

**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:	<b>2025/62/90149/E</b>
Site Address:	1, Low Fold Court, Denby Lane, Upper Denby, Huddersfield, HD8 8TZ
Description:	Erection of outbuilding (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: 28-Mar-2025**

## **OFFICER REPORT**

### **Site Description**

The site in which the application relates to is 1, Low Fold Court, Denby Lane, Upper Denby, Huddersfield, HD8 8TZ; an end terrace dwelling, constructed from natural stone and roofed with slate tiles and the boundary is screened by a wall and hedge.

The site has previously been granted permission for the formation of a drive way.

The dwelling is set back from the street scene and the area is low density with few residential properties within the vicinity.

### **Description of Proposal**

This application has been received for the erection of an outbuilding.

The proposed outbuilding would feature a lean-to roof, with a depth of 1.3m, a width of 4.8m and an overall height of 2.3m.

The proposed garden shed would be constructed from shiplap timber and the roof will be finished with felt.

### **Relevant Planning History**

**Planning Ref:** 2018/90156

**Location:** 1, Low Fold Court, Denby Lane, Upper Denby, Huddersfield, HD8 8TZ

**Proposal:** Formation of driveway (within a Conservation Area)

**Decision code:** FC

**Decision:** FC - CONDITIONAL FULL PERMISSION

**Decision Date:** 2018-03-19

### **Representations**

The application was advertised by neighbour notification letters, and a site notice which expired on 06/03/2025.

No representations were received as a result of site publicity.

### **Consultation Responses**

**Parish Council Comments** - No Objections.

**KC Environmental Health** - The application concerns a timber structure that is described as a potting shed/garden store. No groundworks are shown and no services are shown to the structure.

This site of the proposed development is not situated on land identified as potentially contaminated; it is however circa 140m from historic landfill. It is the applicant's responsibility to ensure a site is safe and suitable for the intended use, we therefore recommend a watching brief in relation to unexpected contamination and recommend a condition.

**KC Conservation & Design (informal)** – In this case, the proposed shed is quite minor, and sited as sympathetically as possible on this site. The site is surrounded by an appropriate stone boundary wall and hedges that will screen the proposed sheds. The proposed timber materials are adequate in this case and will weather over time. You may wish to consider a condition to state the sheds shall be stained brown or stained/painted a dark colour and maintained as that for future.

### **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 27<sup>th</sup> February 2019).

The site is located within a Conservation Area on the Kirklees Local Plan.

On 12<sup>th</sup> 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 29<sup>th</sup> 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 6<sup>th</sup> 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 coastal 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 visual amenity and Character of the Conservation Area
- 1) Impact on residential amenity
- 2) Impact on highway safety
- 3) Other matters
- 4) Representations
- 5) Negotiations
- 6) Conditions
- 7) Conclusion

#### 1 – Principle of development:

The site is without specific notation on the Kirklees Local Plan (KLP) but is located within Upper Denby 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.

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 matters 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.

Due to the screened boundary, the proposal will not be visible from the street scene and is located within the rear amenity area of the dwelling. The proposed outbuilding is single-storey and does not exceed the eaves height of the original house minimising any impact.

### Historic Environment

The proposal is for a garden shed/outbuilding and will be constructed from shiplap timber. It is considered that the proposed development will not harm the historic character of the site due to its scale and positioning within the site.

Section 66 of the Planning (Listed Building & Conservation Areas) Act 1990 introduces a general duty in respect of listed buildings. In considering whether to grant planning permission for development which affects a listed building or it's setting the Local Planning Authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. This is reiterated within Policy LP35 of the Local Plan. In this case, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity and highway safety.

The application site is located within the Upper Denby Conservation Area on the Kirklees Local Plan. The proposal is for the erection of an outbuilding.

## **Assessment Against NPPF**

## **Chapter 16: Conserving and Enhancing the Historic Environment**

Paragraph 202 states that heritage assets, including conservation areas, should be conserved in a manner appropriate to their significance. The proposed outbuilding, a garden shed constructed from shiplap timber with a felt roof finish, at 1 Low Fold Court, Denby Lane, Upper Denby, HD8 8TZ, has been designed to enhance the visual amenity of the property without detrimentally affecting the wider environment.

Paragraph 203 states that plans should set out a positive strategy for the conservation and enjoyment of the historic environment. The proposal aims to maintain the quality and character of the Upper Denby Conservation Area. The shed would not detract from the existing architectural style or materials of the area. The outbuilding is functional and ensures that the historic environment is preserved.

Paragraph 204 states when considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest. The Upper Denby Conservation Area is characterised by converted stone-built farm groups and terraced houses dating from the mid-18th and 19th centuries.

Paragraph 205 states that local planning authorities should maintain or have access to a historic environment record to assess the significance of heritage assets. The proposal has considered the preservation of character and amenity of the conservation area.

Paragraph 206 states that local planning authorities should make information about the historic environment publicly accessible. The Conservation/Heritage Statement provides detailed information about the proposed changes and is summarised below:

The proposed modifications at 1 Low Fold Court include the addition of an outbuilding/garden shed with a lean-to roof. The structure will have dimensions of 1.3 metres in depth, 4.8 metres in width, and an overall height of 2.3 metres. These changes aim to enhance the functionality of the property while respecting the character and significance of the Upper Denby Conservation Area.

Careful consideration has been given to preserving the area's historic and architectural integrity. The scale and design of the outbuilding, along with its location at the rear of the property, ensure a neutral impact on the overall quality and character of the conservation area. Additionally, the existing boundary treatment will provide screening from public vantage points, further mitigating the visual impact of the development.

In determining applications, paragraph 207 states that local planning authorities should require an applicant to describe the significance of any heritage assets affected. The proposal includes a detailed assessment of the impact on the conservation area.

Based on the assessment against the NPPF paragraphs, the proposed garden shed is considered to have a neutral impact on the Upper Denby Conservation Area. The design is practical and functional and not considered to result in harm to the character or significance of the conservation area. Therefore, the proposal does not require any public benefit to justify the changes.

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.

Following advice by KC Conservation and Design, and in order to maintain a development that sits comfortably within its setting, a condition is recommended for the outbuilding to be stained brown or stained/painted a dark colour and maintained as such in the future.

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.

#### *Impact on Low Fold House, 98 Denby Lane:*

There is approximately 6m between the boundaries of these properties and 17m between the boundary of the application site and the nearest habitable window of Low Fold House. Given that the site is well screened, and the low height of the proposed shed, it is considered that there will be minimal impact on Low Fold House in terms of overlooking, loss of light, overshadowing and privacy.

#### *Impact on 2 Old Farm Cottage, Low Fold Court:*

**Overlooking:** The proposal does not include additional openings along the side elevation, ensuring that the outlook towards number 2 from the application site remains unchanged.

**Overshadowing/Loss of Light/Overbearing:** The proposal is located along the shared boundary, it has an overall height of 2.3m, and the distance between location of the outbuilding and nearest habitable room, along with its orientation, ensures that sun paths are not obstructed. Or would there be a detrimental impact on the amenity space of the occupants. Therefore, no significant issues related to overshadowing, loss of light, or overbearing impact are anticipated.

#### Impact on 2 Fairfields:

Given that the development is situated at the rear of the application site, this property shall not see additions to the neighbouring properties. Consequently, there are no concerns regarding overshadowing, overlooking, or privacy. The strategic placement of the extension ensures that it does not adversely affect the surrounding properties, maintaining the integrity and privacy of the neighbourhood.

#### Impact on 2 South Croft:

There is a significant distance between the side boundary of this property and the application site – given that the boundary of the application site is well screened, this property shall not see any additions. Therefore, it is considered there will be no impact on number 2.

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 some intensification of the domestic use of the property. The number of bedrooms will not change thereby not result in the requirement for an uplift in parking spaces within the property nor will the number of existing parking spaces be reduced. The outbuilding does not interfere with any existing parking arrangements which would be maintained.

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, a note will be added to the application notifying the applicant, should permission be granted.

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

#### Land contamination

This site of the proposed development is not situated on land identified as potentially contaminated; it is however circa 140m from historic landfill. It is the applicant's responsibility to ensure a site is safe and suitable for the intended use, Environmental Health recommend a watching brief in relation to unexpected contamination and recommend a condition, however given the design and scale of the development it is not considered that a condition would meet the tests. A footnote is therefore included.

6 – Representations:  
No representations received.

6 – Negotiations:  
N/A

7 – Conclusion:

This application for the erection of an outbuilding at 1, Low Fold Court, 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:** 2025/90149

**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.

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 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.

2. Notwithstanding the submitted detail, within three months of being erected the outbuilding hereby approved shall be stained dark brown or similar and thereafter maintained.

**Reason:** To ensure that the outbuilding blends harmoniously with the surrounding environment and to preserve visual amenity and character of the Upper Denby Conservation Area. In accordance with Policies LP24 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

**NOTE:** If contamination, the presence of coal and/or evidence of coal workings not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and remediation of the site shall be carried out and completed.

**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.

Plans and specifications schedule: -

<b>Plan Type</b>	<b>Reference</b>	<b>Date Received</b>
Grouped Plans and Elevations	293-25-PL01_A Existing and Proposed Site Layouts Elevations and Floor Plan	21-Jan-2025
Location Plan	293-25-PL02_A Location Plan	21-Jan-2025
General	Climate Change Site	21-Jan-2025
Conservation/Heritage Statement	23/01/2025 - 293-25-R1_- Planning & Heritage Statement	21-Jan-2025

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: 22/03/2025**