
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 17-Nov-2020

Subject: Planning Application 2020/92206 Demolition of existing garden room and erection of detached building with covered deck area (Listed Building) The Mansion Storthes Hall, Storthes Hall Lane, Kirkburton, Huddersfield, HD8 0PR

APPLICANT

Ms Edwards

DATE VALID

16-Jul-2020

TARGET DATE

10-Sep-2020

EXTENSION EXPIRY DATE

19-Nov-2020

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: Kirkburton

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1 The application has been brought to Planning Committee due to the size of the site being over 0.5ha.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site relates to a large, detached Grade II Listed residential property known as The Mansion. The building is a substantial two storeys with attic space. It is constructed in ashlar stone with a hipped slate roof.
- 2.2 The property is located at the end of a long private gated road accessed from Storthes Hall Lane. It is set within extensive grounds, which include maintained lawned gardens and a formal kitchen garden. These extend up to areas of woodland adjoining the curtilage. The land around the house slopes up from Storthes Hall Lane so that the property is visible from surrounding public areas, typically glimpsed through trees that border the road.
- 2.3 The site is allocated as Green Belt on the Kirklees Local Plan. It is not located within a Conservation Area.

3.0 PROPOSAL:

- 3.1 Planning permission is sought for the demolition of an existing brick built garden room and the erection of a detached summerhouse building.

- 3.2 The proposed building would have the following dimensions:

Height – 3.1m (2.9m to eaves)

Width – 8.7m

Depth – 4.6m for the main space with an additional 5.3m of decking.

- 3.3 The main space would have a floor area of approximately 32.3m². The area of decking in front of this main space would extend to approximately 35.7m² of which 23.7m³ would be covered and 12m² would be external. It would be used for purposes ancillary to the enjoyment of the main dwelling.

- 3.4 The summerhouse would be constructed from cedar cladding for the external walls and a grey roof membrane. Sliding patio doors would be installed within the front south facing elevation with further windows in the rear and side (west) elevation.

- 3.5 The access arrangements would remain as existing.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2016/94215 – Erection of raised tree house and decking (within the curtilage of a listed building) REFUSED (appeal dismissed)

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 In the course of the application, the case officer negotiated with the agent in respect of the size of the proposed building and the decking, given the site's location within the Green Belt. This resulted in the submission of amended plans to overcome Officers' initial concerns relating to its size to ensure compliance with Green Belt policy, as set out in the report 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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Kirklees Local Plan (2019):

- 6.2 LP21 – Highway safety
LP22 – Parking Provision
LP24- Design
LP30 – Biodiversity
LP33 - Trees
LP35 – Historic environment
LP51 – Local air quality
LP57 – Extension, alteration, or replacement of buildings in the Green Belt

Supplementary Planning Guidance / Documents:

- 6.3 None

National Planning Guidance:

- 6.4 Chapter 2 – Achieving sustainable development
Chapter 12 – Achieving well designed places
Chapter 13 – Protecting Green Belt land
Chapter 14 – Meeting the challenge of climate change, coastal change and flooding
Chapter 15 – Conserving and enhancing the natural environment
Chapter 16 – Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 Kirkburton Parish Council has commented on the planning application as follows: "no comment"
- 7.2 Ward Councillors John Taylor and Richard Smith are supportive of the planning application.

8.0 CONSULTATION RESPONSES:

- 8.1 **Statutory:**

None

8.2 **Non-statutory:**

Highways Development Management – no objection

K.C Environmental Health – no objection

K.C Trees – no objection

K.C Ecology – no objection subject to condition re lighting

K.C Conservation and Design – no objection

9.0 **MAIN ISSUES**

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues
- Drainage issues
- Planning obligations
- Representations
- Other matters

10.0 **APPRAISAL**

Principle of development

- 10.1 The application site is located in the Green Belt on the Kirklees Local Plan. Paragraph 145 of the NPPF advises that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt unless specific exceptions apply. These are set out at Paragraphs 145 and 146 of the NPPF and Paragraph 145(d) of the NPPF clarifies that exceptions to this include the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces.
- 10.2 Policy LP57 of the Kirklees Local Plan also relates to the replacement of existing buildings, reinforcing the above criteria at LP57(b), as well as stating that the proposed development must not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings (c). It also states at LP57(d) that 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.
- 10.3 In this case, the existing brick outbuilding is used for purposes ancillary to the enjoyment of the main dwelling house. The proposed summerhouse would also be used for this purpose, meaning that the proposed development is considered to be in the same use. It therefore complies with that element of criteria (d) of Paragraph 145 of the NPPF and LP57(b).
- 10.4 With regard to its size, the agent has provided a plan which shows the proposed building's footprint in relation to that of the existing structure. The proposed building would have a slightly larger footprint than the existing building.

However, in terms of the volume, the agent has provided calculations to demonstrate that the existing volume is 89.6m³. The proposed building volume would be slightly less at 86.2m³.

- 10.5 It is acknowledged that the proposed structure does include decking, which would project from the summerhouse and be partially covered. However, there is already an area of hardstanding in front of the existing building that broadly corresponds to the area of decking that is proposed under the canopy. The small area of additional external decking is not considered to result in a greater impact on the openness than the existing building that would warrant refusing the planning application. This additional decking does not contribute to the additional bulk and massing of the proposal. Furthermore, the summerhouse would be located within the domestic grounds of the house rather than within open land and be screened, to a degree, by the trees around the site. For these reasons, Officers consider that the harm to the openness of the Green Belt is not significant over and above the existing situation.
- 10.6 Taking all these factors into account, the principle of development is determined to be acceptable subject to an assessment of material planning considerations, as listed within the report below.

Visual amenity

- 10.7 Chapter 12 of the NPPF states that “the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”. Policy LP24 of the Kirklees Local Plan reiterates this, and aspires for all developments to promote good design.
- 10.8 The proposed structure would replace the existing building on site. Furthermore, the amendments sought in the course of the planning application to reduce the built form compared to the existing structure are sufficient to overcome the initial concerns regarding the scale of the building.
- 10.9 The materials that are proposed are acceptable given the positioning of the building within the garden of the main house. It would not be seen from Storthes Hall Lane and the materials, being timber cladding, would be of a natural appearance, which would be acceptable in this rural context. The character of the site would not be altered given that this is a replacement building. Furthermore, the outbuilding does not compete for dominance with the main house.
- 10.10 For the above reasons, Officers are of the opinion that the proposed development would comply with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

Residential Amenity

- 10.11 The impact on residential amenity is acceptable. No objections have been received. There are no neighbouring properties that would be affected, either in terms of overlooking or overbearing.

- 10.12 Regarding the use of the summerhouse, this would be the same as the existing building, for purposes ancillary to the enjoyment of the main dwelling, and therefore, there would be no additional noise or disturbance as a result of the development. Consequently, there would be no harmful impact in relation to amenity.
- 10.13 The proposed development would therefore comply with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

Highway issues

- 10.14 The impact on highway safety is acceptable. The building would be used for purposes ancillary to the enjoyment of the main dwelling and it would not result in additional trips to the site. The building would be accessed using existing arrangements for the main house. Considering the above, there would be no highway safety issues or parking provision issues.
- 10.15 Officers are satisfied that the proposed development complies with Policies LP21 and LP22 of the KLP and Chapter 9 of the National Planning Policy Framework and will not result in highway safety issues.

Other Matters

Protected Trees

- 10.16 K.C Trees have been consulted on the planning application and there is no objection to the proposed development. Following an assessment of the submitted Arboricultural Method Statement, Officers are satisfied that the proposed development would not result in harm to the protected trees or their roots. Officers recommend a condition to state that the measures within this report should be implemented and retained.
- 10.17 Officers also consider that it is necessary to impose a condition as a precaution, in the event that additional tree works would be required during the construction process over and above those which have not been identified in the submitted information.
- 10.18 Subject to the imposition of these conditions, Officers are satisfied that the proposed development complies with Local Plan Policy LP33 and Chapter 15 of the National Planning Policy Framework.

Ecology

- 10.19 K.C Ecology been consulted on the planning application and raise no objection to the application.
- 10.20 It is noted that the site is in the bat alert layer on the Kirklees Local Plan and is within the Kirklees Wildlife Habitat Network due to its close proximity to woodland. Officers therefore acknowledge the importance of the site's ecological benefits and want to ensure that the function of this is enhanced.

- 10.21 K.C Ecology advised that a condition should be imposed on the application to require a lighting strategy to be submitted to avoid ecological harm to foraging bats. The agent has subsequently submitted this information and K.C Ecology are satisfied that this information is acceptable. A condition has been recommended to ensure that any lighting is constructed in accordance with this specification.
- 10.22 Due to the minor nature of the proposed development, there is no requirement for biodiversity net gain to be demonstrated.
- 10.23 Officers are satisfied that the proposed development would comply with LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Setting of the Listed Building

- 10.24 The Mansion is a Grade II Listed Building. S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 therefore requires that in considering whether to grant planning permission for any development which affects a listed building or its setting, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This is reflected in the wording of Policy LP35.
- 10.25 K.C Conservation and Design have been consulted on the application to assess the impact of the proposed building on the setting of the Listed Building. The building is described as follows on Heritage England's listing:

Mansion house. Late C18 built for the Horsefall family. Two additions to left probably early C19. Ashlar. Hipped slate roof with moulded eaves cornice and 4 ashlar stacks. Two storeys plus attic. 7-bay symmetrical facade, the centre 3 of which break forward slightly and are pedimented. 4 steps lead to central portico with garlanded frieze, cornice and segmental pediment on tuscan columns with backing pilasters. Doorway has fanlight with radial glazing bars. Sash windows with glazing bars those to ground floor having small moulded cornice. The attic forms a half-storey with smaller windows.

To the left, set back, is a 2-storey, 3-bay addition, and projecting from this, at 90° is a 5-bay wing.

To the rear is central door with semi-circular fanlight with radial glazing bars, and flanking single lights all under pedimented cornice. Above this, to 1st floor, is Venetian window, and to attic, a thermal window.

Modernised interior

- 10.26 Officers have considered the special architectural and historic interest the building possesses. However, due to the location of the proposed summerhouse, which would be positioned in excess of 30 metres from the main house, its single storey scale and the fact that it would be a replacement for an existing building, it is considered that the setting of The Mansion would be preserved. Members should also note that Listed Building Consent is not

required due to the summerhouse not being physically attached to the main listed building.

- 10.27 For these reasons, in the opinion of Officers, the proposed development complies with LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Climate Change Emergency

- 10.28 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.
- 10.29 Considering the small scale of the proposed development, it is not considered that there would be an impact on climate change that needs mitigation. In the opinion of Officers, the proposed development complies with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

11.0 CONCLUSION

- 11.1 To conclude, officers are of the opinion that the principle of development on this site, which is allocated as Green Belt on the adopted Kirklees Local Plan, is acceptable for the reasons set out in this report.
- 11.2 The NPPF 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. The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and the application is therefore recommended for approval.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Standard 3 year time limit for implementation.
2. Development to be in accordance with the approved plans.
3. Materials to be as shown on the plans.
4. Works to be completed in accordance with the recommendations in the Arboricultural Method Statement
5. Details of any additional tree works to be submitted prior to such works.
6. Works to be completed in accordance with the submitted lighting strategy.
7. Details of any future lighting that may be required to be submitted to and approved in writing by the LPA.

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020/92206>

Certificate of Ownership –Certificate A signed and dated 07/07/2020