

**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: 2019/62/92212/W

Site Address: 137, Leas Avenue, Netherthong, Holmfirth, HD9 3EW

Description: Erection of two storey side and single storey rear extensions and porch to front

Recommending Officer: Danielle Cooper

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.

Emma Thompson

AUTHORISED OFFICER

Date: 10-Sep-2019

Officer Report

Site Description

137 Leas Avenue, Netherthong, Holmfirth is a two storey semi-detached dwelling, constructed of brick with a concrete tiled roof. The property benefits from a reasonably sized garden to the rear as well as a single storey extension with a sloped concrete tiled roof. The property also has a large hardstanding area for parking.

The dwelling is located next to a Public Rights of Way footpath HOL/55/20. The site is located in a residential area which compromises a mix of dwellings in terms of a similar character, style and design to the application site.

Description of Proposal

Permission is sought for the erection of a 2 storey and single storey extensions to accommodate a sunroom, toilet, study and a new porch entrance on the ground floor and an additional bedroom and bathroom on the first floor. The extensions will be constructed of brick with concrete tiled roofs to match the existing materials of the dwelling and keep in with the surrounding area.

Porch

- Projection – 1.8m
- Width – 2.6m
- Overall Height – 4.1m
- Eaves – 3.1m

Front single storey extension

- Projection – 1.2m
- Width – 4.3m
- Overall Height – 4m
- Eaves – 3.1m

Two storey side extension

- Projection – 3m
- Length – 11m

- The eaves and ridge of the proposed extension would match those of the existing dwelling.

Rear single storey extension

- Projection – 3m
- Width – 5.2m
- Same overall height and eaves to match the existing single storey rear extension with a sloped roof concrete tiled roof.

History of negotiations/amendments received

No amendments were sought in this instance

Relevant Planning History

2009/91394 - It is noted that the same plans were submitted in 2009 where the application was approved.

Representations

The application was publicised by site notice and neighbour notification letter

Final publicity date Expires: 06/09/19

No representations received

Holme Valley Parish Council – No comment

Consultation Responses

No consultation were required or sought.

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP1 Achieving sustainable development**
- **LP2 Place Shaping**
- **LP21 Highway safety and access**
- **LP22 Parking**
- **LP24 Design**

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

- Chapter 2 – Achieving sustainable development.
- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

Principle of Development:

The site is without notation on the Kirklees Local Plan. Policy LP1 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 NPPF.

Policy LP1 goes on further to stating that “the council will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

Chapter 2 of the NPPF 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 NPPF. Chapter 2 of the NPPF goes on further to state that:

“to support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment”. As well as “making effective use of land”.

In this instance, it can be stated that the principle of development of this application is acceptable. Therefore, the application is subject to the assessment of impacts on visual and residential amenity, as well as highway safety.

Impact on visual amenity:

The NPPF provides guidance in respect of design in chapter 12 (Achieving well designed places) with 124 providing an overarching consideration of design stating 'the creation of high quality 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'.

Kirklees Local Plan policies LP1, LP2 and importantly, LP24 are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

LP24 states that all proposals should promote good design by ensuring the following:

'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape' and that 'extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers'.

In regards to the proposed two-storey side extension, this would have some impact on visual amenity. As the extension would result in no. 137 having a significantly enlarged appearance in contrast to the attached neighbour no. 135 Leas Avenue. Although this would reduce the symmetry shared by the two, there is not a strong design characteristic relative to the area with a number of different property designs and scales. On balance, the proposed side extension whilst clearly visual within the street scene, is not considered to cause a detrimental impact to the street scene along Leas Avenue.

In regards to the front porch and single storey extension given its modest scale and the proposed materials to match those of the existing, it has been considered to cause no undue harm to the visual amenity of the area nor would it be out of keeping with the neighbouring properties.

When considering Policy LP24 (c) extensions should be subservient to the original building. Whilst the extensions result in a wrap round development the rear is retained at single storey thereby reducing the overall scale of development and ensuring that it can be considered as subservient.

The proposed rear extension would be constructed of brick with a concrete tiled roof to match the existing dwelling. The materials would therefore harmonise with the existing dwelling and as the development would not be seen from the street scene this has been considered to be acceptable as there would be no detrimental impact in terms of the area's visual amenity.

In summary, the proposed extensions would be of a satisfactory design quality for the reasons set out above and would contribute to the character of

the area. Therefore the proposal would accord with LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

Impact on residential amenity:

LP24 states that alterations to existing buildings should provide the following: 'high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distance between buildings and the creation of development-free buffer zones between housing ... and means of screening where necessary'.

In regards to properties which would be most affected by the development, the residential amenity has been assessed against no. 135 Leas Avenue & properties North-West of the application site along Netherlea Drive.

In regards to no. 135 Leas Avenue given the boundary treatment to the rear which consists on a large fence separating the two properties, the single rear extension attaching to the existing extension would not be overbearing or overshadowing on no.137 given the separation between the two properties and the boundary treatment.

The scale of the development, along with the new openings on the first floor to the rear of the extension has been considered to not lead to any detrimental overlooking of the properties North-East along Netherlea Drive of the application site as there is a distance of 16 metres. Also given that there are no new openings along the first floor side elevation and the existing relationship of the host dwellings first floor existing windows with the properties North-West, it has been considered that the proposed extension would not lead to any detrimental impact on their residential amenity.

For the reason set out above, it is considered that the proposal is acceptable in respect on residential amenity and against LP24 (b) and (c).

Impact on highway safety:

As the proposal would increase the size of the dwelling and would create an additional bedroom, it has been considered to not have a detrimental impact on highway safety as there is sufficient off street parking spaces which will be retained. As such, the proposal meets the aims of Policy LP21 and LP22 of the Kirklees Local Plan.

Other Matters:

Biodiversity – the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been received from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats

be found using the building then works must cease and appropriate advice sought.

There are no other matters for consideration.

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: 2019/92212

Officer Recommendation: Full Conditional Approval

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.
1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule 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 Policy LP24 of the Kirklees Local Plan.
2. Notwithstanding the submitted details the external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing dwelling.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.

NOTE: The Council's GIS system indicates that a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations	1001	1	25/07/19
Location Plan	-	1	25/07/19
Proposed Elevations	-	B	25/07/19

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 amendments have been sought as it was considered that the application was acceptable in its submitted format.

Report Dated: 09/09/19