

**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:** 2019/62/92268/W  
**Site Address:** 41, The Cutting, Brockholes, Holmfirth, HD9 7HL  
**Description:** Erection of single storey side extension  
**Recommending Officer:** Laura Yeadon

**DECISION – Full Conditional 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.**

Neil Bearcroft

***AUTHORISED OFFICER***

**Date: 16-Sep-2019**

## **Officer Report**

### **Site Description**

41 The Cutting is a semi-detached property constructed from natural stone with an artificial blue slate roof. The property is a modern dwelling and located on a cul-de-sac of modern dwellings which has differing house types with some being terraced, semi-detached and detached with some having integral garages and others with driveways to the side. The amenity to space for this property is to the rear where there is a tiered garden bound by fencing. The driveway between the application site and the neighbouring property No. 39 is defined by a low stone wall. Residential properties are predominant to the north of the property and to the east and west is a large expanse of Green Belt.

### **Description of Proposal**

Permission is sought for the erection of a single storey side extension.

The proposed extension would be located on the driveway of the property projecting to the side by 4.1 metres being set back from the front elevation of the kitchen by 2.6 metres and set back from the front elevation and entrance void by approximately 4.7 metres. The extension would be a total depth of 6.6 metres lying flush with the rear elevation of the property with an eaves height of 2.5 metres and overall height of 4 metres to the ridge of the lean-to roof.

The proposed construction materials would be stone for the walls, tiles for the roof and uPVC for the window and door. There are no proposed changes to the boundary treatments.

### **History of negotiations/amendments received**

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

### **Relevant Planning History**

- 2002/91815 Erection of 33 dwellings with garages  
*Section 106 Full Permission*
- 2004/94241 Erection of 31 dwellings (amended house types)  
*Section 106 Full Permission*
- 2012/92645 Proposed erection of 18 dwellings (amended housing layout and house types) *Conditional Full Permission*
- 2014/92058 Compliance of conditions on previous permission 2002/91815 for erection of 33 dwellings with garages  
*Compliance with Condition(s) Approved*

2015/90806 Variation of condition 7 (footpath) on previous planning permission 2012/92645 proposed erection of 18 dwellings (amended housing layout and house types)  
*Removal or modification of condition(s)*

## **Representations**

Final publicity date expired 28<sup>th</sup> August 2019 – no representations received

Holme Valley Parish 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 statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

The site is without notation on the Kirklees Local Plan.

## **Kirklees Local Plan**

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity

## **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19<sup>th</sup> February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 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
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

#### 1 – 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 National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

In this case, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity and highway safety.

#### 2 –Impact on visual amenity:

In terms of visual amenity, the proposed extension would be located on the side elevation of the property which would sit on the existing driveway. As the proposed extension is limited to being single storey with the roof line set down from the existing roof, it would be clearly subservient when viewed against the host building. The proposed construction materials are listed on drawing number 41TC05 as being external walling to match the existing, gutters, down pipes, windows and doors all to match the existing. It also states that tiles would be used as the roof material however the application form states slate and therefore for the extension to be in keeping with the host property, a condition shall be attached to the decision notice stating that materials should match. The reason for imposing the condition would be in the interest of visual amenity. The roof form would be a lean-to in design and it is proposed that the openings would be limited to the front and rear elevations with roof lights within the side elevation roof slope. There are no openings within the wall of the side elevation facing No. 39.

With regard to the impact of the proposal on the street scene, a similar side extension is under construction at No. 59. The extension as proposed in this instance is set back an adequate distance from the front elevation of the property and the roads side and by being single storey in height would not

create an incongruous feature within the street scene nor would it be viewed as intrusive or overly prominent.

Taking into account all the above, it is considered that the proposed extension is acceptable in terms of its impact on visual amenity and would accord with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

### 3 – Impact on residential amenity:

*Overlooking* – openings are proposed within the front and rear elevations of the extension. No openings are proposed within the side elevation wall with roof lights proposed within the roof slope. The openings within the rear elevation would face into the garden area of the property which is considered to be acceptable. There are minimal concerns regarding the roof lights as due to being positioned within the roof slope, do not give cause to significant concerns regarding overlooking. In addition, there are no first floor openings within the side elevation of the neighbouring property. The openings within the front elevation of the extension are set back from the existing openings by 2.6 metres and therefore there would be no decrease in separation distance.

*Overshadowing/overbearing* – the extension would be located on the side elevation of the property would be located to the south of No. 49. As such, there would be some degree of overshadowing to the side elevation of the adjacent property. However, as the extension is limited to being single storey with no openings within the side elevation of the neighbouring property other than a door, it is considered that this element of the scheme would not cause undue harm from overshadowing and/or by being overbearing.

In summary, it is considered that in terms of residential amenity, the extension would create some harm from overshadowing, however the degree is considered to be acceptable in this instance and therefore would accord with Policy LP24 of the Kirklees Local Plan and advice within the NPPF.

### 4 – Impact on highway safety:

There are 2 no. parking spaces on the driveway to the property, one of which would be lost as a result of the proposed extension. Kirklees Council has not set local parking standards for residential and non-residential development however in practice the majority of new 2 to 3 bedroom dwellings within Kirklees have provided 2 off-street parking spaces. The decision notice for the most recent application for developing the site under application number 2012/92645 for the erection of 18 dwellings did not remove Permitted Development Rights for the properties to extend by way of either extensions or outbuildings. As such, a structure could be sited within the same position as that proposed, provided it is not more than half the width of the original dwelling. This would effectively removing both parking spaces without the requirement of Planning Permission. Whilst no Certificate of Lawful Development has been submitted to clarify this fall back position, it is considered to be a material consideration for the purposes of this application.

Highways Development Management have been formally consulted as part of the application process and have cited that there appears to be ample on-street parking along this section of The Cutting. It was also requested that the applicant should ideally demonstrate, by means of a peak hour parking survey that there is sufficient on-street parking provision to accommodate the loss of the parking space. However, as highlighted above, a structure which would remove parking spaces could be constructed without Planning Permission and therefore it is considered that the survey is unnecessary to determine the application. In addition, the submitted location plan demonstrates that the parking area/passing place opposite the dwelling is under the ownership of the applicant which could be utilised for parking a second vehicle.

Whilst the loss of the space is not ideal, it is considered that on balance and in this instance, this is acceptable.

#### 5 – Other matters:

Biodiversity – the application site is within a ‘Bat Alert’ layer on the Council’s GIS system. Whilst formal comments have not been requested or received from the Ecology & Biodiversity Officer it is considered that a Bat Survey is not required in this instance. This is due to the works not affecting the original roof of the property. However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the NPPF, 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.

#### 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:** 2019/92268

**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 LP1, LP2, LP21, LP22, LP24 and LP30 of the Kirklees 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 LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

**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              |
|---------------------|-----------|---------|----------------------------|
| Location plan       | 41TC01    |         | 19 <sup>th</sup> July 2019 |
| Existing site plan  | 41TC02    |         | 19 <sup>th</sup> July 2019 |
| Existing elevations | 41TC03    |         | 19 <sup>th</sup> July 2019 |
| Proposed site plan  | 41TC04    |         | 19 <sup>th</sup> July 2019 |

| <b>Plan Type</b>    | <b>Reference</b> | <b>Version</b> | <b>Date Received</b>       |
|---------------------|------------------|----------------|----------------------------|
| Proposed elevations | 41TC05           |                | 19 <sup>th</sup> July 2019 |

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 were sought as it was considered that the proposal was acceptable in its submitted format.

**Report Dated:** 13<sup>th</sup> September 2019