

**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:	2024/62/93329/E
Site Address:	103, Denby Lane, Upper Denby, Huddersfield, HD8 8TZ
Description:	Erection of Victorian style greenhouse (within a Conservation Area)
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: 17-Feb-2025

OFFICER REPORT

Site Description

The site in which the application relates to 103, Denby Lane, Upper Denby, Huddersfield, HD8 8TZ; a detached bungalow located within a Conservation Area. The dwelling is constructed from stone and roofed with slate tiles. The dwelling is set back from the street scene and the area located within a residential area.

The dwelling benefits from large amenity areas surrounding the property as well as a large driveway and in-curtilage parking.

Description of Proposal

This application has been received for the erection of a Victorian style greenhouse in the rear amenity area of the site. The measurements of the scheme are as follows:

1. **Width and length:** 5117 mm x 2912 mm
2. **Width and length of porch:** 2120 mm x 923 mm
3. **Height:** 3140 mm and porch height is 2710 mm. The main greenhouse area and porch have pitched roofs at 45°
4. **Construction materials:** Large glass panels and partial stone wall at the base (to match the existing dwelling). The stone wall has a height of 675 mm from ground level.

Relevant Planning History

Planning Ref: 2013/90184

Location: Stonecroft, 103, Denby Lane, Upper Denby, Huddersfield, HD8 8TZ

Proposal: Erection of extensions (within a Conservation Area)

Decision code: FC

Decision: FC - CONDITIONAL FULL PERMISSION

Decision Date: 2013-03-19

Planning Ref: 2017/90717

Location: 103, Denby Lane, Upper Denby, Huddersfield, HD8 8TZ

Proposal: Erection of single storey rear extension (within a Conservation Area)

Decision code: FC

Decision: FC - CONDITIONAL FULL PERMISSION

Decision Date: 2017-05-26

Representations

The application was advertised by neighbour notification letters, a site notice and press advert notice which expired on 31/01/2025.

No representations were received as a result of site publicity.

Consultation Responses

KC Conservation and Design – no objections

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 not specifically allocated but is located within a Conservation Area on the Kirklees Local Plan.

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
- **LP35** - Heritage

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, flooding and costal change
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on openness of Green Belt and visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Negotiations
- 7) Conditions
- 8) Conclusion

1 – Principle of development:

The site is without specific notation on the Kirklees Local Plan (KLP) but is located within a conservation area. Policy LP1 of the KLP 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 NPPF. In terms of extending and making alterations to the property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions and Alterations SPD and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other planning considerations, including visual and residential amenity, as well as highway safety.

The site is within Upper Denby Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities shall pay special attention to the desirability of preserving or enhancing the appearance of buildings or land within a Conservation Area. Any impact on heritage assets will be given consideration having regard to Policy LP35 of the Kirklees Local Plan, and Chapter 16 of the National Policy Planning Framework.

These issues along with other policy considerations will be addressed below.

2 –Impact on Visual Amenity and Historic Environment:

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 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.

The green house is a very modest structure which is proposed to be located in the rear garden of the property. The scale is small within the plot, and the design is of Victorian appearance. The proposal is considered to result in less than substantial harm in terms of the character of the conservation area.

Historic Environment

The property is located on a semi-rural road on the boundary with the green belt with a mix of traditional houses surrounding. Dependent upon design, scale and detailing, it may be acceptable to provide a greenhouse in the grounds of the host property.

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 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.

In this instance, the green house is small in terms of its scale, relative to the plot and dwelling. It would have a traditional appearance which would form an appropriate relationship to the host and with the surroundings. The proposals are therefore considered to be acceptable in terms of visual amenity.

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.

3 – Impact on residential amenity:

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 and Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

Given the very limited scale of the greenhouse, together with its proposed position relative to the surrounding development, as well as materials of construction, there would be no harm caused to the amenities of any of the neighbouring occupants.

In summary, due to the location of the existing dwelling and the scale of the proposed extension, there would be no significant harm to the residential amenity of neighbouring residents as a result of the proposal, in accordance with Policy LP24 of the KLP and the House Extensions and Alterations SPD.

4 – Impact on highway safety:

The proposals would result in no intensification of the domestic use of the property. The addition of a greenhouse will not impact any parking spaces.

Therefore, the proposal 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 and Alterations SPD.

5– Other matters:

Carbon Budget

The proposal is a 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.

Ecology

The application site is located within a Twite Buffer layer on the Councils GIS mapping system. Due to the scale of the application it is not considered to detract from any matters of ecological interest nor is enhancement required in this instance.

As such the application is considered to comply with guidance within Policy LP 30 of the KLP and Chapter 15 of the NPPF.

6 – Representations:

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No representations received.

8 – Negotiations:

N/A

9 – Conclusion:

This application for the erection of a Victorian style greenhouse at 103, Denby Lane, Upper Denby, Huddersfield, HD8 8TZ, has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations SPD, the National Planning Policy Framework and other material considerations.

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.

As set out above, 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: 2024/93329

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration,

repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays

08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction/ sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Grouped Plans and Elevations	1	28-Nov-2024
Grouped Plans and Elevations	3	28-Nov-2024
Proposed Site / Block Layout	-	28-Nov-2024
Location Plan	-	28-Nov-2024
Conservation/Heritage Assessment	-	28-Nov-2024
General	CSS	28-Nov-2024
Photos General	IMG_0245	28-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 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.

No amendments were requested in this instance.

Report Date: 13/02/2025