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

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 15-Jun-2023**

**Subject: Planning Application 2023/90120 Erection of extension and alterations to detached garden room/gym to create dwelling forming annex accommodation associated with 5, School Hill, South Crosland, Huddersfield, HD4 7BY (within a Conservation Area) 5, School Hill, South Crosland, Huddersfield, HD4 7BY**

**APPLICANT**

R Grieve

**DATE VALID**

24-Jan-2023

**TARGET DATE**

21-Mar-2023

**EXTENSION EXPIRY DATE**

30-Jun-2023

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

[Public speaking at committee link](#)

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

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**Electoral wards affected: Crosland Moor and Netherton**

**Ward Councillors consulted: No**

**Public or private: Public**

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**RECOMMENDATION:**

**REFUSE**

1. The proposed development would constitute a disproportionate addition to the original dwelling which would no longer be the dominant element in terms of size or appearance. This is inappropriate development in the Green Belt by definition. Further harm to the spatial and visual openness of the Green Belt would arise through the extension of this prominent structure on rising land encroaching towards open countryside. No very special circumstances have been demonstrated to clearly outweigh the harm of the development to the Green Belt by reason of inappropriateness or other harm. The development would be contrary to Policy LP57 of the Kirklees Local Plan and policies contained within Chapter 13 of the National Planning Policy Framework.

2. The proposed development by reason of its scale, siting and design would be neither subservient to nor harmonise with the host dwelling and would appear visually jarring in the wider streetscene. This would cause detrimental harm to the visual amenities of the host dwelling and character and appearance of the area. This is contrary to policies LP24 (a and c) and LP57(d) of the Kirklees Local Plan, Principles 1 and 2 of the House Extensions and Alterations SPD and policies contained within Chapter 12 of the National Planning Policy Framework.

3. The proposed extension, by reason of its siting, scale and external appearance, would fail to preserve the character or appearance of the South Crosland Conservation Area. The harm is considered to be less than substantial harm, however, as required by paragraph 199 of the National Planning Policy Framework (NPPF), great weight has been given to that harm in assessing the impact of the proposed development. Public benefits have not been demonstrated that would outweigh the harm caused in this case. The development would therefore be contrary to the Council's duties under the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies LP24 and LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

**1.0 INTRODUCTION:**

1.1 This application is brought to committee at the request of Ward Cllr Manisha Kaushik, who states:

- 1.2 *“Visually, the proposed annex extension is highly unlikely, if at all, to be visible to pedestrians using footpaths, owing to the ample tree cover as well as physical geography of the area. Furthermore, the extension would only be visible in a small section of School Hill and does not appear to look out of place, as set out in the design statement. And it would align with Netherton and South Crosland Neighbourhood Development Plan Forum, by ensuring it meets the needs of all sections of the community, as stated by the applicant.”*
- 1.3 The Chair of the Sub-Committee has confirmed that Cllr Kaushik’s reasons for the referral to the committee are valid having regard to the Councillor’s Protocol for Planning Committees.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 5 School Hill is a two-storey semi-detached property located in South Crosland, Huddersfield. The property is faced in stone with a tiled gable roof above. A detached single storey outbuilding is located to the eastern side of the property. The detached outbuilding is faced in coursed natural stone, with a gable roof infilled with natural stone slates.
- 2.2 Due to the topography of the area, the site slopes downwards from west to east and from south to north. To the rear (north), the site benefits from an extensive area of paddock, which forms part of the open countryside around the site, bounded by stone walling.
- 2.3 Access to the site and outbuilding is obtained from the hardstanding to the principal elevation of the dwelling to the south, via an unadopted road which leads off the adopted highway of School Hill.
- 2.4 The site is situated within a small cluster of residential dwellings, within the designated Green Belt. The site is also designated within the South Crosland Conservation Area.

## **3.0 PROPOSAL**

- 3.1 The applicant is seeking permission for the erection of an extension and alterations to the detached garden room/gym to create a dwelling forming annex accommodation associated with 5, School Hill, South Crosland.
- 3.2 The proposed extension to the outbuilding would be sited to the northern elevation, projecting 2 metres beyond the existing structure. The width of the extension would be 4 metres and the height would be 4.4 metres, adjoining with the roof pitch of the existing gable.
- 3.3 The external walls of the extension would be constructed from timber boarding and the gable roof above would be infilled with stone slates.
- 3.4 With regard to fenestration, glazed bi-fold doors would be installed to the northern elevation and the western elevation of the extension would be entirely glazed. These forms of fenestration would be triple glazed and would be framed in timber.

- 3.5 Within the interior, the extension would form part of the living/dining space in conjunction with the conversion of the outbuilding into annex accommodation.
- 3.6 In addition, a new terrace would be formed to the north of the proposed extension, with a projection of 2 metres and a width of 4.45 metres. The terrace would be raised 1.5 metres above ground level. A balustrade, to a height of 1.2 metres would be installed to the northern and eastern elevations of the terrace.
- 3.7 No alterations are proposed regarding access, this will remain as existing. It should be noted that the submitted 'Existing Site Location Plan' shows the annexe to be located within a separate red line boundary to the host dwelling of 5 School Hill. This indicates an apparent separation of parking for the annex from that for the main dwelling.
- 3.8 Outdoor amenity space for the annex, in addition to the raised terrace, would be provided to the northern and eastern elevations.

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

- 4.1 2022/92700 – Erection of timber stable block comprising of three stables, fodder store and tack room – approved.

The stable block approved under this application was sited within the paddock to the north of the dwelling.

- 4.2 2014/91690 – Erection of new roof and improvements to existing stable block – approved. (application building).

- 4.3 2014/90858 – Certificate of Lawfulness for proposed re-roofing of existing stable block – refused.

- 4.4 2013/91521 – Extension and alterations to convert existing stables to store/utility and shower room with games room over – refused.

This application was refused because the proposed extension was considered to represent a disproportionate addition over and above the size of the original building, therefore, would have resulted in harm when viewed together with the previous extensions to the host dwelling, posing a negative impact on the openness and character of the Green Belt.

- 4.5 2003/92423 – Erection of two-storey extension – approved. (5 School Hill)

- 4.6 90/02814 – Erection of two stable blocks to 2 no. existing dwellings – approved. (including 5 School Hill)

- 4.7 It should also be noted that formal pre-application advice (2022/20681) was sought in May 2022 for the erection of an extension to the outbuilding at 5 School Hill. The pre-application response outlined that the proposal would present fundamental concerns, regarding the Green Belt therefore, concluding it unlikely that the proposal could be supported.

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

- 5.1 The case officer notified the applicant that we were unable to support the scheme for reasons of its harm to the Green Belt and heritage significance of the South Crosland Conservation Area.
- 5.2 The applicant did not submit any amended plans in response to the case officers' feedback, therefore, the overall determination of this application is on the basis of the plans submitted 23<sup>rd</sup> January 2023.
- 5.3 It should be noted that, whilst no amended plans were submitted, the applicant did provide details of a non-viable alternative. Via email communication, the applicant explained that an alternative approach had been explored, with regard to extending the annex at the front rather than at the back. However, whilst the applicant believed this would overcome the visual impact with the current proposal, it would not be viable due to a dry-stone boundary wall which would restrict the extent of any possible addition and the extensive internal alterations which would be required. This would not overcome the impact of the Green Belt, as set out in the assessment 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).
- 6.2 The application site is designated within Green Belt and South Crosland Conservation Area in the Kirklees Local Plan. The site is also located within an area with a known presence of bats and within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.
- 6.3 Netherton and South Crosland Neighbourhood Development Plan Forum.
- The creation of the forum is the first stage of the neighbourhood planning process. At present there is no draft neighbourhood plan or Order for the area.
- 6.4 Kirklees Local Plan (2019):

**LP1** – Achieving Sustainable Development

**LP2** – Place Shaping

**LP21** – Highways and Access

**LP22** – Parking

**LP24** – Design

**LP30** – Biodiversity and Geodiversity

**LP32** – Landscape

**LP35** – Heritage

**LP52** – Protection and Improvement of Environmental Quality

**LP53** – Land Contamination and Stability

**LP57** – The Extension, Alteration or Replacement of Existing Buildings

## 6.5 Supplementary Planning Guidance/Document:

- Kirklees House Extension and Alterations SPD (2021)
- Kirklees Highways Design Guide (2019)

## 6.6 National Planning Guidance:

National planning policy and guidance is set out in National Planning Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021.

6.7 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications:

**Chapter 2** – Achieving Sustainable Development

**Chapter 4** – Decision-Making

**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, Coastal Change and Flooding

**Chapter 15** – Conserving and Enhancing the Natural Environment

**Chapter 16** – Conserving and Enhancing the Historic Environment

## 6.8 Legislation:

- The Town & Country Planning Act 1990 (as amended).
- The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- The Planning & Compulsory Purchase Act 2004
- The Conservation of Habitats and Species Regulations 2017

6.9 Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character of appearance of Conservation Areas.

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

7.1 The application was advertised in accordance with the Kirklees Development Management Charter, via neighbour notification letters, a site notice and within the newspaper. Final publicity expired 10<sup>th</sup> March 2023.

7.2 No representations were received in response to the above forms of publicity.

7.3 Ward Councillor Manisha Kaushik has commented on the scheme and requested that the application be determined by the Huddersfield Planning Sub-Committee for the reasons outlined at Paragraph 1.2 of this report.

## 8.0 **CONSULTATION RESPONSES**

Below is a summary of the consultee responses. Where appropriate, these are expanded on in the main assessment.

## 8.1 Statutory:

**KC Highways Development Management** – have no objection to these proposals given that this application is ancillary annex accommodation, and the application form confirms that there are 3 off-street parking spaces available, subject to conditions.

**KC Conservation and Design** – Do not support the proposal, particularly due to the use of timber boarding and the large expanse of glazing proposed to the northern elevation, concluding that this design fails to preserve or enhance the character of the South Crosland Conservation Area.

## 9.0 MAIN ISSUES:

- Principle of development
- Green Belt
- Impact on visual amenity and historic environment
- Impact on residential amenity
- Impact on highway safety
- Biodiversity
- Other matters
- Representations

## 10.0 APPRAISAL:

### Principle of Development:

- 10.1 Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of Policy LP1 of the Kirklees Local Plan. This policy stipulates that proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections of this report.

### *Further Information Submitted – Planning Statement*

- 10.2 As part of this application, a Planning Statement has been submitted, which outlines the planning history at the site, summarises the pre-application response from enquiry 2022/20681 and explores this planning application itself, including the benefits of the proposed granny annex in providing living accommodation for a family member of the occupants of 5 School Hill.

### 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. All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the categories set out in Paragraphs 149 and 150.

- 10.4 Paragraph 149(c) of the NPPF outlines that the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building can be appropriate development in the Green Belt.
- 10.5 Further to this, Policy LP57 of the Kirklees Local Plan states that the extension or alteration of buildings in the Green Belt will normally be acceptable provided that:
- “a. in the case of extensions 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;*
- c. the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard surfacing, curtilages and enclosures and means of access; and d. 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.”*
- 10.6 In essence, the proposal seeks to further extend the existing building which, due to its proximity to the principal dwelling, is classed as an extension to the dwelling for the purposes of Green Belt Policy as contained within the NPPF and Local Plan. This proposal will therefore be considered in conjunction with previous extensions to the original dwelling, which includes the erection of this outbuilding, which is not an original part of the dwelling.
- 10.7 With regard to the scale of the extension proposed, a review of historic maps has been undertaken to ascertain what can be considered to form the original building. The case officer has concluded that the dwellinghouse of 5 School Hill has constructed the following extensions and additions: front porch, single storey rear extension, two-storey side extension, and outbuilding/annex. This conclusion was drawn from a map dated 1955, which shows the dwellinghouse of 5 School Hill as close to 1<sup>st</sup> July 1948 as records allow.
- 10.8 Using this mapped data (1955), it is concluded that the original dwellinghouse of 5 School Hill would have had an approximate volume of 384m<sup>3</sup>. The aforementioned extensions and additions, not including that proposed by this application, have been calculated to have an approximate cumulative volume of 469m<sup>3</sup>, presenting a percentage volume increase over the original dwelling of approximately 122%.
- 10.9 Turning to the extension proposed to the existing annex/outbuilding before Members, this would have a volume of approximately 29m<sup>3</sup>, creating a further percentage increase of 7.55% to the original dwellinghouse, taking the total percentage increase after development to just over 129%. This would clearly constitute a disproportionate addition to the original dwelling further diluting its lack of dominance on the site. The development would thus be clearly contrary to Paragraph 149(c) of the NPPF and Paragraph LP57 of the Local Plan.

10.10 Given the above, Officers consider that the development constitutes inappropriate development in the Green Belt. The supporting statement submitted alongside the application acknowledges this. 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.

10.11 An assessment is therefore required into whether the development causes 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*

10.12 In respect of the openness of the Green Belt, openness has been established to have both a visual and spatial aspect. Bar the existing dwelling, its neighbour at no.7 and a development to the south-west of the site, the application site is on the edge of built development beyond the nucleus of the settlement of South Crosland. It is on a prominent hillside with land to the north, east and west of the site generally free from any built development. This contributes to the rural character of the wider surroundings and makes a positive contribution to the character and appearance of the area. The development would project north of the existing outbuilding into open land and both the extension and the raised terrace would require some element of underbuild to create a level surface. The built form and the design of the extension would urbanise open land. The further expansion of this prominent, permanent structure on rising land would pose harm to the openness of the Green Belt by further encroaching into open countryside. Therefore, it is considered that there is harm to the openness of the Green Belt as a result of this as well as the visual amenities of the Green Belt.

10.13 In terms of visual amenity, the outbuilding would appear to sit uncomfortably with the host dwelling and in its extended form, would further compete for dominance with this.

10.14 Overall, Officers hold the view that the harm to the openness of the Green Belt and the visual amenities of the Green Belt, adds to the substantial harm by reason of inappropriateness in relation to the proposed development.

*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*

10.15 As set out 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 goes on to advise that 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.

10.16 The submitted planning statement contends as part of this application that very special circumstances do exist. The submitted Planning Statement sets the benefits of development out as being the provision of 'ideal' living accommodation for a family member of the occupiers of No. 5 School Hill. The Planning Statement outlines that the family member already lives in the annex 'next door' to their family and that it 'is in the interest of my clients that there is physical closeness and interaction between occupants of the main house and the annex'. The statement continues that:

*It should also be noted that the National Space Standards sets a minimum floor area of 39 sq.m. for a one person one-bedroom single storey dwelling. The proposal will provide approx. 40 sq.m. with the extension. Without it the annex will not provide the minimum floor area.*

10.17 It is not disputed by officers that the proposal would provide extended living accommodation within the annex. The floor plans demonstrate that the extension would simply increase the size of the living/dining area, with a sufficiently sized bedroom, bathroom, and kitchen to be located within the existing structure. There is also an existing patio area adjacent to the annex. Taking into account Policy LP24f of the Local Plan which states that good design should 'meet the needs of a range of different users' the annex, for which there is no permission to be used as a distinct separate dwelling, does provide all day-to-day needs for a dependent to have a level of independence whilst reliant on the principal dwelling. This would accord with the planning statement. As such, given that the outbuilding is already used to support the accommodation of one occupier as existing, limited weight is afforded to the fact that the existing outbuilding needs to be extended for reasons of providing ancillary living accommodation for a single family member or to comply with the NDSS when the application does not seek a full planning permission for the creation of a single dwellinghouse wholly separated from 5 School Hill.

10.18 It is therefore concluded that the proposal constitutes a disproportionate addition to the original dwelling and therefore, constitutes inappropriate development within the Green Belt. The development is also considered to cause harm to the spatial and visual openness of the Green Belt, as well as the character and appearance of the wider area. It is considered that 'very special circumstances' which would clearly outweigh such harm caused to the Green Belt by reason of inappropriateness and other harm have not been demonstrated. The development is therefore considered to conflict with Policy LP57 of Kirklees Local Plan and Chapter 13 of the NPPF.

Visual amenity (including impact upon historic environment)

*Visual Amenity:*

10.19 The NPPF at paragraph 126 provides a principal consideration concerning design which states:

*"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development..."*

- 10.20 Paragraph 130 of the NPPF advises that planning decisions “*should ensure that developments are visually attractive as a result of good architecture, layout...[and] sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.*”
- 10.21 Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.
- 10.22 LP24 states that proposals should promote good design by ensuring:
- *“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”*
  - *c. extensions are subservient to the original dwellinghouse, are in keeping with the existing buildings in terms of scale, materials and details...”*
- 10.23 Key Design Principles 1 and 2 of the SPD seek to ensure development is subservient to the host property and in keeping with the character of the locality.
- 10.24 Section 5.6 of the SPD refers specifically to outbuildings. Paragraph 5.29 states that “*...garden offices, detached garages and granny annexes, can have as much of an impact on the appearance of the building as any other extension. Whenever possible these should reflect the style, shape and architectural features of the existing house and not be detrimental to the space around the building.*”
- 10.25 Paragraph 5.30 of the Council’s House Extensions and Alterations SPD goes further and states that “*Outbuildings should normally:*
- *be subservient in footprint and scale to the original building and its garden taking into account other extension and existing outbuildings;*
  - *be set back behind the building line of the original building so that they do not impact on the street scene; and*
  - *preserve a reasonable private amenity space appropriate to the potential number of occupants of the house, and follow a general principle that no more than 50% of garden space should be lost.”*
- 10.26 In terms of visual amenity, the outbuilding would be concluded to sit uncomfortably with the host dwellinghouse of 5 School Hill in its extended form. This is because it would visually compete for dominance with the original dwelling and extend the outbuilding further beyond the principal rear elevation of the host property. In addition, the extension and adjoining raised terrace would be visually prominent, given their siting on rising land and minimal distance to the shared boundary with the highway of School Hill, only approximately 6 metres. These factors work to conclude that the extension and adjoining raised terrace would not be acceptable visually, not subservient to the original property of 5 School Hill and appearing obtrusive within the wider streetscene.

- 10.27 Furthermore, the use of timber boarding and large areas of glazing to the external walls of the extension would be viewed unfavourably from a visual amenity perspective, failing to harmonise with the existing built form of the outbuilding or host property, which are both faced in stone with traditional window forms. In turn, the detrimental prominence of the outbuilding would be further exacerbated through the use of unsympathetic materials. It should also be noted that the surrounding properties are also faced in stone, meaning the development would be contrary to the established vernacular of the wider streetscene.
- 10.28 To conclude, the design, scale and materials of the proposed extension are considered harmful to visual amenity. It would not be a subservient addition and, by virtue of its siting and massing, would cause detrimental harm to the visual amenities of the original property and wider locality. The proposed development is therefore not considered to comply with Chapter 12 of the NPPF, LP24 and LP57(d) of the Kirklees Local Plan and Principles 1 and 2 of the House Extensions and Alterations SPD.

*Historic Environment:*

- 10.29 The site is within South Crosland Conservation Area. Although there is no Conservation Area Appraisal for South Crosland, in the now revoked Unitary Development Plan it was described as “Scattered stone farm and cottage groups dating from late eighteenth and nineteenth centuries in a rural setting where dry stone walls are important”.
- 10.30 Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.
- 10.31 Section 72 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.
- 10.32 Chapter 16, Paragraph 197 of the NPPF sets out that, in determining applications, local planning authorities should take account of:
- “a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*  
*b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*  
*c) the desirability of new development making a positive contribution to local character and distinctiveness.”*
- 10.33 Chapter 16, Paragraph 199 of the NPPF states that, *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

- 10.34 Policy LP35 of the Kirklees Local Plan will also be taken into account, stating that *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm”*.
- 10.35 Policy LP35 goes further to state *“Proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to:*
- a. ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets;*  
*b. ensure that proposals within Conservation Areas conserve those elements which contribute to their significance”*
- 10.36 The Heritage Statement submitted with this application addresses the location of the application site within the South Crosland Conservation Area, however, it fails to make an assessment of the proposed scheme in conjunction with the heritage significance of the site. In turn, whilst a Heritage Statement has been submitted, the Local Authority would not consider a heritage impact assessment to have been carried out by the applicant for this proposal.
- 10.37 The Council's Conservation and Design Team have been informally consulted as part of the assessment of this application and made the following points:
- Do not support the external appearance of the proposed extension to the outbuilding, specifically with regard to the use of timber boarding and the large expanse of glazing. This is because these materials would be out of keeping with the character of the area and the traditional appearance of the outbuilding as existing and host property of 5 School Hill, which are both faced in stone.
  - For these reasons, Conservation and Design consider the proposal to be contrary to Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, failing to preserve or enhance the character or appearance of the South Crosland Conservation Area.
  - In addition, Conservation and Design consider that the proposal fails to comply with the requirements of Chapter 16 of the NPPF, especially with regard to Paragraphs 197, 199, 200 and 202, as well as policies LP24(a) and LP35(3b) of the Kirklees Local Plan.
  - Whilst Conservation and Design acknowledged the potential fall-back argument that timber framing could be viewed as a typical material within agricultural landscapes, in this instance, it is considered that it would appear out of keeping, with a strongly established local vernacular of stone buildings, as well as the stone walling. In addition, the detrimental visual impact of the large expanses of glazing proposed would not be overcome by such an argument.

- 10.38 Paragraph 202 of the NPPF is clear, that “*Where development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate securing its optimum viable use.*”
- 10.39 Taking account of the submitted statement, the response from the Conservation and Design Team and the visual impact the proposed development would have, including the proposed materials of construction and the design/siting of the extension, it is considered that the proposal would lead to less than substantial harm to the significance of the South Crosland Conservation Area. This is particularly through the visual harm by the pattern of glazing and external facing materials but also by reason of the prominent extension of the building beyond the principal rear elevation of the host dwelling. The outbuilding would further compete for dominance with this building and would be perceived as an overly prominent and jarring presence within a prominent site. It is considered that there are no demonstratable public benefits in granting permission for the development such that it could be considered the proposal accords with the aforementioned policies.
- 10.40 For these reasons, the proposal is considered to have a detrimental impact to the heritage significance of the application site and surrounding area. Therefore, it is concluded that the proposal fails to comply with policies within Chapter 16 of the NPPF and policies LP24 or LP35 of the Kirklees Local Plan.

#### Residential Amenity

- 10.41 Section B and C of LP24 states that alterations to existing buildings should: “*...maintain appropriate distances between buildings*” and “*...minimise impact on residential amenity of future and neighbouring occupiers.*”
- 10.42 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 users.
- 10.43 Key Design Principles 3, 4, 5 and 6 of the Council’s adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive/overbearing.
- 10.44 The proposal would not pose detriment to the extent of outdoor amenity space available to the host property of 5 School Hill and it is considered that an adequate degree of amenity space would still be available to the occupiers of the converted outbuilding, with a small terrace and annexe garden proposed as part of the development. In turn, the proposal is considered to accord with the requirements of Key Design Principle 7 of the House Extensions and Alterations SPD.
- 10.45 Although the proposal would see an increase in the footprint of the existing built form of the outbuilding, it is considered that this would not lead to any impacts of undue overbearing or overshadowing. This is because the extension to the outbuilding would retain a separation distance of 3 metres from the garden of 5 School Hill and would be set over 10 metres from the boundaries of any other properties within the immediate vicinity of the site.

- 10.46 Furthermore, the extension does not present the installation of any windows that would be considered to have a negative impact upon residential privacy. The outbuilding and its existing windows are within a few metres of the host dwelling. If this application has sought the creation of an independent dwelling, the future amenity of occupiers of the new dwelling would have been adversely impacted by the shadowing and overbearing impact of the host property, there would also be a lack of privacy between the properties. The supporting statement clearly indicates that this would not be an issue here. It states that ‘the concern about lack of privacy no longer applies – it is in the interest of my clients that there is physical closeness and interaction between occupants of the main house and the annex’.
- 10.47 With regard to noise, the conversion of the outbuilding to annexe accommodation could create additional noise and disturbance if the structure were to ever be used independently of no. 5. To protect the amenity of the neighbouring properties and nearby sensitive receptors, if the application had been considered acceptable, a condition would be imposed to ensure that the future use is tied to the existing domestic residence of 5 School Hill in the interests of residential amenity.
- 10.48 For these reasons, the proposed development is considered not to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan and Key Design Principles 3, 4, 5, 6 and 7 of the Council’s adopted House Extensions and Alterations SPD.

#### Highway Safety

- 10.49 Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council’s adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.
- 10.50 This application seeks approval for the erection of an extension to a detached outbuilding to create a dwelling forming annexe accommodation associated with 5 School Hill, South Crosland. Given that this application is for ancillary annex accommodation, and the application form confirms that there are 3 off-street parking spaces available to serve the development, the proposal is considered to be acceptable from a highway’s perspective.
- 10.51 However, upon any grant of planning permission, KC Highways Development Management have recommended the inclusion of a condition, which would limit the occupation of the annex accommodation to occupants or relatives of the dwellinghouse known as 5 School Hill. This condition would be imposed in the interests of highway safety and to achieve a satisfactory layout.
- 10.52 In turn, with the inclusion of the aforementioned condition, the proposal would appropriately accord with Chapter 9 of the NPPF, LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extensions and Alterations SPD.

## Biodiversity

- 10.53 Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 10.54 Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity. Policy LP30 outlines that development proposals should minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.
- 10.55 Principle 12 of the Kirklees 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.
- 10.56 The application site lies within the Bat Alert layer on the Council's GIS system. Given the age/design of the existing roof above the outbuilding and that no demolition is proposed as part of the proposal, it is considered unnecessary for a full assessment of the roof slope to be undertaken in this case, given the low likelihood for roosting bats to be present.
- 10.57 Even so, as a cautionary measure, in the event of any grant of permission a note would be added to the decision notice, stating that if bats are found development shall cease and the advice of a licensed bat worker sought. This is in accord with the aims of Chapter 15 of the NPPF.

## Other Matters

### *Climate Change:*

- 10.58 Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.
- 10.59 On 12<sup>th</sup> 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.

10.60 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. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

*Coal Legacy:*

10.61 The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided within any decision notice issued. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 174 and 183 of the National Planning Policy Framework and Policy LP53 of the Local Plan.

Representations

10.62 No representations were received for this application.

**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. The development does not accord with the development plan and that the application of policies within the NPPF that protect Green Belt and Designated Heritage Assets provides clear reasons for the refusing of the development proposed.

**Background Papers:**

**Application Details:**

[Planning application details | Kirklees Council](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023/90120)  
<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023/90120>

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