
Report of the Head of Development Management

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 19-Jan-2017

Subject: Planning Application 2016/93142 Erection of single storey rear extension (Listed Building) 994, New Hey Road, Outlane, Huddersfield, HD3 3FJ

APPLICANT

C Mitton

DATE VALID

26-Sep-2016

TARGET DATE

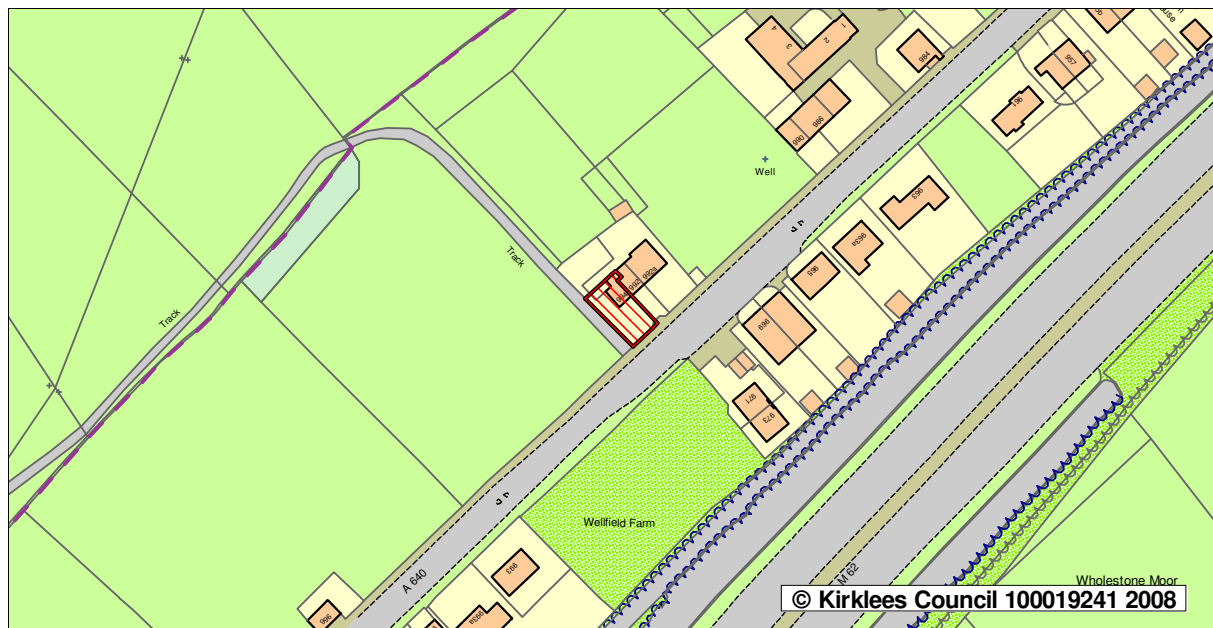
21-Nov-2016

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Colne Valley

No

Ward Members consulted

RECOMMENDATION: Refuse

The dwelling has already been substantially extended and the proposed extension would in this context amount to a disproportionate addition to the original building, failing to retain the original dwelling as the dominant element and would be harmful to the openness of the Green Belt. This would constitute inappropriate development in the Green Belt which is harmful to the Green Belt by definition. No very special circumstances have been demonstrated that clearly outweigh the harm to the Green Belt by reason of inappropriateness or other harm. The extension would therefore fail to comply with Policy D11 of the Kirklees Unitary Development Plan and Chapter 9 of the National Planning Policy Framework – Protecting Green Belt land.

1.0 INTRODUCTION:

- 1.1 The application is brought before Sub-Committee at the request of Cllr Nicola Turner for the following reason.

“I will be requesting a committee decision should you be minded to refuse as I do not see that this application has a detrimental effect on the green belt, nor an impact on the listed building. The site is not overlooked and the next door neighbour has an extension to the rear. I cannot really see why this property should not have an extension to the rear, which will help accommodate this family.”

- 1.2 The Chair of Sub-Committee has confirmed that the reason Cllr Turner has put forward is valid having regard to the council’s protocol for planning committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 994 New Hey Road is the end property in a row of three joined buildings which were originally a single farmhouse and barn but now comprise 3 separate dwellings of which 994 is at the western end. It is mostly 2-storey, with a single-storey lean-to structure at the rear, and has a two-storey side extension. There is a shared yard area at the front used for vehicular access and parking for nos. 994, 992 and 992a. The dwelling is located on the north side of the highway.
- 2.2 There is a garden to the rear but this does not form part of the application site. There is a narrow paved yard at the rear with some land behind this informally used as amenity space although outside the recognised curtilage.
- 2.3 The surroundings of the property are semi-rural with sporadic residential development along New Hey Road and undeveloped open land behind.

3.0 PROPOSAL:

- 3.1 The proposal is the erection of a single-storey rear extension. The extension would be total of 6.5m wide and would project 3.4m from the main rear wall of the dwelling. It would extend across almost the full width of both the original rear elevation and the side extension, set in 400mm from the west side wall. It would have a lean-to roof and would join up with an old lean-to extension which outwardly appears to be part of the adjoining property, no. 992, but in fact is part of 994. Maximum height to roof junction is to be 3.25m. It is proposed that the walling and roofing materials are to match the original building but with more extensive use of glazing.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2006/90231 – Listed building consent for erection of 2-storey and single-storey extensions. Refused.

2006/91609, 91610 – Planning permission and Listed Building Consent for erection of 2-storey extension (listed building). Approved and implemented

2014/91360, 91361 – Planning permission and Listed Building Consent for erection of single-storey extension. Listed Building Consent granted, planning permission refused and appeal dismissed (on green belt issues).

2016/93143 – Listed Building Consent for erection of single-storey extension. Awaiting determination.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 No negotiations were entered into as it was considered that the proposal could not be amended in such a way as to overcome the objections on Green Belt policy grounds.

6.0 PLANNING POLICY:

6.1 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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007).

6.2 The Council's Local Plan was published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (adopted 1999) remains the statutory Development Plan for Kirklees.

6.3 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- **D11** – Extensions within the Green Belt.
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)

6.4 National Planning policy Framework:

- Section 7 – Requiring good design
- Section 9 – Protecting Green Belt land
- Section 12 – Conserving and enhancing the historic environment.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Ward Councillor Nicola Turner's comments on the application have been set out in section 1 of this Report.

7.2 The application was publicised by site notice, neighbour notification letter and press notice. No representations have been made by members of the public or other third parties.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C. Planning (Conservation & Design) – no objections raised, written response to 2014 application for listed building consent verbally reconfirmed

8.2 **Non-statutory:**

None

9.0 **MAIN ISSUES**

- Principle of development
- Green Belt issues
- Urban design issues
- Residential amenity
- Representations
- Other matters

10.0 **APPRAISAL**

Principle of development

- 10.1 The site is within the Green Belt on the Kirklees UDP Proposals Map. As such the proposal will be assessed having regard to NPPF part (9) which advises that planning authorities should ensure that “very substantial weight” is given to any harm to the Green Belt and that inappropriate development should not be approved unless very special circumstances can be demonstrated to clearly outweigh the harm by reason of inappropriateness or any other harm. Under NPPF policy, extensions to buildings may be appropriate if they are not disproportionate.
- 10.2 Policy D11 of the UDP advises that extensions will be considered having regard to their impact on the openness of the Green Belt, the scale relative to the original building which should remain the dominant element, and the impact on the character of traditional buildings.
- 10.3 When making decisions on planning applications for development that would affect a Listed Building or its setting, there is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the building and its setting, and any features of interest it possesses. In this context preservation means not harming the interests of the building as opposed to keeping it unchanged. Furthermore Chapter 12 of the NPPF states that in determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. If harm would result this should not be allowed without a proportionate justification.
- 10.4 Other UDP Policies of relevance include BE1 and BE2 (development should be visually attractive and contribute to a sense of local identity), BE13 (extensions should respect the design features of the existing building), BE14 (extensions should not have an adverse impact on adjacent properties or land), and T10 (development should not create or materially add to highway safety problems).

Green Belt issues

- 10.5 The dwelling has already had a two-storey extension added (2006/91609) which is quite large compared to the original dwelling. Its volume amounts to approximately 43% of that of the original dwelling.
- 10.6 The previous application 2014/91360 was refused on the grounds that it would, cumulatively, amount to a disproportionate addition to the original building and would adversely affect the openness of the Green Belt, and would therefore be inappropriate under the NPPF part (9) and Policy D11. When taken to appeal the Inspector concurred with this reason for refusal and the appeal was dismissed.
- 10.7 It is noted that the wording in the paragraph 89 of the NPPF refers to the original “building” not the original “dwelling”. The agent at the time put forward the case that the entire group of 3 dwellings should be treated as one building for the purpose of applying Green Belt policy as the three dwellings would originally have been occupied and used as a single unit, and that in relation to the 3 dwelling, the extension would not amount to a disproportionate addition.
- 10.8 However each dwelling is a separate “planning unit” for the purposes of applying Green Belt policy even if they were built at the same time. There is now no connection between no. 994 as an individual planning unit and the other dwellings now formed at 992 and 992a New Hey Road. So the dwelling at no. 994 should be treated as the “original building” regardless of its earlier history.
- 10.9 This approach was affirmed by the Appeal Inspector in the decision letter for application 2014/91360. The Inspector took the view that the “building” should be taken to mean that which is the subject of the planning application. The Inspector, taking this approach, concluded that the extension would be disproportionate and would constitute inappropriate development, by definition harmful to the Green Belt and that although the harm would be modest this would not be outweighed by other considerations.
- 10.10 The extension has only been slightly altered, having been reduced in width by 400mm. It is considered that with this minor reduction it would still constitute inappropriate development by reason of its being, cumulatively, a disproportionate addition over and above the original building, which is by definition harmful to the Green Belt. A further consideration is whether the original building would remain the dominant feature on the site. This extension is single storey and set back along the rear elevation but when assessed with the previous additions would emphasise the increased scale and mass of the whole development. This would be in contrast to the simple linear character of the original building. The ensuing result is that the extensions would dominate the original building which is considered contrary to Policy D11 of the UDP.

- 10.11 The general design of the extension and materials of construction would harmonise with the principal dwelling in accordance with Policies BE1 BE2 and BE13 of the UDP. However, this does not weigh in favour of the proposal but rather has a neutral effect on the overall balance when taking Green Belt issues into account.
- 10.12 NPPF paragraph 79 says that 'the essential characteristics of Green Belts are their openness and their permanence'. This area contains sporadic residential development set in a semi-rural landscape. To the rear and side of this property there are open fields. While the extension would be seen in the context of the host dwelling and other properties in the short terraced it would be built upon land that is currently open. Consequently, the extension would result in a reduction in openness here. It is noted this harm would be modest in relation to a loss of openness.
- 10.13 Consideration needs to be given to whether there are any 'very special circumstances' to clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm. A statement written in support of the application has set out information in support of the design and also states that 'the extension will be greatly beneficial to my clients and will allow them to remain in the house, and meet the needs of a growing young family'. This has been taken into account but the personal benefit to the applicants is not considered to constitute such very special circumstances that clearly outweighs the harm to the Green Belt by reason of inappropriateness and other harm.
- 10.14 The proposed development is considered to be both disproportionate and dominant to the original building. The development is contrary to Chapter 9 of the NPPF and Policy D11 of the UDP. Therefore the proposal represents inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. For this reason the development would be contrary to Policy D11 of the UDP and guidance in Chapter 9 of the NPPF.

Urban Design issues

- 10.15 The proposed extension is of simple design and would use traditional materials, and despite the inclusion of substantial full-height glazing, which is not a traditional feature, it is considered that it would respect the appearance and character of the existing building and would comply with the aims of Policies BE1-2 and BE13.
- 10.16 It is considered that the extension would also comply with the duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and with guidance in part 12 of the NPPF, in that it would preserve this Grade II listed building and its setting, and would not result in the loss of any features of interest. The reasons for this are as follows. The host building is a former long barn which has been significantly altered and extended over the years. This part of the building has a two-storey side extension that whilst attempting to tie in does reduce its significance. The proposed extension

would tie in the rear elevation of the original building with the aforementioned extension. It would follow the projection and height of a single storey 'off shot' filling in the gap. The significance of the building is not harmed by this proposal due to the amount of alterations that have been carried out.

Residential Amenity

- 10.17 The extension would exceed the recommended projection of 3.0m for a rear extension set out in Policy BE14 but it would not project any further than the existing extension, and would not be particularly close to any neighbouring boundaries. It is considered that the extension would not adversely affect the amenities of any neighbouring residential property and would accord with the aims of BE14.

Representations

- 10.18 Councillor Nicola Turner's comments relating to Green Belt and Listed Building issues have been addressed in the main part of the assessment but are highlighted here together with other issues raised.
- 10.19 I do not see that this application has a detrimental effect on the Green Belt,
Response: This issue has been thoroughly examined in the assessment and taking into account the appeal decision related to a broadly similar application in 2014. It is considered that if the development would be harmful to the Green Belt
- 10.20 (I do not see that this application has a detrimental effect) nor an impact on the listed building.
Response: It is accepted that the development would not cause harm to the significance of the Listed Building.
- 10.21 The site is not overlooked and the next door neighbour has an extension to the rear.
Response: It is accepted that the development would not cause any harm to residential amenity.
- 10.23 I cannot really see why this property should not have an extension to the rear, which will help accommodate this family.
Response: The creation of additional living accommodation would be of benefit to the current occupants but any wider benefits would be very limited and could not be classed as "very special circumstances" that clearly overcome the presumption against inappropriate development in the Green Belt.

Other Matters

- 10.24 The proposal is not considered to raise any further issues of planning significance.

11.0 CONCLUSION

- 11.1 The proposed extension would, for the reasons set out in the Assessment, constitute inappropriate development by reason of its being, cumulatively, a disproportionate addition over and above the original building. Inappropriate development is by definition harmful to the Green Belt and although the harm would be modest this would not be clearly outweighed by other considerations. Inappropriate development should not be allowed except in the event of “very special circumstances” and such very special circumstances have not been demonstrated here to clearly outweigh the harm cause. It is therefore recommended for refusal.

Background Papers:

Application and history files.

2016/93142

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f93142>

2014/91360 (including appeal decision)

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2014%2f91360>

Certificate of Ownership –Certificate A signed.