

**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: 2019/62/93117/W

Site Address: 15, Holmebank Mews, Brockholes, Holmfirth, HD9 7EA

Description: Erection of single storey rear extension, front porch and demolition of existing conservatory

Recommending Officer: Alice Huxley

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: 27-Nov-2019

Officer Report

Site Description

15, Holmebank Mews, Brockholes, Holmfirth.

15 Holmebank Mews is a three-storey mid-terrace property that benefits from an internal garage and off-road parking to the front. Materials used in construction consist of artificial stone walls, white upvc windows and a concrete tile pitched roof. Boundary treatment consists of timber fencing and there is a woodland area beyond the rear garden.

It is noted that the property does not have its Permitted Development rights.

Description of Proposal

Erection of single storey rear extension, front porch and demolition of existing conservatory.

Single storey rear extension

The single storey rear extension will replace the existing conservatory and erect approximately 3.3 metres from the dwellings rear elevation at a width of 4.65 metres and a height of 3.2 metres to accommodate a master bedroom. Proposed materials consist of stone walls and a dark grey single ply flat roof with a parapet. There will also be a white upvc window and painted timber door on the rear elevation.

Front Porch

The proposed porch will project approximately 1.8 metres from the dwelling's front elevation at a width of 2 metres, an eaves height of approximately 2.7 metres rising to an overall height of approximately 3.6 metres. The porch will have a dark grey concrete tiled pitched roof and stone walls to match the original dwelling. There will also be a white upvc window on the front elevation and a painted timber door on the side elevation.

History of negotiations/amendments received

Amendments were sought to remove the terrace element of the scheme to overcome concerns regarding visual and residential amenity. Amended plans were received accordingly on 14/11/2019.

Relevant Planning History

None at application site.

Representations

Final publicity date Expires:

Neighbour letters expire 3rd November 2019; site notice expires on 19th November 2019.

No representations were received.

Parish/Town Council comments:

Holme Valley Parish Council – supports development subject to no overlooking.

Consultation Responses

K.C Trees – no objections.

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):

- **LP 1 – Achieving sustainable development**
- **LP 2 – Place shaping**
- **LP 21 – Highway Safety and Access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 27 – Flood Risk**
- **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 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 14 – Meeting the challenge of climate change, flooding and coastal change**
- **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 (including any heritage considerations)
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology (e.g. bats)
- 5) Representations
- 6) Conclusion

Principle of development:

The site is without notation on the Kirklees Local Plan. Chapter 2 of the NPPF states that:

‘Planning policies and decisions should play an active role in guiding development towards sustainable solutions...’

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

‘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...’

In line with the NPPF, policy LP1 of the Kirklees Local Plan declares that:

‘...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.’

LP1 goes further and states:

‘The council will always work pro-actively 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.’

In this instance, it can be stated that the principle of development of this application is acceptable; and as a result, is subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise.

Impact on visual amenity:

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby 124 provides a principal consideration concerning design which states:

‘124. 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 significantly LP24 all also 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.

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..'

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

In regards to visual amenity, although the proposed porch would project from the front elevation, the structure itself would be small in scale and incorporate materials to match the host property, and as such, would not form an overly prominent feature within the street scene. Additionally, despite none of the adjoining properties having front porches, it is noted that no. 12 Holmebank Mews (located north-west of the applicant site) was granted planning permission for a front porch in 2003 which does not look out of character for the area. For the reasons set out above, the front porch has been considered acceptable in terms of visual amenity.

Regarding the proposed rear extension, given that it would be single storey and have a projection of approximately 3 metres, it has been considered that it would be subservient to the original dwelling in terms of scale. With regards to design, although it would be preferred if the roof was pitched or incorporated a lantern to break up the flat roof element, on balance, given that it would be located to the rear of the property and constructed from artificial stone to match the original dwelling, it has been considered that the dark grey membrane flat roof would not be detrimental to the visual amenity of the area and therefore is considered acceptable.

In Summary, the proposals submitted in this application comply with LP24 of the Kirklees Local Plan and therefore are acceptable in terms of visual amenity.

Impact on residential amenity:

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'.

Given the nature of the adjoining properties, there are no windows on the front elevations at ground floor level and as such the incorporation of a single

storey front porch would not cause any undue harm to the neighbouring dwellings in terms of overlooking, overbearing or overshadowing.

Although the proposed rear extension would slightly increase the mass of walling adjacent to no.11 and no. 17's conservatory's, given that it would be single storey and flat roofed in addition to replacing the existing conservatory, this structure is thought to not cause any undue harm to the adjoining properties in terms of overbearing or overshadowing. Furthermore, the single storey rear extension would not incorporate any windows or doors on its side elevations facing the adjoining properties and there is sufficient boundary treatment separating the surrounding sites. As such, this element of the scheme would cause no undue harm to the neighbouring properties in terms of overlooking.

In conclusion, the proposals are considered to comply with section B and C of LP24 of the Kirklees Local Plan and therefore are acceptable in terms of residential amenity.

Impact on highway safety:

The proposed development relates to the erection of a single storey rear extension with a terrace above, front porch and demolition of existing conservatory that does not interfere with any areas of parking or access. The provision of parking therefore remains unchanged, and as a result of this, there are no concerns regarding matters of highway safety in accordance with LP21 and LP22.

Other matters:

K.C Trees

The extension will be a replacement of an existing conservatory and will have no direct impact on the adjacent protected trees. The trees location and size in relation to the proposals mean that indirect conflict is not likely to increase as a result of the proposals, even with the inclusion of a terrace.

Flood Risk

It is noted that the site lies within Flood Zone 2. A flood risk assessment and appraisal has been submitted showing details of flood resilience and resistance measures which are as follows:

The proposal is to demolish the existing conservatory due to its dilapidated state and erect a single storey replacement extension. The existing dwellings on Holmebank Mews are still considered to be reasonably new, therefore it is assumed that the current floor levels have been set at a distance above the calculated local flood level. The proposals have the exact same finished floor level, and maintain the same access to the rear garden area therefore it is no worse than what is already constructed. Part of the existing ground floor is

actually lower than the proposed extension floor level (Garage) as shown on the submitted drawings.

The foundations will be traditional concrete strip footings which will be subject to confirmation of the structural engineer. Construction up to damp proof course (DPC) will be in engineering brickwork / concrete blockwork (foundation blocks) and the cavity to be filled with concrete.

The floor structure will be min. 150mm thick concrete slab (Preferred option within the guidance documentation) sat on top of a 1200-gauge damp proof membrane which will lap up and tie in to the DPC within the walls to fully protect against moisture. The ground floor has been designed this way to prevent any requirements for ground floor sub-voids for ventilation purposes and although not considered a flood defence mechanism, the surrounding garden area can be considered in its majority a permeable surface, further reducing the potential for flooding.

The walls will be stone faced to match the existing dwelling, with either an internal leaf of blockwork or timber-frame with the necessary levels of insulation to meet current standards. The internal face will be lined with insulated plasterboard and there won't be any electrical sockets or wiring below 450mm above the finished floor level.

The new external uPVC door to the rear will be fully sealed with double glazing which will also be toughened.

Such flood mitigation measures are considered to be appropriate to accord with Policy LP27 of the Local Plan and Chapter 14 of the NPPF. The measures will be secured by planning condition.

Biodiversity

It is recognised that the site is located within a bat alert area. Despite this, the existing dwelling appears to be well sealed and unlikely to have any bat roost potential.

Chapter 15 of the NPPF states that:

'planning policies and decisions should contribute and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity...'

In line with the NPPF, LP30 of the Kirklees Local Plan states that:

'development proposals will be required to result in no significant loss or harm to biodiversity in Kirklees'

To comply with Chapter 15 and LP30 of the Kirklees Local Plan, if any bats are to be found during the development, a note recommending that the advice

of a licensed bat worker is to be sought and relayed onto the applicant via the decision notice in the interests of preserving biodiversity.

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: 2019/93117

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 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.

3. The hereby approved development shall be constructed in accordance with the flood resilience and resistance measures detailed on the Flood Risk Assessment and Flood Risk Appraisal received on 7th October 2019.

Reason: In the interests of reducing the impact of any potential flooding instance which may occur and to accord with Policy LP27 of the Kirklees Local Plan and Policies in Chapter 14 of the National Planning Policy Framework.

NOTE: Due to the location and nature of the application site, 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 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	0101 P01	1	07/10/2019
Proposed Site Layout	9001 P01	1	07/10/2019
Existing Floor Plans	2001 P01	1	07/10/2019
Proposed Floor Plans	2003 P02	2	14/11/2019
Existing Elevations	2002 P01	1	07/10/2019
Proposed Elevations	2004 P02	2	14/11/2019

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. Negotiations between the officer and agent took place due to concerns regarding the terrace element and its impact on residential amenity. This element of the scheme was removed and plans were received accordingly on 14/11/2019. This decision is based on the amended plans received.

Report Dated:

26/11/2019
