
Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Dec-2021

Subject: Planning Application 2021/92766 Erection of first floor extension and alterations to existing granny annexe The Granny Annexe, Kismet, Dover Lane, Holmfirth, HD9 2RB

APPLICANT

Matthew Wright

DATE VALID

26-Jul-2021

TARGET DATE

20-Sep-2021

EXTENSION EXPIRY DATE

17-Dec-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. By virtue of the size and scale of the proposed extension, and previous additions to the property, the development would result in a disproportionate addition that would also have a detrimental impact upon the openness of the Green Belt. The proposal constitutes inappropriate development in the Green Belt for which no very special circumstances that clearly outweigh the identified harm to the Green Belt have been demonstrated contrary to Policy LP57 of the Kirklees Local Plan and policies contained within Chapter 13 of the National Planning Policy Framework.

2. By reason of its size, scale, massing, two storey design and relationship with the existing dwelling, the proposed development would fail to represent a subservient addition to the property, introducing an unsympathetic, incongruous and overly prominent addition. The development would have a detrimental impact upon the visual amenity, character and appearance of the host property and wider streetscene contrary to Policy LP24 of the Kirklees Local Plan, policies contained within Chapter 12 of the National Planning Policy Framework, Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and Policy 2 of the Holme Valley Neighbourhood Plan.

1.0 INTRODUCTION:

1.1 This is an application for full planning permission (reference 2021/92766), for the erection of first floor extension and alterations to existing granny annexe.

1.2 The application is brought before Huddersfield Sub-Committee for determination in accordance with the Council's Scheme of Delegation at the request of Councillor Firth for the reason outlined below:

'...I will add to my reasons, and they are as an extension will have no harmful effect on the surrounding area and will not only fit in with the locality they will provide, with the extension to the Granny Flat living accommodation for his extended family'.

1.3 The Chair of Huddersfield Sub-Committee has accepted the reason for making this request as valid having regard to the Councillor's Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

2.1 The Granny Annexe, Kismet, Dover Lane, Holmfirth, HD9 2RB.

2.2 The application relates to a detached stone bungalow and annexe, located to the east of Dover Lane in Holmfirth. The property benefits from a large curtilage with amenity areas to the north, east and south. The site also benefits from a detached single and double garage to the north with a driveway.

2.3 The site is not within a Conservation Area and there are no Listed Buildings in close proximity to the site.

3.0 PROPOSAL:

3.1 The application seeks planning permission for the erection of first floor extension and alterations to existing granny annexe.

3.2 The proposed two storey extension to the side of the annexe is to measure approximately 4.8m x 2.1m, with a ridge height of 6.9m.

3.3 A first-floor extension is also proposed to the annexe and is to measure approximately 10.3m x 9.3m, with a ridge height of 7.5m.

3.4 The extensions are to be constructed from random walled Yorkshire stone, slate grey flat profiled roof tiles and white UPVC windows and doors, all to match the host dwelling.

4.0 RELEVANT PLANNING HISTORY:

4.1 2008/92381 – Erection of granny flat. Approved 9th December 2008.

4.2 99/90853 – Renewal of temporary permission for use of existing dwelling for private hire. Approved 13th May 1999.

4.3 98/91015 – Use of existing dwelling for private hire business. Approved 1st June 1998.

4.4 88/06397 – Outline application for 1 no dwelling. Refused 10th January 1989. Appeal dismissed 23rd August 1989.

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

5.1 Amendments were sought to the submitted Location Plan to outline the application site and highway in red, with all other land in the applicant's ownership outlined in blue. Officer's concerns were raised with the applicant from the outset, with alternative options provided and discussed. Unfortunately, the applicant did not want to progress any of the alternative schemes which has therefore led to this recommendation of refusal.

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).

6.2 The application site is unallocated in the Kirklees Local Plan but is located within the Holme Valley Neighbourhood Plan Area, Green Belt, Bat Alert Area and Strategic Green Infrastructure Network. There is also a PROW which runs along the east and south of the site.

6.2 Kirklees Local Plan (LP):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP57 – The Extension, Alteration or Replacement of Existing Buildings

Supplementary Planning Guidance / Documents:

- House Extensions and Alterations Supplementary Planning Document (2021)
- Kirklees Highways Design Guide SPD 2019

Neighbourhood Development Plans

6.3 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 the 8th December 2021. Until formally adopted the Plan remains a material planning consideration in decision making and weight must be attributed in accordance with the 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.

6.4 The policies contained within Holme Valley Neighbourhood Development Plan relevant to the consideration of this application are as follows:

Policy 1: Protecting and Enhancing the Landscape Character of Holme Valley.

“Overall, proposals should aim to make a positive contribution to the quality of the natural environment”.

Policy 2: Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design.

“Proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings” and [proposals] “should protect and enhance local built character and distinctiveness and avoid any harm to heritage assets...”.

Policy 11: Improving Transport, Accessibility and Local Infrastructure.

“New development...should provide off-road parking provision in line with Kirklees Local Plan Policy LP22 (Parking) and the Council’s latest guidance on highways design”.

Policy 12: Promoting Sustainability.

“All new buildings should aim to meet a high level of sustainable, design and construction and be optimised for energy efficiency, targeting zero carbon emissions”.

Policy 13: Protecting Wildlife and Securing Biodiversity Net Gain.

“All development proposals should demonstrate how biodiversity will be protected and enhanced”.

- 6.5 It is important to note that 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. Key built characteristic of the area are mill buildings, chimneys and ponds, 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

National Planning Guidance:

- 6.6 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.
- 6.7 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:
- Chapter 2 – Achieving sustainable development
 - Chapter 9 – Promoting sustainable transport
 - Chapter 12 – Achieving well-designed places
 - Chapter 13 – Protecting Green Belt land
 - Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
 - Chapter 15 – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 Neighbour Letters – Expired 8th September 2021.
- 7.2 Site Notice – Expired 10th September 2021.
- 7.3 Press Notice – Expired 17th September 2021.
- 7.4 No representations have been received to date.

8.0 CONSULTATION RESPONSES:

- 8.1 **KC Highways Development Management** – No objections to the proposals.
- 8.2 **KC PROW** – No comments received within statutory timescales.
- 8.3 **KC Ecology Unit (informal)** – If the host dwelling and existing annexe appear to be well sealed at the eaves it is unlikely that roosting bats will be found at the property and therefore a bat survey would not be required.
Officer note: It can be confirmed that upon undertaking a site visit on the 15th September 2021 both buildings appeared to be well kept and sealed to the eaves. It is therefore considered that a bat survey is not required in this instance.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Other matters

10.0 APPRAISAL

Principle of development

Sustainable Development

- 10.1 NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.
- 10.2 The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

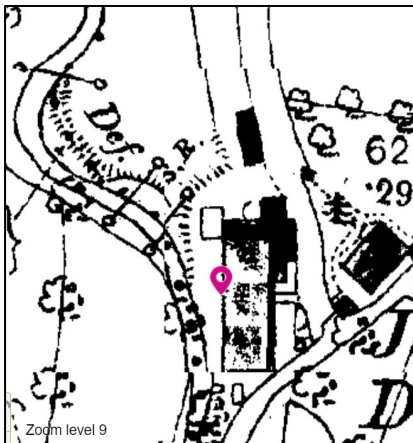
Land Allocation (Green Belt)

- 10.3 The site is allocated as Green Belt on the Kirklees Local Plan.

- 10.4 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. Paragraph 147 of the NPPF states that inappropriate development should not be approved except in 'very special circumstances'.
- 10.5 Paragraphs 149 and 150 of the NPPF set out that certain forms of development are exceptions to 'inappropriate development'. Paragraph 149 sets out that the extension or alteration of a building could be appropriate provided it does not result in disproportionate additions over and above the size of the original building. Policy LP57 of the Kirklees Local Plan is consistent with advice within the NPPF.
- 10.6 Policy LP57 of the Local Plan relates to the extension, alteration and replacement of existing buildings in the Green Belt. In the case of extensions, it notes that these will be acceptable provided that the original building remains the dominant element both in terms of size and overall appearance. Policy LP57 also outlines that such development should not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standing, curtilages and enclosures and means of access. Further to this, Policy LP57 states that with such development, 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.

Whether the proposal is inappropriate development in the Green Belt

- 10.7 As a starting point it is important to understand what constitutes the 'original building'. the glossary within the NPPF defines 'original building' as: 'A building as it existed on 1st July 1948 or, if constructed after 1st July 1948, as it was built originally'.



1893



1907

- 10.8 By utilising OS maps it appears that the site which is subject to this application pre-dates 1948, with a large garage/outbuilding to the north, the clearest and earliest map available is from 1893 (shown above). It is officer's opinion that this resembles how the building was originally built and shall be assessed as such within this report.

- 10.9 The footprint of the original building is considered to be approximately 157sqm, although this does not include the detached double garage which appears to pre-date the host dwelling. The cubic volume of the original dwelling is approximately 910.8 cubic metres. The existing additions to the original building are considered to have increased the footprint of the building by approximately 79.3sqm, and by approximately 420.3 cubic metres.
- 10.10 The extension proposed to the building under this application would have a footprint of approximately 11.2sqm, the cubic volume of the proposed extension would be approximately 30.29 cubic metres.
- 10.11 Cumulatively, the existing and proposed extensions would increase the footprint of the original building by approximately 90.5sqm and the volume by approximately 450.59 cubic metres. This would equate to an increase of approximately 50.5% of the original building in terms of volume and approximately 57.5% in terms of footprint. Whilst it is acknowledged that the assessment into whether additions to a building are disproportionate is more than just an arithmetic exercise, it is considered that a 50%+ increase in the footprint and volume of the original dwelling does represent a significant increase and should be taken into consideration.
- 10.12 In terms of a visual assessment, the proposed extension along the northern elevation to create bathrooms and a hallway is to be two-storey in height and is to be small in scale and size. However, this extension coupled with the proposed first floor extension to the annexe would take this single storey property and create in part, a two-storey building. Should the extension be approved, this would result in the annexe having a significantly higher ridge height than the host dwelling, making the building appear as the dominant element within the site. These extensions would overpower and detract from the host dwelling for this reason. For the proposals to be acceptable in this location, the annexe would need to appear ancillary to the host dwelling and be of a scale and size which does not compete with it.
- 10.13 It is therefore considered that the proposals would not accord with Local Planning Policy LP57 and would constitute inappropriate development in the Green Belt. As outlined in paragraph 147 of the NPPF, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF also states that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt.
- 10.14 An assessment is therefore required into whether the proposal would cause any other harm to the Green Belt and whether very special circumstances exist which clearly outweigh the harm to the Green Belt by reason of inappropriateness, as well as any other harm to the Green Belt.

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

- 10.15 In respect of the openness of the Green Belt, openness has been established to have both a visual and spatial aspect. As outlined above the proposal would increase the amount of built development therefore there would be some impact upon the openness of the Green Belt as a result of this. Further to this the site

is rural in character although it is noted that there are a number of other residential dwellings located to the east and south of the site. The proposed extensions would be visible from Dover Lane and from the adjacent PROW which runs to the south and east of the site. The extensions would be viewed against the existing built development (host dwelling and garages), and would be set significantly higher than the ridge height of the host dwelling, they would also provide an additional floor space of 11.2sqm, and volume of approximately 30.29 cubic metres, this equates to an increase of approximately 50+%. It is therefore concluded that the scale and size of the proposals are over and above what would be considered acceptable in this location and therefore would have a detrimental impact on the visual amenity of the area as well as the character and appearance of the host dwelling.

10.16 Materials proposed within the extensions are all to match what currently exists in the host dwelling and annexe, and therefore are deemed to be acceptable. It is also noted that the applicant seeks to utilise pitched roofs and a front gable end at first floor level, this reflects what is currently found at the site.

10.17 In conclusion, the proposals are therefore considered to be inappropriate development as defined within the NPPF paragraphs 147 & 148 as harmful to the Green Belt and should not be approved except in very special circumstances. The proposals in terms of their scale, size and design are also not considered to represent a subservient addition to the host dwelling and would introduce an unsympathetic, incongruous and overly prominent addition which would not accord with LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework, Principles 1 and 2 of the House Extensions and Alterations SPD and Policy 2 of the Holme Valley Neighbourhood Plan.

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

10.18 Whilst some justification has been provided within the submitted statement, the majority of this justification does not relate to material planning considerations. The remaining justification is also not considered to be sufficient to overcome the concerns raised by officers. Therefore, it is concluded by officers that no very special circumstances have been demonstrated by the applicant which would clearly outweigh the harm by reason of inappropriateness of development within the Green Belt.

10.19 In conclusion, the proposed extension is considered to represent a disproportionate addition to the host property and very special circumstances have not been demonstrated. The proposal would therefore fail to accord with Policy LP57 of the Local Plan and Chapter 13 of the NPPF.

Residential Amenity

10.20 Sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should:

“Maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers’.

- 10.21 Further to this, paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future occupiers. Policy 2 of the HVNP sets out that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings and prevent or reduce pollution as a result of noise, odour, light and other causes.
- 10.22 Principle 3 of the adopted House Extensions and Alterations SPD highlights that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours. In addition Principles 5 and 6 relate to developments ensure that the amount of natural light presently enjoyed by neighbouring properties is not impacted upon and that the proposals do not have any overbearing impact.
- 10.23 Given the location of the host dwelling and annexe in relation to adjacent neighbouring properties, there are no concerns in respect to overshadowing, overlooking, or the proposals appearing overbearing in nature. The nearest neighbouring dwelling is Jeanwood House which is located to the rear of the application site approximately 11m away. However, this neighbouring property is set at a significantly higher ground level to the Granny Annexe and is partially screened by a large portion of mature planting found along the boundary between both of these dwellings.
- 10.24 The proposal does not given rise to any adverse impacts upon neighbouring residential amenity and as such, this aspect of the proposal is considered to be acceptable. It is therefore concluded that the proposals accord with LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework, and is in line with the Councils recently adopted SPD for house extensions and alterations.

Highway issues

- 10.25 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Principle 15 of the House Extensions and Alterations SPD relates to the provision of parking and states that any alterations should maintain appropriate access and off-street in-curtilage parking.
- 10.26 The Council's Highways officers were consulted on the proposals and raised no objections as the Granny Annexe is ancillary to the existing house, with sufficient off-street parking to be retained. In addition to this, no changes are proposed to the existing access and egress to the site.
- 10.27 Principle 16 of the House Extensions and Alterations SPD relates to waste storage and highlights that developments should maintain appropriate storage arrangements for waste. Given the nature of the proposals it is considered that the waste storage and collection facilities shall remain as is and therefore officers have no concerns in this respect.
- 10.28 For the aforementioned reasons it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, Principles 15 and 16 of the House Extensions and Alterations SPD, the guidance contained within the National Planning Policy Framework and Policy 11 of the Holme Valley Neighbourhood Plan.

Other Matters

House Extensions and Alterations SPD

- 10.29 Principle 1 of the above SPD refers to extensions and alterations to residential properties being in keeping with the appearance, scale, design and local character of the area and streetscene. Whereas Principle 2 relates to proposals not dominating or being larger than the original house, this is in terms of scale, materials and detail. Principle 7 requires development to ensure an appropriately sized and useable area of private outdoor space is retained.
- 10.30 The cumulative effect of the two-storey side extension and first floor extension would dominate the host dwelling, as the proposed two-storey extensions would be set at a significantly higher ridge level than the host dwelling. Furthermore, as discussed in the principle of development section, the proposed extensions would increase the overall volume and footprint of this property by more than 50%. This fails to comply with Key Design Principle 2 of the SPD and relevant policy LP24 (c) and (d).
- 10.31 However, it is acknowledged that the existing garden area would not be significantly impacted upon given that the proposals are to extend over the footprint of the existing annexe, the proposals are therefore considered to be in accordance with Principle 7 of the SPD which relates to outdoor space.
- 10.32 Finally, it is noted that the guidance and additional details on KLP policies set out in the House Extensions and Alterations SPD are based on the principle of 'comply or justify'. The proposal under consideration departs from the guidance set out in the SPD and whilst some justification has been provided a large portion of this justification does not relate to material planning considerations. The remaining justification is also not considered to be sufficient to overcome the concerns raised by officers. It is therefore concluded that the proposals should be recommended for refusal as they do not comply with Local Plan Policies LP24 & LP57, Chapters 12 & 13 of the NPPF, Principle 2 of the Council's house extensions and alterations SPD and Policies 2 and 12 of the Holme Valley Neighbourhood Plan.

Biodiversity

- 10.33 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. Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Principle 12 of the House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.
- 10.34 Whilst it is acknowledged that the application site is located within a Bat Alert Area, given the nature of the proposals, and that the existing structures appear to be well sealed and of a somewhat modern construction it is unlikely that bats would be roosting within the property. However, an informative should be provided if planning permission is granted, highlighting to the applicant what to do should roosting bats be found during construction works.

Climate Change

- 10.35 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.
- 10.36 Principle 8 of the House Extension and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency.
- 10.37 Principle 10 of the above SPD states that extensions should consider the use of renewable energy, with Principle 11 going on to state that developments should consider designing water retention into the proposals.
- 10.38 Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. However, as the extension would be constructed to modern building standards the proposed development is therefore considered to comply with Policy LP51 of the Kirklees Local Plan, Principles 8, 10 and 11 of the Kirklees House Extensions and Alterations SPD, Chapter 14 of the National Planning Policy Framework and Policy 12 of the Holme Valley Neighbourhood Plan.
- 10.39 There are no other matters for consideration.

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. It is considered that, subject to conditions, the proposed development would not constitute sustainable development and is therefore recommended for refusal.

Background Papers:

[Application and history files.](#)

Available at:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021/92766>

[Certificate of Ownership](#)

Certificate B signed.