

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2018/62/94103/W
Site Address: 81, Sunny Heys Road, Meltham, Holmfirth, HD9 5PB
Description: Erection of two storey side extension
Recommending Officer: Laura Yeadon

DECISION – conditional full permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 06-Feb-2019

Officer Report

Site Description

81 Sunny Heys Road is a brick constructed semi-detached property with a clay tiled roof. To the front of the property is a single storey porch. There are garden areas to the front and side of the property with a small garden area to the rear and a driveway to the side which is accessed from a dropped crossing and double width iron gates. Boundary treatments consist of hedges and fencing. The surrounding area consists of mainly residential properties which are mainly semi-detached and terraced dwellings which are constructed from stone and from brick.

Description of Proposal

Permission is sought for the erection of a two storey side extension and replacement porch.

The extension would consist of a replacement porch on the front elevation of the property which would project forward of the front elevation by 1.56 metres being set in from the side elevation of the property by 2.9 metres. The porch would be single storey in height with an eaves height of 2.4 metres rising to an overall height of 3.6 metres to the ridge of the lean-to roof. The two storey extension would have a ground floor which would be a continuation of the proposed porch elevations projecting to the side by 3.15 metres. The front elevation of the first floor extension would lie flush with the existing with an eaves height to match the existing and a roof ridge which is set down from the existing by 0.6 metres which is proposed to be hipped and would be set in from the rear elevation of the property by 2 meters. The design of the extension is such that the ground floor of the extension would have a chamfered corner to follow the line of the boundary.

The extension would be constructed from facing brick with clay tiles for the roof with uPVC for the windows and doors.

The resultant accommodation would be a porch and garage at ground floor with a master bedroom and en-suite at first floor.

History of negotiations/amendments received

No negotiations have taken place and no amended plans have been sought or submitted.

Relevant Planning History

No history

Representations

Final publicity date expired 13th January 2019 – no representations received

Meltham Town Council – support the application

Consultation Responses

None required

Policy

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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 48 of the National Planning Policy Framework (2018). In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan, its published modifications and Inspector's final report dated 30 January 2019 are considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is Unallocated Land on the UDP Proposals Map and on the Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP 24** – Design
- **PLP 21** – Highway safety and access

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published July 2018, together with Circulars, Parliamentary Statements and associated technical guidance.

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

- Chapter 12 – Achieving well-designed places

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology
- 5) Representations
- 6) Conclusion

1 – Principle of development:

The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. All these considerations are addressed later in this assessment.

Furthermore, the site is without notation on the Publication Draft Local Plan. Policy PLP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

2 –Impact on visual amenity:

The proposed development would be in the form of a two storey extension and a single storey porch to accommodate garage provision at ground floor and master bedroom with en-suite at first floor.

The design of the extension is such that the eaves height would match the existing and the ridge of the property would be set down from the existing. Whilst the extension would not be set back from the front elevation, due to being set in from the ridge line and set in from the rear elevation, the extension would be subservient. The adjacent property is set at right angles to the application site and therefore, no terracing effect would occur should the adjacent property also extend. In terms of the fenestration details, a garage

door opening is proposed within the ground floor of the front elevation with one first floor window above and within the rear elevation, two small first floor openings are proposed alongside a ground floor. No openings are proposed within the side elevation. The proposed openings are considered to be acceptable.

A location plan has been submitted as well as a ground floor layout which demonstrates that some amenity space to the side and front of the property would be retained and there are no proposed works to the rear of the property. It is therefore considered that the scheme would result in an overdevelopment of the site.

The proposed construction materials would be brick for the walls, clay tiles for the roof with uPVC for the openings, all to match the host building and therefore acceptable.

Taking into account all the above, it is considered that the proposed development is acceptable in terms of visual amenity and would accord with local, national and emerging policies.

3 – Impact on residential amenity:

The proposed first floor of the extension would lie flush with the existing front elevation and set back from the rear elevation. As such, the established separation distances would not be reduced. With regards to the ground floor front elevation, this would project forward of the front elevation by 1.56 metres and would contain non-habitable openings and given that the facing dwellings are set at right angles to the proposed development, there are minimal concerns regarding overlooking. No openings would be located within the side elevation facing No. 79.

As the extension would project further towards the rear of No. 79 than the existing dwelling and would be located to the south of the neighbour, there is a potential to cause some degree of overshadowing/overbearing impact. However, there would be a degree of separation and that neighbour is set on a higher ground level and the rear elevation of the affected property is partly offset from the extension and it is therefore considered that any harm created would not be so significant that there would be sufficient justification to refuse the application on this basis.

It is therefore considered that the proposal is acceptable in terms of residential amenity and would accord with current policy and guidance.

4 – Impact on highway safety:

The submitted details indicate that the ground floor of the extension would be a garage and also that a hardstanding area would be created to the front of the building by using permeable paving setts. The garage falls slightly short of the requirements of Manual for Streets in terms of the garage sizes however there is a driveway to the front of the proposed garage and also alternative

off-street parking proposed. It is therefore not considered that there would have a detrimental impact on highway safety or parking provision as a result of the scheme. This is subject to the imposition of a condition to ensure that the new areas of hardsurface are paved in accordance with DCLG guidance 'permeable surfacing of front gardens'. This would also avoid an increase in flood risk through use of inappropriate impermeable surfacing.

5 – Other matters:

There are no other matters for consideration.

6 – Representations:

No representations have been received.

7 – Conclusion:

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.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2018/94103

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies D2, BE13 and BE14 of the Kirklees Unitary Development Plan, Policy PLP24 of the Publication Draft Local Plan and advice within the National Planning Policy Framework.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policy PLP24 of the Publication Draft Local Plan and advice within the National Planning Policy Framework.

4. The development shall not be brought into use until all areas indicated to be used for parking on the approved plan have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for access/parking thereafter.

Reason: In the interests of amenity and traffic safety. To ensure adequate space within the site for parking, to avoid an increase in flood risk and in accordance with Unitary Development Plan Policy T10, Policy PLP21 and PLP28 of the Publication Draft Local Plan and advice within the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan, existing elevations and proposed elevations and floor plans	DL562 – 01		13th December 2018

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No negotiations have taken place nor have any amended plans been sought or received.

Report Dated: 6th February 2019

