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Planning Development

Planning Statement

Erection of rear extension

48 Roberttown Lane, Liversedge, WF15 7LY

Site Description

The property is a part two-storey and part three-storey stone-built and rendered detached dwelling. There are gardens to the front and side and an area of hardstanding located at the rear. Access to the property is via a shared driveway from Roberttown Lane. The property is situated in a semi-rural location with the centre of Roberttown located 0.2 miles south-west of the property. There are two neighbouring residential dwellings situated directly to the rear of the applicant's dwelling with other residential dwellings scattered along Roberttown Lane. Open fields are located beyond the properties to the rear and beyond the southern side of Roberttown Lane.



48 Roberttown Lane – rear elevation

Planning History

2024/91431 – Certificate of lawfulness for proposed erection of three storey rear extension and single storey side extension – Granted but not implemented

2024/90285 – Erection of two-storey rear extension – Refused

Policy Designation

The property is located within the Green Belt in accordance with the Kirklees Local Plan Policies map.

The Proposals

This application seeks planning permission for the erection of a three-storey rear extension, part stone-built and part rendered to match the existing dwelling. The design would incorporate stone heads and cills, together with a new (reinstated) chimney and black metal stairs for the rear access. The roof would be tiled with stone slates to match the existing dwelling.

The extension would be 10m wide, 4.5m deep, 7.6m high to the eaves and 10m to the ridge. Internally, the extension would accommodate a void at the basement level; kitchen, utility and wet rooms at ground floor; and two bedrooms plus a walk-in wardrobe / ensuite for the existing Bedroom 1.

Assessment of the Proposals

Green Belt and the Principle of Development

Paragraph 154 in the NPPF states:

‘Development in the Green Belt is inappropriate unless one of the following exceptions applies:

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.’

Local Plan Policy LP57 also states:

‘Proposals for the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable provided that:

a. in the case of extensions the original building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building;

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.’

The property has not been extended previously.

However, in the event the LPA deem the extension to be a disproportionate addition, the recently granted Certificate of Proposed Lawful Development is considered to be a relevant material planning consideration as a *fallback position* in this case and constitutes ‘very special circumstances.’ Case law has determined that a fallback position no longer must be probable or have a high chance of occurring but must simply only be more than a merely theoretical prospect.

In the case of *R (on the application of Zurich Assurance Ltd T/A Threadneedle Property Investments) (Claimant) v North Lincolnshire Council (Defendant) & Simons Developments Ltd (Interested Party) [2012] EWHC 3708 (Admin)*¹, the Judge concluded in paragraph 75:

“However, I remain unpersuaded by Mr Tucker’s ground of challenge. The prospect of the fallback position does not have to be probable or even have a high chance of occurring; it has to be only more than a merely theoretical prospect. Where the possibility of the fall-back position happening is “very slight indeed”, or merely “an outside chance”, that is sufficient to make the position a material consideration (see *Samuel Smith Old Brewery (Tadcaster) v Secretary of State for Communities and Local Government [2009] EWCA Civ 333 at [20]-[21] per Sullivan LJ*). Weight is, then, a matter for the planning committee.”

The LPA has also approved other recent planning applications using a lawful development fallback position as a legitimate material planning consideration (very special circumstances in a Green Belt situation), for example: 2024/92293 – 24 Arkenley Lane, Almondbury, Huddersfield.²

Although the applicant would now prefer to extend the property in accordance with the current proposals outlined above as these would better suit his family’s needs, the fallback position would be implemented in the event planning permission is not granted in the current case.

However, in relation to openness and visual amenity of the Green Belt, it is considered that the proposed development would have a lower and more beneficial impact than the lawfully established fallback position for the following reasons:

- 1) The volume of the current proposals is 348 cu.m and is therefore marginally smaller than the volume of the PD extensions which measure 351 cu.m.
- 2) The current proposals comprise a single rear extension, whereas the PD fallback scheme comprised a two storey rear extension and single storey side extension, impacting more on Green Belt openness than the current proposals.
- 3) The siting of the proposed extensions is considered to be more sympathetic in nature than the fallback position. The current proposals would be relatively inconspicuous and not particularly prominent from Roberttown. The PD side extension by contrast would be sited in a more prominent location on the side of the dwelling.
- 4) The proposals incorporate a gable-style roof design to be in keeping with the existing and surrounding houses, incorporating stone slates to match the existing roof. This contrasts with the flat roofed design of the extensions approved under the fallback PD scheme, which would be considerably less in keeping with the host property and surrounding area.

¹ <http://www.bailii.org/ew/cases/EWHC/Admin/2012/3708.html>

² Other examples can be provided to the case officer if necessary.

- 5) The proposed scheme would also better safeguard the setting of the Grade II* listed building to the north of the site (see below for more detail).
- 6) In relation to Local Plan Policy LP57 d. the design of both extensions is considered to be acceptable and would respect the character and appearance of the host dwelling. The walling and roofing materials would match the existing house. The fenestration and architectural detailing proposed would also result in a high-quality finish that's in keeping with the existing house.

Given the above, the proposals are considered to represent 'very special circumstances' in the Green Belt and as discussed, it is considered that the development would also provide a materially lower impact on the openness and visual amenity of the Green Belt than the lawful fallback position, in addition to the other benefits outlined above.

The fallback proposals are therefore considered to be a material consideration of sufficient weight to clearly outweigh the harm to the Green Belt by reason of inappropriateness.³

Method of Controlling Development

Given the existence of the Lawful Development Certificate (ref: 2024/91431), it would be expected that should planning permission be granted in this case, Class A to E permitted development rights would be removed by condition.

Visual and Residential Amenity

Local Plan LP24 states:

'Proposals should promote good design by ensuring: c. 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 in the NPPF also sets out various design objectives, including the need to ensure that developments are visually attractive, sympathetic to local character, establish or maintain a strong sense of place and create places with a high standard of amenity for existing and future users.

The Kirklees House Extensions and Alterations Supplemental Planning Document (SPD) sets out a number of design principles. In addition to the specific guidance regarding rear extensions addressed later in this report, all the principles within the SPD are listed and addressed are as follows:

1. Local character and street scene – The extension would be in keeping with the appearance and design of the host dwelling in terms of matching materials, scale and proportions. It would respect local character as a result. In terms of the street scene, the extension would be relatively inconspicuous, being located entirely to the rear of the property and set-in from the gable end quite considerably on the north-eastern side.

2. Impact on the original house – The extension is considered to be in keeping with the original house in terms of materials, roof form and proportions. The extension will be set in from the north-eastern boundary and the ridge set down from the main ridge of the original house.

³ Paragraph 153 in the NPPF

3. Privacy - One habitable room window is proposed at first-floor level to serve Bedroom 4. This would be at a distance of 17.6m to no. 44 Roberttown Lane to the rear, and 18.7m to no. 46 to the rear.

This contrasts with the fallback position of the Class A permitted development rear extension at 3m depth, which also fell slightly short of the 21 m standard.

As such, it is not considered that the additional 1.5 m creates a material disadvantage to outweigh all the other benefits of the proposals. However, should the LPA disagree, the applicant would be content to accept a condition requiring this window to be obscurely glazed.

4. Habitable rooms and side windows - There are no additional relevant considerations to Point 3 above because there are no close neighbouring properties to the side of the applicant's dwelling.

5. Overshadowing/loss of light - As above, none.

6. Preventing overbearing impact – The extension would be positioned on the rear elevation only and as detailed above, there are no properties to the side that are close enough to experience any impacts. The 17.6 to 18.7m distance to numbers 44 and 46 to the rear would be sufficient for the extension not to create any overbearing issues.

7. Outdoor space – The proposals would not materially impact on the level of outdoor space currently enjoyed, and would take up less space than the fallback PD scheme.

8. – Energy efficiency – See Point 10 below.

9. – Construction materials - All materials would be sourced locally.

10. – Renewable energy – As the proposals represent extensions only, there are no plans to incorporate renewable or low carbon energy into the scheme, other than wall and roof insulation together with high-quality double glazing. This will greatly assist in lowering energy demand throughout the extension.

11. – Water retention – The plumbing installations will minimise water usage through the use of efficient water consumption fittings.

12. – Natural environment enhancement – None proposed but the applicant would be content to accept a condition re: bat / bird box provision if considered reasonable and necessary.

13. – Vegetation and tree planting – None proposed.

14. – Drainage and flood risk – The property / proposed extension would not be vulnerable to flood risk in this elevated location.

15. Parking – The scheme would not impact on existing parking provision, which is currently ample for the house as existing as extended.

16. Provision for waste storage - Waste storage provision would be unaffected by the proposals.

17. – Access for all users - the scheme would provide level access throughout from the existing floors within the house.

The Council's House Extensions and Alterations SPD sets out the relevant criteria upon which two-storey rear extensions will be considered. Whilst the proposals are for a partial three-storey rear extension, the development complies with the guidance in that:

- a) The extension is proportionate to the size of the original house and garden, particularly assessed against the fallback position of the permitted development extensions previously approved.
- b) The extension does not exceed 50% of the total area of land around the original house.
- c) The extension slightly exceeds the 4m guidance in relation to detached properties (by 0.5 m), however given there are no properties to either side of this dwelling, the additional depth does not create conflicts relating to overshadowing etc, as it might if the house was adjacent to closely spaced other properties to each side. In addition, when balanced against the negative aspects described above of the permitted development extensions approved under Class A, the benefits of this current scheme are considered out weigh the disbenefits.
- d) The extension is not within 1.5 m of the boundary and therefore the 3 m eaves height criteria is not applicable.
- e) The extension significantly exceeds the recommended 1.5 m to the property boundary.
- f) The extension would not adversely affect habitable room windows "where they join a neighbours boundary" because the extension does not adjoin neighbouring properties to either side.

The proposals are therefore considered to be acceptable with regard to visual and residential amenity and complies with Local Plan Policy LP24, Paragraph 135 in the NPPF and the vast majority of the relevant key design principles in the SPD.

Heritage Impact

Local Plan Policy LP35 states:

'Development proposals affecting a designated heritage asset (or an archaeological site of national importance) should preserve or enhance the significance of the asset.'

The Old Hall Farmhouse which is a Grade II* listed building is situated to the north-east of the property.

The NPPF glossary defines the setting of a heritage asset as:

'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset, and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'

Main views of the grade II* listed building can currently only really be appreciated and experienced from within the grounds due to the expanse of trees bordering the site. The building is not visible from the applicant's property. The two buildings are also 48 metres apart. The proposed three-storey rear extension would not therefore alter the current views of the listed building.

The siting of the extension would not bring the applicant's property any closer to the listed building either, and the design, scale and materials of the proposed extension would be in keeping with the host property. It is therefore considered that the setting of the listed building would not be affected by the proposals.

Paragraph 212 in the NPPF states:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

In this instance, given the nature and siting of the development, it is considered that the proposals would not cause any harm to the significance of the heritage asset. The proposed development is therefore considered to be acceptable and accords with Local Plan Policy LP35 and the aims of Chapter 16 in the NPPF.

Summary

The LPA is requested to assess this extension both in the light of the established fallback position of the Class A permitted development extensions approved in 2024, and established planning policy and guidance with regard to house extensions.

In this case, it is considered that the material planning benefits of the proposals outweigh any minor disbenefits, and in particular, it would be possible to impose a condition requiring the sole habitable room window to be obscurely glazed if need be.

It is therefore respectfully requested the planning permission is granted in this case.

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