

---

**Report of the Head of Planning and Development**

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 09-Dec-2021**

**Subject: Planning Application 2021/91971 Erection of single storey extension and associated alterations The Barn, New Laithe Bank, New Laithe Lane, Holmfirth, HD9 1HL**

**APPLICANT**

Mr & Mrs J Belfield

**DATE VALID**

20-May-2021

**TARGET DATE**

15-Jul-2021

**EXTENSION EXPIRY DATE**

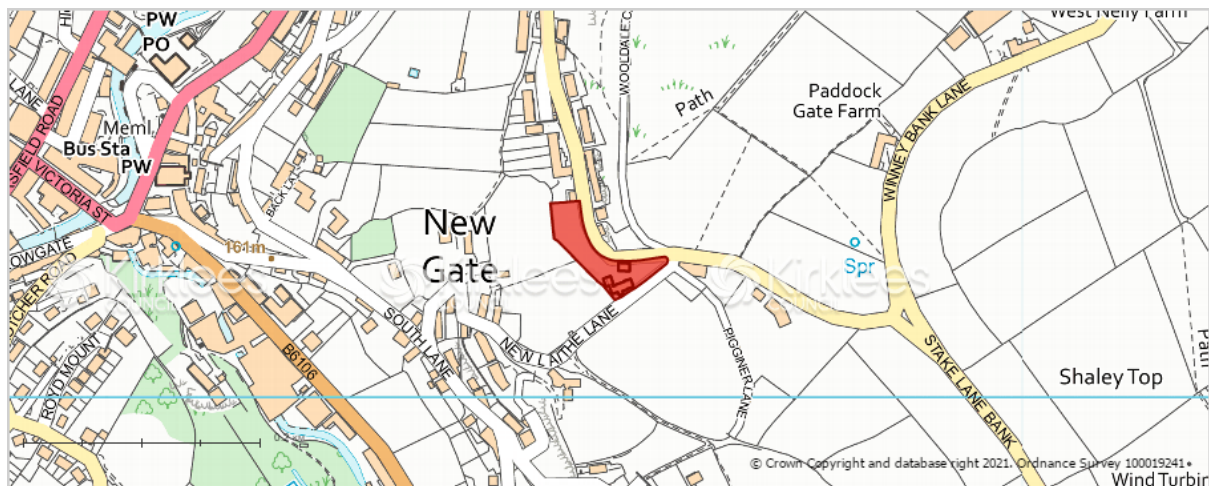
05-Nov-2021

---

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: Holme Valley South**

**Ward Councillors consulted: No**

**Public or private: Public**

---

**RECOMMENDATION: REFUSE**

1. The proposed development, when considered cumulatively with the previous extensions to the property, would form disproportionate additions to the original building which would represent inappropriate development within the Green Belt. Furthermore, it would cause other harm by reducing the openness of the Green Belt by building on land which is currently open. There are no very special circumstances to clearly outweigh the harm the development would have on the Green Belt by reason of inappropriateness and other harm. The proposal fails to accord with the requirements of Policy LP57a of the Kirklees Local Plan and Policies within Chapter 13 of the National Planning Policy Framework.

**1.0 INTRODUCTION:**

1.1 The application is brought to Planning Sub Committee at the request of Ward Councillor Firth who has provided the following reason:

*“ The double garage of yesteryear is a separate item and should not be lumped in with the extensions to the dwelling. Therefore, the development would not impact upon the surroundings”.*

1.2 The Chair of Huddersfield Sub-Committee has accepted the reason for making this request, having regard to the Councillor’s Protocol for Planning Committees.

**2.0 SITE AND SURROUNDINGS:**

2.1 The site relates to The Barn, New Laith Bank, a single storey detached dwelling constructed from stone with a slate roof. To the North East is an area of hardstanding, along with the properties main outdoor amenity space. A detached double garage also lies to the North of the site, which was approved under (2002/94141). Pedestrian and vehicular access can be taken from the South Eastern boundary onto New Laithe Lane. Boundary treatment consists of drystone walling. The site also slopes from East to West, due to the changes in topography within the wider area.

2.2 The site is situated within a small cluster of residential properties, given its location within the Green Belt.

**3.0 PROPOSAL:**

3.1 The applicant is seeking permission for the erection of extension and associated alterations. The measurements of the extension would be 7m in length by 6.9m in width, with an overall height of 5.1m. The extension would be

constructed from stone with a slate roof to match the host property. Internally, the works would provide a guest bedroom and lobby. On site parking would be retained on the existing hardstanding.

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

##### **4.1 At the application site:**

2010/90355 Erection of single storey extension – Granted

2002/94141 Erection of detached double garage - Granted

91/00085 Retrospective application for rebuilding part of barn to form dwelling - Granted

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

5.1 The officer contacted the agent to advice that the proposal represented a disproportionate addition to the host property, which in turn would be harmful to the Green Belt. In this instance, no very special circumstances have been provided. The agent has however, attempted to justify the development from a design perspective, however, in the opinion of officers, this is not considered to outweigh the harm.

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

The site is located within the Green Belt on the Kirklees Local Plan.

##### **6.2 Kirklees Local Plan (2019):**

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highway safety
- LP 22 – Parking
- LP 24 – Design
- LP 30 – Biodiversity and geodiversity
- LP 53 - Contaminated and unstable land
- LP 57 – The extension, alteration, or replacement of existing buildings

##### **6.3 Supplementary Planning Guidance / Documents:**

- *House extensions and alterations*

Kirklees Council has adopted supplementary planning guidance on house extensions 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.

- *Highways design guide.*

#### 6.4 Holme Valley Neighbourhood Plan:

The Holme Valley Neighbourhood Development Plan has been passed in a referendum on 4th November 2021. The next and final stage for making (bringing into force) the Plan will be at Full Council on 8th December 2021. Until formally adopted the Plan remains a material planning consideration in decision making and weight must be attributed in accordance with NPPF (July 2021) Paragraph 48. When weighing material considerations in any planning judgement, it is always the case that what is material is a legal fact, and the weight to be attributed thereto is, as always, for the decision makers to ascertain.

Therefore, the policies most relevant are:

- Policy 1 – Protecting and Enhancing the Landscape Character of Holme Valley
- Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain

#### **The application site is within Landscape Character Area 4, the River Holme Settled Valley Floor.**

One key characteristic of the area is framed views from the settled valley floor to the upper valley sides and views across to opposing valley slopes and beyond towards the Peak District National Park.

- Framed views from the settled valley floor to the upper valley sides and views across to opposing valley slopes and beyond towards the Peak District National Park.
- Boundary treatments comprised largely of millstone grit walling. The stone walling which runs parallel with Upperthong Lane is representative of local vernacular detailing.
- A network of Public Rights of Way (PRoW) including the Holme Valley Riverside Way which follows the River Holme from Holmbridge through Holmfirth and downstream. National Cycle Route no. 68 follows minor roads through Upperthong towards the centre of Holmfirth before climbing the opposing valley slopes.
- Mill ponds reflect industrial heritage and offer recreation facilities.

Key built characteristic of the area are:

- Mill buildings, chimneys and ponds, including Ribbleden Mill with its chimney, associated mill worker houses and ashlar fronted villas link the area to its industrial and commercial heritage and are a legacy of the area's former textile industry.
- Terraced cottages and distinctive over and under dwellings feature on the steep hillsides with steep ginnels, often with stone setts and narrow roads.
- Narrow winding streets with stepped passageways, stone troughs and setts characterise the sloping hillsides above Holmfirth town centre.

- Small tight knit settlements on the upper slopes are characterised by their former agricultural and domestic textile heritage.
- There are mixed areas of historic and more recent residential and commercial developments.

## 6.5 National Planning Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20<sup>th</sup> July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th 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 2 – Achieving sustainable development
- Chapter 12 – Achieving well designed places
- Chapter 13 – Protecting the Green Belt
- Chapter 15 – Protecting and enhancing the natural environment

## 7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 The application has been advertised by neighbour notification letters, as set out in Table 1 of the Kirklees Development Management Charters. Final publicity expired on the 29<sup>th</sup> June 2021. As a result of the above publicity, no representations have been received.

7.2 Holme Valley Parish Council: In support

## 8.0 **CONSULTATION RESPONSES:**

None necessary

## 9.0 **MAIN ISSUES**

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

## 10.0 **APPRAISAL**

### Principle of development

10.1 The general principle of extending and making alterations to a property are assessed against Policy LP57 of the Kirklees Local Plan and advice within Chapter 13 of the NPPF regarding design. These require, in general balanced considerations of visual and residential amenity, highway safety and other material considerations.

10.2 The site is within the Green Belt and therefore the main issues are:

- Whether the proposal would be inappropriate development for the purposes of the NPPF and Kirklees Local Plan

- The effect of the proposal on the openness of the Green Belt, and on the character and appearance of the area
- If found to be inappropriate development, whether the harm by reason of inappropriateness is clearly outweighed by other considerations, so as to amount to the very special circumstances, so as to amount to the very special circumstances necessary to justify development

*Is the development inappropriate in the Green Belt?*

- 10.3 The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt, the most relevant in this case being to assist in safeguarding the countryside from encroachment. Paragraph 147 of the NPPF states that inappropriate development should not be approved except in very special circumstances. Certain forms of development are exceptions to 'inappropriate development'. These are set out within paragraphs 149 and 150 of the NPPF.
- 10.4 The construction of new buildings is regarded as inappropriate development in the Green Belt. Within paragraph 149 (c) of the NPPF, one of the exceptions to this is the extension or alterations of a building providing that this does not result in disproportionate additions over and above the size of the original building.
- 10.5 Policy LP57 of the KLP supports national Policy within the NPPF by emphasising in policy LP57a that extensions will normally be acceptable where: "... 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".
- 10.6 In this instance, it has been noted that the dwelling already benefits from a single storey extension to form a utility approved under (2010/90355) and a detached double garage approved under (2002/94141). As such, officers have calculated the volume increase for the new extension, along with the development outlined above. In this case, the volume increase would be 78% when compared against the original property. Such a scale of increase on the original building would result in a disproportionate addition to the original dwelling. In terms of design, the extension would be constructed to the North West and therefore, would encroach further than the current built form. Therefore, the scale of the extension combined with its location would constitute to inappropriate development within the Green Belt, contrary to the aims of Policy LP57 of the Kirklees Local Plan and Chapter 13 of the NPPF.

*The effect of the proposal on the openness of the Green Belt and on the character and appearance of the area*

- 10.7 Given the change in levels within the area, the property would be readily visible from New Laithe Lane and Cliff Road. More particularly, it is noted that the location of the extension would appear more sporadic, as it would adjoin the existing projecting rear gable, resulting in a small area of green space being developed. Although the loss of openness that would be directly attributable to the scheme and would not be significant in itself, it would add to the overall bulk of the property and reduce the open nature within the site and be contrary to the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open.

### *Very special circumstances*

- 10.8 In accordance with paragraph 148 of the NPPF “when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.’”
- 10.9 In this instance, no very special circumstances have been put forward or are considered to exist that would clearly outweigh the harm to the green belt by reason of inappropriateness or other harm. The development is therefore contrary to Policy LP57a of the Local Plan and Paragraph 149 of the NPPF.

### Impact on visual amenity

- 10.10 Policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development within the area and is visually attractive. With reference to extensions, it is advised within LP24(c) that these “are subservient to the original building and are in keeping with the existing building in terms of scale, materials and details and minimise the impact on residential amenity of future and neighbouring occupiers”.
- 10.11 These aims are also reinforced within Chapter 12 of the NPPF (Achieving well designed plans) where paragraph 126 provides an overarching consideration of design stating that “the creation of high quality buildings and places are 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”.
- 10.12 With regard to the House Extensions and Alterations SPD, Key Design Principles 1 and 2 are relevant which state:
- Principle 1 - 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.”
  - Principle 2 - 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 detail.”
- 10.13 In this case, the single storey extension has been designed with a dual pitched roof to keep in with the existing built form. However, the works are not considered to appear as a subservient addition, when taking into account the cumulative impact. This is due to the location of the extension and its poor relationship with the host dwelling. As such, the development would be contrary to Policy LP24 of the Kirklees Local Plan which states that “extensions to buildings should be subservient to the original building and be in keeping with the original building in terms of scale and details”.
- 10.14 This is also reiterated within Policy 2 of the Holme Valley Neighbourhood Plan which states that ‘designs should respect the scale, mass, height and form of existing buildings in the locality and the site setting. Development should fit in with and neither dominate nor have a detrimental impact on its surroundings

and neighbouring properties". In this case, given the extensions overall footprint, officers consider it impossible to distinguish between the original dwelling and the additional built form, given its potential dominance within the plot. This would also be contrary to Paragraph 4.5 of the Councils adopted House Extensions and Alterations SPD which states that proposed extensions should be normally smaller in size and scale than the existing property.

- 10.15 With regards to fenestration, concern is also raised regarding the design of the new windows proposed within the gable elevations, as these will bare no resemble to the mullion windows that exist on the host property. This would be contrary to the general design principles identified within page 9 of the Council's House Extensions and Alterations SPD. Nonetheless, if the principal of development was acceptable, officers are satisfied that amendments could be sought to overcome these concerns.
- 10.16 Materials would include natural stone walling and stone/art stone grey slates to match those used on the host property. Such materials are welcomed from a visual perspective, to accord with the aims of the aforementioned policies and documents, however, officers consider the principle to remain unacceptable.
- 10.17 For these reasons, the works would have an adverse impact upon the character and appearance of the property and would be contrary to the aims of Policy LP24, the Council's House Extensions and Alterations SPD, Policy 2 of the Holme Valley Neighbourhood Plan and Chapter 12 of the NPPF.

#### Residential Amenity

- 10.18 The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to "provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings."
- 10.19 The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposals impact on residential amenity, which state:
- Principle 3 - that "extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours."
  - Principle 4 - that "extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light, and outlook."
  - Principle 5 - that "extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property."
  - Principle 6 - that "extensions and alterations should not unduly reduce the outlook from a neighbouring property."
  - Principle 7 - that "extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals."



- 10.20 In this instance, given the properties sparse location within the Green Belt, the nearest residential property to the site would be no. 2 Cliff Road. In this case, given the significant separation distance of at least 25m, including a highway and the orientation of these properties, officers are confident that there would be no material impact, in the formation of overbearing, overshadowing or overlooking, as a result of the development proposed.
- 10.21 Therefore, the proposal would have an acceptable impact on residential amenity and would be compliant with Policy LP24 of the KLP and the aims of the House Extensions and Alterations SPD.

#### Highway issues

- 10.22 It has been noted that the development has the potential to intensify the domestic use, taking the property from a two to a three bed. However, the demand for on site parking does not increase, as properties of this size require two off street parking spaces, in accordance with the Council's Highways Design Guide. Alongside this, the existing garage would be retained as part of the application and would be suitable for parking.
- 10.23 As such, no concern has been raised regarding highway safety, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and the Highways Design Guide SPD.

#### Other Matters

##### *Climate change*

- 10.24 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.
- 10.25 In this case, it has been considered that the proposed development would have a neutral impact upon climate change, as it would result in the loss of green space within the site. However, the extension would be constructed from natural stone, in which is a locally sourced and energy efficient material.

##### *Ecology*

- 10.26 Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Home Valley Neighbourhood Plan sets out that development proposals should demonstrate how biodiversity will be protected and enhanced including the local wildlife, ecological networks, designated Local Wildlife Sites and habitats.

10.27 Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

10.28 The application site lies within the bat alert layer on the Councils GIS System. In this case, careful attention was paid during the site visit, to look for bat roost potential. However, officers noted that the eaves and roof appeared to be well sealed and therefore no additional information has been required. This is to accord with Policy LP30 of the KLP and Chapter 15 of the NPPF.

#### *Contaminated land*

10.29 The site has been identified on the councils internal mapping system as being potentially contaminated due to being within 250m of a landfill site. Therefore, if the application was recommended for approval, the finding of unexpected land contamination condition would be necessary. This is to accord with Policy LP53 of the KLP and Chapter 15 of the NPPF

#### Representations

10.30 No representations have been received as a result of the above publicity.

### **11.0 CONCLUSION**

11.1 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.

11.2 This application has been assessed against relevant policies in the development plan and other material considerations. In this instance, the development proposed does not accord with Policy LP57 of the Kirklees Local Plan or Policies within Chapter 13 of the NPPF. The application of policies in the NPPF that protect areas of particular importance, in this case Green Belt, provides a clear reason for refusing the development proposed.

### **Background Papers:**

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021/91971>

Certificate A signed and dated.