14/11/2024

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 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: 07/01/2024

Low coal