
Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 02-Feb-2023

Subject: Planning Application 2022/93846 Erection of first floor extension above existing garage 29, Oldfield Road, Honley, Holmfirth, HD9 6NL

APPLICANT

K Sohal

DATE VALID

25-Nov-2022

TARGET DATE

20-Jan-2023

EXTENSION EXPIRY DATE

10-Feb-2023

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

Electoral wards affected: Holme Valley North

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION: Refuse

1. The proposed extension, by virtue of its size and scale, and due to other previous additions to the property, would result in a disproportionate addition to the original dwelling and therefore constitute inappropriate development in the Green Belt. In addition, the proposed development would have a detrimental impact upon the spatial and visual openness of the Green Belt. Very special circumstances to clearly outweigh the identified substantial harm to the Green Belt have not been demonstrated, therefore the development is contrary to Policy LP57 (a) of the Kirklees Local Plan and Policies contained within Chapter 13 of the National Planning Policy Framework.

2. By reason of its large scale and massing, form and relationship with the host dwelling, and taking into consideration previous extensions and additions to the dwelling, the proposed development fails to represent a subservient and harmonious addition to the dwelling, introducing an unsympathetic, incongruous and overly dominant addition which detracts from the original dwellinghouse. The development would therefore cause detrimental harm to visual amenities of the locality, contrary to Policies LP24(c) and LP57(d) of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document, Policy 2 of the Holme Valley Neighbourhood Development Plan and Policies contained within Chapter 12 of the National Planning Policy Framework.

3. The proposed extension, by reason of its scale, proximity to No.31 Oldfield Road and protrusion beyond the rear wall of No.31 Oldfield Road, would result in an undue overshadowing and overbearing impact on the rear windows and amenity space of this adjacent property, as well as an undue loss of light and outlook to the rear windows, thereby detrimentally affecting the residential amenity of its occupants. To permit the extension would be contrary to Policy LP24 (b and c) of the Kirklees Local Plan, Principles 5 and 6 of the Council's adopted House Extensions and Alterations Supplementary Planning Document, Policy 2(10) of the Holme Valley Neighbourhood Development Plan and Policies contained within Chapter 12 of the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 This is an application for full planning permission for the erection of a first-floor extension above the existing garage at 29 Oldfield Road, Honley, Holmfirth, HD9 6NL.

- 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 Greaves for the reason outlined below:

"The reason for the referral is so that the committee can consider if the extension would be appropriate development in the Green Belt, and whether it would cause harm to the visual amenity of the area or the amenities of neighbours".

- 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 application site relates to 29 Oldfield Road, Honley, Holmfirth, HD9 6NL. The application site accommodates a two-storey detached dwelling constructed from stone under a tiled roof. The site appears to occupy a large plot benefitting from a driveway, small, landscaped area to the front, and private amenity space to the rear. Pedestrian and vehicular access can be taken directly onto Oldfield Road (which is an adopted road). Boundary treatments consist of mature hedging, stone walls and timber fencing.
- 2.2 The site is located within the Green Belt and neighbouring dwellings consist of a mixture of semi-detached and detached properties. To the rear of the site is open countryside.

3.0 PROPOSAL:

- 3.1 The application seeks planning permission for the erection of a first-floor extension above the existing garage.
- 3.2 The proposed first floor extension is to be located above the existing garage on the western side of the dwelling. The proposed extension will measure approximately 9.2m x 5.4m, with a ridge height of around 6.9m. The extension would result in the west side of the dwelling have a gabled frontage. The walls of the first-floor extension would be largely flush with that of the garage, but a two-storey element is proposed to the rear of the garage, which would infill an area between the east side wall and rear wall of the garage. The proposed extension will provide an additional bedroom, en-suite and office.
- 3.3 The proposed materials include stone and concrete roof tiles, all to match the host dwelling.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2022/92659 – Erection of first floor extension above existing garage. Refused on 29th September 2022. The application was refused for the following reasons:

1. *“The proposed extension, by virtue of its size and scale, and due to other previous additions to the property, would result in a disproportionate addition to the original dwelling and therefore constitutes inappropriate development in the Green Belt. In addition, the proposed development would have a detrimental impact upon the spatial and visual openness of the Green Belt. Very special circumstances to clearly outweigh the identified substantial harm to the Green Belt have not been demonstrated, therefore the development is contrary to Policy LP57 (a) of the Kirklees Local Plan and Policy contained within Chapter 13 of the National Planning Policy Framework.*
 2. *By reason of its large scale and massing, form and relationship with the host dwelling, and taking into consideration previous extensions and additions to the dwelling, the proposed development fails to represent a subservient and harmonious addition to the dwelling, introducing an unsympathetic, incongruous and overly dominant addition which detracts from the original dwellinghouse. The development would therefore cause detrimental harm to visual amenities of the locality, contrary to Policy LP24c of the Kirklees Local Plan, Principles 1 and 2 of the Council’s adopted House Extensions and Alterations Supplementary Planning Document, Policy 2 of the Holme Valley Neighbourhood Development Plan and Policy contained within Chapter 12 of the National Planning Policy Framework.*
 3. *The proposed extension, by reason of its scale, proximity to No.31 Oldfield Road and protrusion beyond the rear wall of No.31 Oldfield Road, would result in an overshadowing and overbearing impact on the rear windows and amenity space of this adjacent property thereby detrimentally affecting the residential amenity of its occupants. To permit the extension would be contrary to Policy LP24 (b and c) of the Kirklees Local Plan, Principles 5 and 6 of the Council’s adopted House Extensions and Alterations Supplementary Planning Document, Policy 2 of the Holme Valley Neighbourhood Development Plan and Policy contained within Chapter 12 of the National Planning Policy Framework.”*
- 4.2 2022/90757 – Erection of first floor extension above existing garage. Refused on 17th May 2022. This application was refused for similar reasons as 2022/92659 referred to above.
- 4.3 2021/92630 – Prior approval for enlargement of dwellinghouse by erection of additional storey. Refused on 25th August 2021. Appeal dismissed on 21st February 2022. This related to adding a third storey to the main body of the dwelling. This application was refused by the Local Planning Authority for the following reason:
- ‘1. The proposed additional storey is considered overly dominant and harmful to the proportions, appearance and design of the principal elevation contrary to fundamental core aims of good design as set out in Chapter 12 of the National Planning Policy Framework, policies LP24 and LP57 of the Kirklees Local Plan and guidance within Kirklees Household Design Guide Supplemental Planning Document and National Design Guide’.*
- 4.4 2021/91049 – Erection of first floor extension above existing garage. Withdrawn on 31st May 2021.

- 4.5 2020/92453 – Non-material amendment to previous permission 2019/92309 for erection of single storey rear extension. Approved on 10th September 2020.
- 4.6 2019/92309 – Erection of single storey rear extension. Approved on 24th October 2019.
- 4.7 2019/91854 – Prior notification for a single storey extension. Prior Approval Not required on 9th July 2019.
- 4.8 2019/91335 – Prior notification for a single storey extension. Refused on 29th May 2019.
- 4.9 2004/91522 – Proposed pitched roof over garage to replace existing flat roof. Approved on 26th May 2004.
- 4.10 89/04095 – Erection of single storey extension to form kitchen and shower room. Approved on 15th September 1989.

Pre-application Advice

- 4.11 2020/20551 – Pre-application for extension above garage. The Local Planning Authority concluded that if a similar scheme were to be submitted as an application, it would be unlikely that the application would be supported, due to the concerns regarding the impact upon the Green Belt and residential amenity.

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

- 5.1 No amendments have been sought as the proposals are deemed to be wholly unacceptable in this instance. Officers have substantial concerns with the proposal. It should be noted that concerns were expressed at the pre-application advice stage in relation to the submission of a similar scheme and under planning application 2021/91048 which was subsequently withdrawn, as well as within the delegated officer reports for refused application 2022/90757 and more recently refused application 2022/92659.

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) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).
- 6.2 The application site is located within the Green Belt, Bat Alert Area, Holme Valley Neighbourhood Development Plan Area and partly within the Strategic Green Infrastructure Network.

Kirklees Local Plan (2019):

- **LP1** – Achieving Sustainable Development
- **LP2** – Place Shaping
- **LP21** – Highways and Access
- **LP22** – Parking
- **LP24** – Design

- **LP30** – Biodiversity & Geodiversity
- **LP31** – Strategic Green Infrastructure Network
- **LP51** – Protection and Improvement of Local Air Quality
- **LP57** – The Extension, Alteration or Replacement of Existing Buildings

Holme Valley Neighbourhood Development Plan (2020-2031)

- 6.3 The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan. The policies most relevant to this application are listed below:

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”.

- 6.4 The application site is within Landscape Character Area 5 - Netherthong Rural Fringe. Key landscape characteristics of the area are:

- The elevation offers extensive views of the surrounding landscape with long distance views towards Castle Hill and Huddersfield and the valley sides afford framed views towards settlements in the valley below.
- Within Netherthong and Oldfield views of the surrounding landscape are often glimpsed between buildings.
- Distinctive stone wall field boundary treatments divide the agricultural landscape.
- Public Rights of Way (PRoW), including the Holme Valley Circular Walk, cross the landscape providing links between settlements. National Cycle Route no. 68 also crosses the area.

Key built characteristics of the area are:

- In Netherthong and Oldfield buildings are grouped around courtyards to provide protection from the elements whilst Deanhouse has a predominantly linear plan.
- Vernacular buildings largely comprise farmhouses, barns and two and three storey weaver's cottages of millstone grit with stone mullioned windows.

Supplementary Planning Guidance / Documents:

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

National Planning Policies and Guidance:

6.5 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.

6.6 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 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, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Neighbour Letters – Expired 5th January 2023.

7.2 1 representation has been received raising comments on the application. This is summarised below with full comments available to view on the Council's website.

- Since the last application a number of the tall trees have been removed which has reduced the overlooking.

Officer note: Noted, and overlooking will be addressed in the assessment below.

- No scaffolding will be able to be provided within the rear garden of No. 31 Oldfield Road due to the stability of the ground.

Officer note: Noted, but this is not a material planning consideration.

- Concerns over the boundary line.

Officer note: Noted. This would be a civil matter that would need to be resolved outside of this planning application should it be approved.

- No indication on plans for guttering.

Officer note: Noted. As Officers are looking to recommend refusal of the application discussions have not been had with the applicant/applicant's agent in relation to guttering, however, if approved details on guttering could be requested by condition.

- Concerns that the proposed extension will appear overbearing on adjacent neighbouring properties.

Officer note: Noted. This is discussed in more detail within the residential amenity section of the assessment below.

- Any falls coming from the roof would go directly into neighbouring properties.

Officer note: This would be a civil matter that would need to be resolved outside of this planning application should it be approved.

Officer note: We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters only, details of which are outlined above.

7.3 Parish/Town Council

Holme Valley Parish Council – Comments received 18th January 2023. Defer to Kirklees Officers. Plans were...poor.

8.0 CONSULTATION RESPONSES:

8.1 No technical consultations were required.

9.0 MAIN ISSUES

- Principle of development (including principle of development in Green Belt and visual amenity)
- Residential amenity
- Highway issues
- Other matters

10.0 APPRAISAL

Principle of development

Sustainable Development

- 10.1 NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan 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.

Land Allocation (Green Belt)

- 10.3 The site is allocated as Green Belt in 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, with one such purpose 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'.
- 10.5 Paragraphs 149 and 150 of the NPPF set out that certain forms of development are exceptions to 'inappropriate development'. Paragraph 149 outlines 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.
- 10.6 Policy LP57 of the Kirklees Local Plan is consistent with advice within the NPPF. Policy LP57 of the Local Plan relates to the extension, alteration and replacement of existing buildings in the Green Belt. Policy LP57(a) states that 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(c) 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(d) 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 within 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".

- 10.8 A review of historic maps and previous planning decisions has been undertaken to ascertain what can be considered the original building at the site. In this case, it is considered based on the information available, that the original building is the main two storey structure with the dual pitched roof. All other elements are considered to be extensions to the original building. These include the porch, the single and two storey extensions (to the side and rear), and the double garage.
- 10.9 These additions need to be assessed against whether the existing and proposed extensions to the original building would cumulatively constitute a disproportionate addition. The floor area of the original building is considered to be approximately 137.64 sqm ($7.4\text{m} \times 9.3\text{m} = 68.82 \times 2$), whilst the cubic volume of the original building is considered to be approximately 846.486 cubic metres ($137.64 \times 5.5\text{m} = 757.02\text{m}^3 + 7.4\text{m} \times 9.3\text{m} \times 2.6 / 2 = 89.466\text{m}^3$).
- 10.10 The existing additions to the original building are considered to have increased the floor area of the building by approximately 249.17sqm ($5.69\text{sqm} + 50.88\text{sqm} + 65.1\text{sqm} + 53.78\text{sqm} + 63.86\text{sqm} + 9.86\text{sqm}$) and 687.399 cubic metres ($5.69\text{sqm} \times 3.3\text{m} = 18.777\text{m}^3 + 50.88\text{sqm} \times 2.5\text{m} = 127.2\text{m}^3 + 65.1\text{sqm} \times 3.1\text{m} = 201.81\text{m}^3 + 53.78\text{sqm} \times 3.3\text{m} = 177.474\text{m}^3 + 63.86\text{sqm} \times 2.4\text{m} = 153.264\text{m}^3 + 9.86\text{sqm} \times 0.9\text{m} = 8.874\text{m}^3$).
- 10.11 The extension proposed to the building under this application would have a floor area of approximately 54.13 metres squared ($5.19\text{sqm} + 48.94\text{sqm}$). The cubic volume of the proposed extension would be approximately 184.265 cubic metres ($5.19\text{sqm} \times 2.5\text{m} = 12.975\text{m}^3 + 48.94\text{sqm} \times 2.7\text{m} = 132.138\text{m}^3 + 48.94\text{sqm} \times 1.6\text{m} / 2 = 39.152\text{m}^3$).
- 10.12 Therefore cumulatively, the proposed and existing extensions would increase the floor area of the original building by approximately 303.3sqm, equating to an increase of approximately 220.5% to the original building. In terms of volume, cumulatively, the proposed and existing extensions ($184.265\text{m}^3 + 687.399\text{m}^3$) would increase the original building by approximately 871.664 cubic metres, equating to an increase of approximately 103% to the original building.
- 10.13 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 220.5% increase in the floorspace of the original building and 103% increase in the volume of the original building represents a substantial increase to the original building. It is also noted on the submitted plans that a previous application for a rear extension previously approved under prior notification (application reference: 2019/91854) has now been commenced, and this would have a floor area of around 56.88sqm. However, it is noted that the commencement of the above application could also result in the implementation of a previously approved application (approved under application reference: 2019/92309) for a larger single storey rear extension. Officers have therefore assessed the scheme against this larger extension as this could still be built out. This additional rear extension would result in an additional floorspace of around 65.1sqm (which has taken into consideration within the above assessment).

- 10.14 From a visual perspective, as a result of this proposal, the two storey additions to the front of the dwelling (cumulatively) would be greater in width than the original front wall of the dwelling. The two bulky gables to either side of the original dwelling would also significantly complicate the form of the original dwelling, would compete in prominence with this original dwelling and would result in the character and design of the host property being lost.
- 10.15 It is therefore considered that the proposal would represent a disproportionate addition to the original building, thereby not according with Local Planning Policy LP57(a) and constituting 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.
- 10.16 Given this conclusion, an assessment is 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

- 10.17 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 impact upon the openness of the Green Belt as a result of this.
- 10.18 From a visual amenity perspective, the NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 126 provides a principal consideration 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, creates better places in which to live and work and helps make development acceptable to communities”.

- 10.19 Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of the development in the local area, thus retaining a sense of local identity.

- 10.20 Policy LP24 of the Kirklees Local Plan states that all proposals should promote good design by ensuring the following:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

and

‘c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...’.

10.21 Policy 2 of the Holme Valley Neighbourhood Development Plan 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... Materials must be chosen to complement the design of the development and add to the quality or character of the surrounding environment. Local millstone grit and stone flags should be used where these are the prevailing material'*.

10.22 Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document seek to ensure development is subservient to the host property and in keeping with the character of the locality. Specifically stating the following: -

- Key design principle 1 (Local character and street scene) – *'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'*.
- Key design principle 2 (Impact on the original house) – *'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'*.

10.23 Paragraph 5 of the House Extensions and Alterations SPD provides guidance on specific extensions and alterations, with Section 5.3 relating to side extensions. This states that:

"Side extensions should be located and designed to minimise the impact on the local character of the area. The design should reflect the design of the original building in terms of roof style, pitch materials and detailing."

10.24 Paragraphs 5.21 and 5.22 contained within Section 5.3 SPD relate to two-storey and first floor side extensions, and note the following:

"Spaces between houses, including driveways, are important in providing a sense of space, local character and attractive appearance of an area and should be retained. Two-storey and first floor side extensions can cause a negative impact on the street when used to close the gap between semi-detached or detached houses. This can create a terracing effect in a non-terraced street..."

...Two-storey and first floor side extensions should:

- *ideally be visually smaller in relation to the original house;*
- *be set back at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridgeline from the original house;*
- *have a roof design that follows the form of the existing roof; and*
- *retain a gap of at least 1 metre to boundary walls to avoid a terracing effect and to retain rear access to gardens."*

- 10.25 In this instance the proposed extension would be set back by approximately 0.3m from the front of the original house and would provide a gap between boundary walls of at least 1m. It is also noted that the proposed extension is to have a lower ridge height and eaves height than the original dwelling and would be constructed from similar materials to the existing building.
- 10.26 The above said, and there being some compliance with the SPD, the proposed extension with its bulky front gable, would further complicate the form of the dwelling along with the existing two storey side extension, and would not have a roof form that is harmonious with the form of the existing roof of the host dwelling. It is considered that such an extension would appear as a dominant feature within the site and would ultimately result in the character and design of the host property being lost, especially given the previous extensions undertaken at the site. It is therefore considered that the extension would be an unsympathetic addition to the dwelling that would cause detrimental harm to the visual amenities of the area. It is also noted that the applicant seeks to utilise pitched roofs and a front gable end at first floor level as this reflects what is currently found with another extension at the site. However, such justification is not considered to be sufficient in overcoming the above concerns raised by Officers, given that Officers consider another side gable extension further complicates the appearance of the building and erodes the character and design of the original dwelling.
- 10.27 In conclusion, the proposal is therefore considered to be inappropriate development in the Green Belt. The harm to the openness of the Green Belt and the visual amenities of the locality add to the substantial harm by virtue of the development being inappropriate in the Green Belt. The NPPF outlines that applications should not be approved except in very special circumstances, and this is assessed in more detail below.

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

- 10.28 No justification has been provided within the submission to overcome concerns raised by Officers. Therefore, Officers conclude that no very special circumstances have been demonstrated by the applicant, or more generally exist which would clearly outweigh the harm by reason of inappropriateness of development within the Green Belt as well as the other harm identified.
- 10.29 In conclusion, the proposed extension is considered to represent a disproportionate addition to the original dwelling, thereby constituting inappropriate development in the Green Belt. The harm to the openness of the Green Belt and the visual amenities of the locality add to the substantial harm by virtue of the development being inappropriate in the Green Belt. Very special circumstances have not been demonstrated to outweigh this identified harm. The proposal would therefore fail to accord with Policy LP57(a) of the Local Plan and Chapter 13 of the NPPF.
- 10.30 In addition to this, the proposal in terms of its large scale, and complicated form and design is not considered to represent a subservient or harmonious addition to the host dwelling (especially when considering previous additions) and would introduce an unsympathetic, incongruous and overly prominent addition to the

building. The proposal would therefore cause detrimental harm to the visual amenities of the locality, contrary to Policies LP24 and LP57(d) of the Kirklees Local Plan, Chapter 12 of the NPPF, Principles 1 and 2 of the House Extensions and Alterations SPD and Policy 2 of the Holme Valley Neighbourhood Development Plan.

Residential Amenity

10.31 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’.

10.32 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.

10.33 Policy 2(10) of the HVNDP also states 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.

10.34 Principle 3 of the 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.

10.35 Principle 4 of this SPD relates to habitable rooms and side windows and seeks to ensure that design and layouts of habitable and non-habitable rooms reduce conflict between neighbouring properties relating to privacy, light and outlook.

10.36 Principles 5 and 6 of this SPD relate to overshadowing/loss of light and overbearing impact. The above principles will all be discussed in more detail within the assessments below.

10.37 Principle 7 requires development to ensure an appropriately sized and useable area of private outdoor space is retained, and Officers are satisfied that the property would still have a rear garden of good size as a result of the proposal

10.38 The neighbouring property most likely to be affected by the proposed development is considered to be No.31 Oldfield Road. It is considered that the extension would be sufficiently sited so as to prevent undue harm to the amenity of any of the other neighbouring properties.

Impact on no. 31 Oldfield Road

10.39 This neighbouring property is located to the west of the application site. As no windows are proposed within the western elevation of the extension there are no significant concerns in respect of undue overlooking or loss of privacy. Views from rear facing first floor windows would also only be oblique ones over this neighbour's rear garden, not too dissimilar to the existing views from the property.

- 10.40 Taking into account Principles 5 and 6 of the aforementioned SPD, the proposed extension is to be set back from the rear elevation of No. 31 and sat adjacent to the boundary between these properties. Whilst the extension has been stepped away from the boundary by approximately 1m, officers deem there to be a close relationship with this neighbouring property. The proposal is considered to be overbearing and overly dominant on both rear habitable room windows of No. 31 and the amenity space to the rear. In addition, the proposals would not pass the 45-degree guideline as outlined within the SPD and therefore there are also significant concerns in respect to loss of light and outlook.
- 10.41 Whilst it is acknowledged that the existing single storey garage would also not currently meet the 45-degree rule, the proposals would significantly increase the overall bulk and massing of this portion of the dwelling, thus drastically increasing the loss of outlook and light from No.31. It is therefore concluded that the proposal would have adverse impacts upon neighbouring residential amenity and as such, this aspect of the proposal is considered to be unacceptable.
- 10.42 It is therefore concluded that the proposal does not accord with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework, Policy 2(10) of the Holme Valley Neighbourhood Development Plan and Principles 5 and 6 of the House Extensions and Alterations SPD.

Highway issues

- 10.43 Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. 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.
- 10.44 Policy 11 of the HVNDP states that 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.
- 10.45 Principle 15 of the House Extensions and Alterations SPD states that extensions and alterations should maintain appropriate access and off-street 'in curtilage' parking. With Principle 16 going on to say that proposals should maintain appropriate storage arrangements for waste.
- 10.46 1no. additional bedroom is to be created as a result of the proposal, taking the dwelling to a 5 bedrooled property, therefore 3 off-street parking spaces should be provided to be in accordance with the Kirklees Highways Design Guide. In this instance 2 spaces are available within the attached double garage, with a large driveway and parking area to the front of the dwelling. It appears that one space would be lost in the garage as a result of the proposed works but it is not fully clear given the lack of a proposed ground floor plan. However, should the application be approved, this detail could be conditioned. Should at least one car parking space remain within the garage, it is considered that sufficient parking space would be available to accommodate 3 vehicles on site.

- 10.47 In addition, it is reasonable to presume that the existing waste storage and collection points will remain the same, in compliance with Principle 16 of the House Extensions and Alterations SPD
- 10.48 Given the nature of the proposals and that sufficient car parking could be provided within the site, 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 Council's House Extensions and Alterations SPD, Policy 11 of the Holme Valley Neighbourhood Development Plan and the guidance contained within Chapter 9 of the National Planning Policy Framework.

Other Matters

Biodiversity

- 10.49 Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Home Valley Neighbourhood Development 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. Policy 13 also seeks biodiversity net gains.
- 10.50 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.
- 10.51 Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.
- 10.52 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.
- 10.53 Whilst it is acknowledged that the application site is located within a Bat Alert Area on the Council's mapping system, given the nature and scale of the proposal and that the host dwelling appears to be well sealed to the eaves, it is considered unlikely that roosting bats will be found during construction works on site. However, should planning permission be granted it is recommended that an informative is included which provides information for the applicant should roosting bats be found during construction works.
- 10.54 In accordance with local and national policy, as well as Principle 12 of the House Extensions and Alterations SPD, a condition is recommended should planning permission be granted requesting that 1 bat roosting feature be incorporated into the new walling of the extension on the western elevation, at least 4 metres above ground level and not directly above any windows or doors.
- 10.55 Subject to the proposed informative and condition, the proposal is considered to be in accordance with Policy LP30 of the Kirklees Local Plan, Chapter 15 of the National Planning Policy Framework, Principle 12 of the House Extensions and Alterations SPD and Policy 13 of the Holme Valley Neighbourhood Development Plan.

Climate Change

- 10.56 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.
- 10.57 Policy 12 of the HVNDP sets out that 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.
- 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 The proposal is for a small-scale domestic development to an existing dwelling. As such, no special measures are considered to be required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.
- 10.60 Taking the above into account, the proposed development is therefore considered to comply with Policy LP51 of the Kirklees Local Plan, Principles 8, 9, 10 and 11 of the House Extensions and Alterations SPD, Policy 12 of the Holme Valley Neighbourhood Development Plan and Chapter 14 of the National Planning Policy Framework.
- 10.61 There are no other matters for consideration.

11.1 **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 the proposed development would not constitute sustainable development and is therefore recommended for refusal.

- 11.3 The proposed extension is considered to represent a disproportionate addition to the original dwelling, thus resulting in inappropriate development in the Green Belt, whilst also causing harm to the openness of the Green Belt and the visual amenities of the locality which adds to the substantial harm by reason of inappropriateness. Officers consider that very special circumstances to clearly outweigh the identified harm to the Green Belt have not been demonstrated.
- 11.4 Furthermore, the proposal in terms of its large scale, and complicated form and design is not considered to represent a subservient or harmonious addition and would introduce an unsympathetic, incongruous and overly prominent feature to the host property.
- 11.5 Finally, given the scale of the proposed extension and its proximity to No 31. Oldfield Road, the proposal is considered to result in an undue overshadowing and overbearing effect on the rear windows and amenity space of this neighbouring property, as well as undue harm in terms of loss of light and outlook to this property, thereby detrimentally affecting the residential amenity of its occupants.
- 11.6 It is therefore considered that the proposal would be contrary to Policies LP1, LP2, LP24 and LP57 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan, Principles 1, 2, 5, and 6 of the Council's adopted House Extensions and Alterations SPD and Chapters 12 and 13 of the National Planning Policy Framework. There are considered to be no material considerations which outweigh this conflict with the development plan.

Background Papers:

Application and history files.

Available at:

[Link to planning application](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022/93846)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022/93846>

Certificate of Ownership

Certificate A signed.