
Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Jul-2017

Subject: Planning Application 2016/93249 Erection of garden store, decking, sauna and single storey extension 55, Church Lane, South Crosland, Huddersfield, HD4 7DD

APPLICANT

M Downey

DATE VALID

25-Oct-2016

TARGET DATE

20-Dec-2016

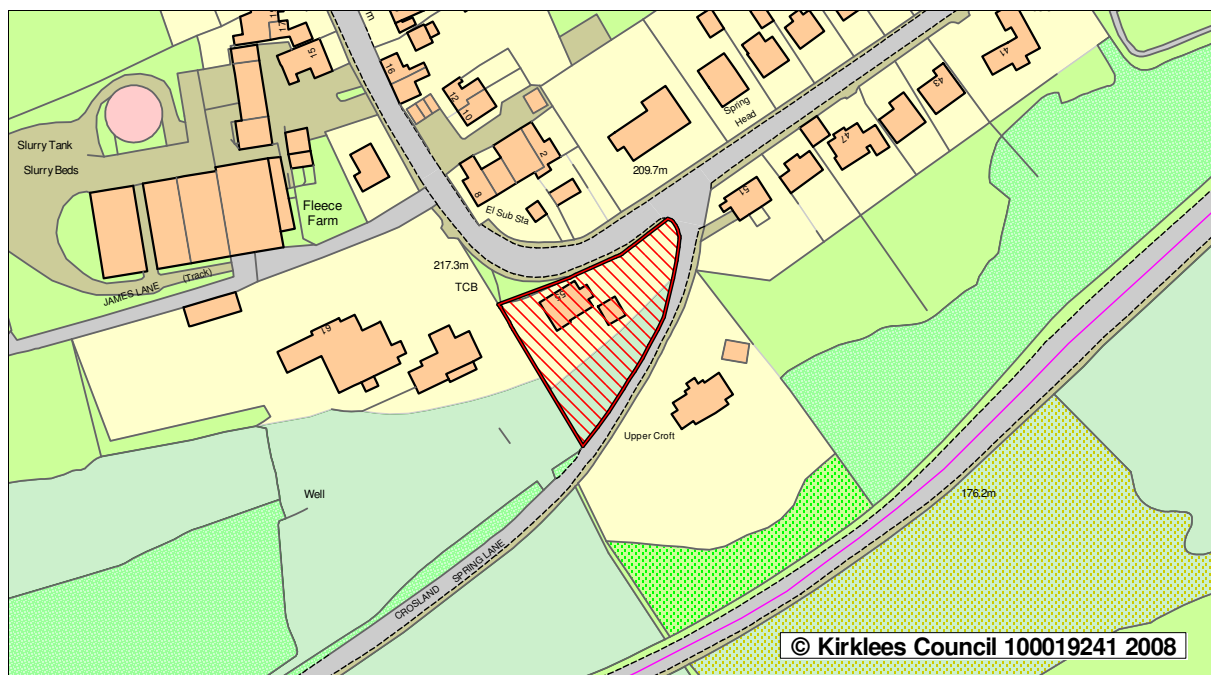
EXTENSION EXPIRY DATE

05-May-2017

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: Crosland Moor and Netherton

No

Ward Members consulted

RECOMMENDATION

REFUSE

The application site is located within the designated Green Belt whereby, as set out in the National Planning Framework (NPPF), new development is restricted. The proposed development is considered to constitute disproportionate additions to the original building, therefore failing to comply with the exceptions of Paragraph 89. No very special circumstances exist which clearly outweigh the harm that would result to the Green Belt by reason of inappropriateness and the harm to the openness and character of the Green Belt. It is therefore concluded that the proposal would conflict with Policy D11 of Kirklees Unitary Development Plan, policy PLP57 of the Publication Draft Local Plan and Chapter 9 of the National Planning Policy Framework.

1.0 INTRODUCTION

1.1 This application is brought to Sub-Committee at the request of Cllr Erin Hill for the following reason:

'I believe that the impact of the uncovered stilts on the area would in fact be more detrimental than their current state, and that the proposed additions are not out of keeping with other developments on the same street. There are other houses currently being built in close proximity to number 55 and it is not my view that the proposed additions to 55 Church Lane are more significant than these other developments which have been allowed to go ahead.'

1.2 Cllr Hill requested that members undertake a site visit.

1.3 The Chair of Sub-Committee has confirmed that Cllr Hill's reason for making this request is valid having regard to the Councillors' Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS

- 2.1 No.55 is a large three storey detached property of modern design faced in stone with elements of timber boarding. It is split levelled and includes balconies and large glazed openings. The dwellinghouse benefits from a sizable amenity areas to the east, south and west, however large amounts of the garden are steeply sloping. The area's topography slopes downwards from north to south, with the dwellinghouse being below the level of Church Lane, to the north, but at a much higher ground level than Crosland Spring Road to the south. Most of the banking is wooded, although the trees are not protected by TPO.
- 2.2 The dwellinghouse has no close neighbours. To the west is a partly constructed dwelling. The site is within Green Belt and lies adjacent to, but not within, the South Crosland Conservation Area.

3.0 PROPOSAL

- 3.1 The proposal includes various structures within the curtilage of the dwelling and an extension to the dwelling itself. This comprises the installation of decking, erection of an outbuilding (sauna), erection of a rear extension and alterations to an existing raised platform to form a garden store.
- 3.2 The decking is to cover an area of 36sqm. Built adjacent to the edge of the site's steep banking, it is to have a maximum height of 1.2m. There is to be a steel balustrade, 1.0m in height.
- 3.3 The outbuilding, to be a garden sauna, is located on the decking. It has a footprint of 2.4m x 4.0m with a height of 2.2m, atop the decking. It is to be timber constructed.
- 3.4 The rear extension is to form an enclosed veranda. It would project 3.4m and be 7.2m wide. The roof is to be a lean-to, with an eaves and ridge height of 1.9m and 2.5m respectively. The walls are to be glazed, within a grey aluminium frame with poly-carbonate sheeting on the roof.
- 3.5 Alterations to the existing raised platform include the supporting piers being infilled to form a garden store. The walls are dark grey hung tiles. Openings include a door and window on the east elevation. Associated works include the erection of a stairs to access the lower level.
- 3.6 The decking and alterations to the existing raised platform have been implemented. The erection of the outbuilding and extension has not commenced.

4.0 RELEVANT PLANNING HISTORY

4.1 55 Church Lane

2000/92884: Erection of extensions – Conditional Full Permission (Implemented)

2006/94813: Erection of detached garage – Conditional Full Permission (Implemented)

2015/91439: Erection of timber summer house on raised deck – Conditional Full Permission (Implemented)

2016/90219: Discharge of condition 2 (boundary) on previous permission no. 2015/91439 for erection of timber summer house on raised deck – Discharge of condition approved

4.2 Four Winds (adjacent site to the west).

2001/91634: Demolition of existing house and erection of new dwelling with garages – Conditional Full Permission

2006/90857: Renewal of unimplemented permission for demolition of house and erection of new dwelling with garages (part within a Conservation Area) – Conditional Full Permission

2008/90165: Demolition and re-modelling existing dwelling with extensions to provide new dwelling (within a Conservation Area) – Conditional Full Permission

5.0 HISTORY OF NEGOTIATIONS

5.1 Informal pre-application discussions were held between the case officer and the agent. The case officer expressed concerns over the proposed extension and formation of a garden room under the raised platform. This was due to the cumulative impact of development upon the Green Belt.

5.2 It transpired that part of the development has been completed on site at this time. Therefore the case officer advised that an application be submitted to regularise the situation.

5.3 Upon receipt of the application, and subsequent assessment of the formal plans, which also included the decking and the outbuilding, the case officer concluded that the proposal represented inappropriate development within the Green Belt. The agent was made aware of this and requested time to submit 'very special circumstances' and seek support from local ward members. The application is brought to committee at the request of a ward councillor and the supporting statement submitted by the agent is assessed in the appraisal below.

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). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined 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. At this stage Officers consider considerable weight can be afforded to the Publication Draft Local Plan. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

6.2 The site is Green Belt on the UDP Proposals Map.

6.3 The site is designated Green Belt on the PDLP Proposals Map and the southwestern corner of the site is designated woodland as a wildlife habitat network.

6.4 Kirklees Unitary Development Plan (UDP) Saved Policies 2007

- **D11** – Extensions to buildings in the Green Belt
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE13** – Extensions to dwellings (design principles)
- **T10** – Highways accessibility considerations in new development

6.5 Kirklees Publication Draft Local Plan: Submitted for examination April 2017

- **PLP1** – Presumption in favour of sustainable development
- **PLP2** – Place shaping
- **PLP21** – Highways and access
- **PLP24** – Design
- **PLP57** – The extension, alteration or replacement of existing buildings (in the green belt)

6.6 National Planning Guidance:

- **Paragraph 17** – Core planning principles
- **Chapter 7** – Requiring good design
- **Chapter 9** – Protecting Green Belt land
- **Chapter 12** – Preserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE

7.1 One representation was received to the proposed development. The following is a summary of the comments made;

- No objection to the principle of the development, subject to ensuring the proposal not resulting in a loss of privacy. However it is considered that the condition imposed via application 2015/62/91439/W is sufficient. The representation concludes by stating 'I support the applicant's right to improve their property'.

8.0 CONSULTATION RESPONSES

8.1 No consultations were required.

9.0 MAIN ISSUES

- Principle of development
- Impact on Residential Amenity
- Impact on Highway Safety
- Other matters
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the categories set out in paragraph 89 or 90 of the NPPF.
- 10.2 Extensions and alterations to existing buildings can be considered acceptable within the Green Belt under Policy D11 of the UDP, Policy PLP57 of the PDLP and Paragraph 89 of the NPPF, subject to the extension not being disproportionate in size to the original building or dominant in appearance.
- 10.3 When considering whether detached structures constitute an 'extension and alteration to existing buildings', consideration must be given as to whether they are domestically adjunct to the host building. If not, they are to be considered as new buildings in their own right. Paragraph 89 of the NPPF confirms that new buildings are inappropriate in the Green Belt.
- 10.4 The proposed structures are located within the host building's curtilage, close to the principal building. Furthermore their nature and usage is considered intrinsically linked to the host domestic building. Therefore it is considered that the proposed works can be considered as extensions and alterations to the existing building for the purposes of Green Belt policy.

However consideration must be given as to whether they are disproportionate in size to the original building or dominant in appearance. This includes consideration of the cumulative impact of the proposed development and previous extensions to the original building.

Whether the proposal is inappropriate development in the Green Belt

- 10.5 No.55 Church Lane benefits from numerous extensions to the original building. This includes a two storey side extension, two storey and first floor front extensions, porch, retaining structure to form basement level with balcony, detached garage, detached summerhouse and raised viewing platform.
- 10.6 The proposal seeks to further enlarge the building, including a rear extension, detached outbuilding and alteration of the viewing platform to form an outbuilding. Considering the site's existing extensions cumulatively with those proposed, it is concluded that the proposal would represent disproportionate additions to the original building. There are no alterations to the scheme that would overcome this, given the extent of development which has already taken place on the site.
- 10.7 It is concluded that the proposal fails to comply with Paragraph 89 of the NPPF, D11 of the UDP and PLP57 of the PDLP. Therefore, in accordance with paragraph 89, the proposal is deemed to constitute inappropriate development within the Green Belt.

Whether there would be any other harm to the Green Belt, including visual amenity

- 10.8 The NPPF outlines that inappropriate development is, by definition, harmful to the Green Belt. However consideration must be given as to whether the proposal causes additional harm to the Green Belt. This includes the proposal's impact upon the openness of the Green Belt and surrounding area. NPPF Paragraph 87 states that any harm to the Green Belt must be considered to be substantial.
- 10.9 Paragraph 79 of the NPPF says that 'the essential characteristics of Green Belts are their openness and their permanence'. Openness is defined by an absence of buildings or other forms of development. It is noted that, due to the site's vegetated boundary, views into and from the site are limited. Therefore the proposed development would not be prominently visible from external views and vistas within the Green Belt. Nonetheless openness of aspect is a characteristic quality of the Green Belt. Officers considered that a lack of visual prominence does not mitigate a loss of openness. In this instance the increased extent of built development would cause significant harm to the Green Belt through the resulting loss of openness.

10.10 General design is also a consideration. The proposed veranda, outbuilding and decking are considered to be a suitable scale from a design perspectives and have an appearance harmonious to the host building. 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.

10.11 Regarding the garden store, formed through alterations to the existing raised platform, the design is not considered to be in keeping with the host building. When viewed from the front and sides the structure takes on the form of a two storey outbuilding. Furthermore the materials of construction and design do not reflect that of the host building. Therefore the proposal would not comply with the requirements of BE1, BE2 and BE13 of the UDP, PLP24 of the DPLP and Chapter 7 of the NPPF.

Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development

10.12 In accordance with NPPF Paragraphs 87 and 88 consideration needs to be given to whether there are any 'very special circumstances' associated with the proposal which clearly outweigh the identified harm to the Green Belt by reason of inappropriateness and any other harm. The following very special circumstances have been provided;

- *The garden room sits in an existing void underneath the footprint of the existing summer house. The structure is 'infilling' an existing space with no additional floor space being created and is totally screened from public view.*

Response: The raised platform and summer house were approved via application 2015/91439. While concerns were held over the proposal's impact on openness, given the lightweight appearance of the platform it was concluded, on balance, that the proposal was acceptable.

In-filling the void results in the structure having a significantly greater massing and prominence. The impact of this is as assessed within sections 10.9 and 10.11.

- *The proposed garden room decking, garden sauna and enclosed veranda will not impact on the openness of the green belt and sit below the horizon/sky line as does no 55 church lane.*

Response: The proposal's impact upon openness has been assessed within section 10.8 and 10.9. Due to the site's raising land levels, and the scale of the host building, it is acknowledged that the development would sit below the horizon/skyline. Nonetheless this does not negate the prominence and presence of the structures, and their impact on openness.

- *The small alterations proposed within the existing domestic curtilage of his site are minor compared to the scale and impact the adjoining ongoing development of no 61 Church Lane has had on his amenity space and surrounding area; and that the precedent set by the adjacent development should be viewed as a material consideration*

Response: These comments are noted. Nonetheless each application must be assessed on its own merits.

- 10.13 Considering the above it is concluded that 'very special circumstances' do not exist. The information provided does not, either individually or cumulatively, clearly outweigh the identified harm to the Green Belt.

Conclusion

- 10.14 The proposal would be inappropriate development in the Green Belt, causing harm to the Green Belt's openness and permanence. As per the NPPF substantial weight is given to harm to the Green Belt. It is considered that there are no very special circumstances which clearly outweigh the harm to the Green Belt. The proposal is in breach of Policy D11 of the UDP, PLP57 of the PDLP and Chapter 9 of the NPPF, and the principle of development is considered unacceptable.

Impact on the adjacent South Crosland Conservation Area

- 10.15 The site is located adjacent to the South Crosland Conservation Area. Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 introduces a general duty in respect of conservation areas. Special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Additionally NPPF Chapter 12 outlines the principle of development and restrictions for development in and around Conservation Areas.
- 10.16 Notwithstanding the above the site is considered disconnected from the Conservation Area. Due to the area's topography no.55's garden is notably lower than the main street through South Crosland, Midway. The proposed development is not considered harmful to the heritage value of the adjacent conservation area. Therefore the proposal is considered to comply with Chapter 12 of the NPPF.

Impact on Residential Amenity

- 10.17 No.55 is well spaced from the neighbouring dwellinghouses. None of the proposed works would be close enough to third party dwellings to result in materially harmful overlooking or overbearing. This includes the outbuilding, which is built along the shared boundary with the adjacent dwelling under construction; while along the shared boundary it is away from the dwellinghouse and location so as not to cause a detrimental impact.

- 10.18 In regards to overlooking the veranda extension is not within a location that would allow overlooking. The garden store and sauna outbuilding do not have windows facing neighbouring properties or land. The decking faces towards land of no.1 Crosland Spring Road. However this is at a distance of 30.0m, with the site's vegetated boundary and road in between. Furthermore the view is of a driveway and side garden, as opposed to the dwelling itself or the principal rear garden area. It is concluded that the proposal would not cause an undue loss of privacy for no.1's occupiers.
- 10.19 The proposal is not considered harmful to the amenity of nearby residents and is deemed to comply with paragraph 17 of the NPPF.

Impact on Highway Safety

- 10.20 The proposal is not considered to impact upon the safe and efficient operation of the Highway and is therefore deemed to comply with Policy T10 of the UDP.

Other matters

- 10.21 There are no other material planning considerations for the proposal.

Representations

- 10.22 One representation was received. Subject to the proposal not resulting in a loss of privacy, the representation was in support of the proposal. As has been assessed, it is not considered that the proposal would result in harmful overlooking. Comments in support are noted.

11.0 CONCLUSION

- 11.1 The proposed development is considered to represent inappropriate development in the Green Belt which would be harmful to the openness and character of the Green Belt.
- 11.2 The justification submitted by the applicant has been assessed. However this is not considered to demonstrate very special circumstances that clearly outweigh the harm to the Green Belt by reason of inappropriateness and other harm.
- 11.3 Policy PLP1 of the PDLP and the NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute what sustainable development means in practice.

11.4 The application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals do not accord with the development plan and that there are specific policies in the UDP, PDLP and NPPF which indicate the development should be restricted.

Background Papers

Application web page: <http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f93249>

Certificate of Ownership – Certificate A signed

