

**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: 2020/62/92229/W

Site Address: Brookside, 67, Hall Ing Lane, Honley, Holmfirth, HD9 6QW

Description: Raising of roof height and erection of extension to create first floor living accommodation

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: 03-Dec-2020

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f92229>

Site Description

Brookside, Hall Ing Lane is a detached property set within a substantial curtilage which is accessed off Hall Ing Lane via a driveway and integral garage. The property is single storey in height and constructed from natural stone with a stone slate roof with garden areas surrounding the property which are sloped downwards from the south to the north. The eastern boundary of the site forms the boundary with the Green Belt with a public footpath running long the southern boundary. The surrounding area to the north, south and east is comprised of mainly detached dwellings, also set within generous grounds with open fields to the east.

Description of Proposal

Permission is sought to raise the roof of the building to create first floor accommodation. This scheme is similar to a scheme previously submitted and approved in 2006 however has not been implemented. The application form confirms that the footprint of the building will remain unchanged however the plans indicate that the porch would be removed and replaced with a canopy. This would enable the garage to be enlarged.

It is proposed that the existing eaves would be raised from 2.4 metres to 4.9 metres and the overall height would be raised from 5.3 metres 7.8 metres. Therefore, the building would increase in height by 2.5 metres. The resultant accommodation would be a 4 no. bedroom dwelling.

The proposed construction materials would be natural stone to match the existing with stone slate roof with uPVC window openings.

History of negotiations/amendments received

No negotiations have taken place nor have any amended plans been submitted.

Relevant Planning History

2012/90839 Works to TPO(s) 01/96
Refused

2006/90060 Erection of first floor extension to bungalow to form 2 storey dwelling
Conditional Full Permission

Representations

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.

Final publicity date expired 26th August 2020 including the newspaper advertisement – no representations received

Holme Valley Parish Council - support

Consultation Responses

K.C. Public Rights of Way – no response to date

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 without notation on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 24** – Design

Neighbourhood Development Plans

- Holme Valley Neighbourhood Development Plan has been formally submitted to Kirklees Council and Peak District National Park Authority. It covers the whole of the Holme Valley Parish Area. The plan has not been subject to publicity (Regulation 16, The Neighbourhood Planning (General) Regulations 2012) at this time. There are unresolved objections between the Kirklees Council and the neighbourhood plan body therefore the plan has no weight at this stage.

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 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

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

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 design, the application is to erect a first floor extension over the existing ground floor elevations. The extension would increase the height of the eaves and roof ridge by 2.5 metres to result in a two storey property. There is no proposed increase in footprint of the building. The ground floor fenestration details would, with the exception of the west and north elevations, remain as existing with first floor openings proposed within all four elevations. The design of the extension is simplistic with the roof height being increased and would be constructed from matching materials and therefore considered to be acceptable. The overall size, scale and massing of the extension is also

considered to be acceptable and would sit within the plot comfortably and it is not considered that the works would result in overdevelopment.

The resultant 2-storey dwelling would not adversely affect the wider visual amenity of the area. House types surrounding the site are varied. Furthermore it would not affect the setting of the adjacent public right of way.

As a result, it is considered that the proposed development would comply with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3 – Impact on residential amenity:

With regards to residential amenity and overlooking, there are openings proposed within all four elevations of the extension at first floor level. Although separation distances between dwellings would not be reduced, the scale of development would. This also includes windows at first floor level in all 4 elevations. The proposed block plan as annotated the distance the dwelling is to the boundary. At its closest point it would be 6.7m to the northern boundary and it would be at least 22m from the boundary with any surrounding dwellings. It is noted that with the previous decision notice for a similar development, a condition was imposed which required the first floor openings within the northern elevation to be obscurely glazed in the interests of residential amenity. Given the separation distance of the property from the northern boundary where residential dwellings are located, it is considered reasonable and necessary to reimpose this condition. Two of the windows would serve en-suites and the other window one of 2 serving a bedroom.

With regards to overlooking and being overbearing, the property is located in spacious grounds and set back from the roadside by approximately 17 metres with the surrounding properties being both single storey and two storey dwellings. As such, it is not considered that the proposed development would have significant overbearing or overshadowing impact on either surrounding development or within the street scene.

It is therefore considered that the proposal is acceptable in terms of residential amenity and the development would accord with both local and national policy.

4 – Impact on highway safety:

The submitted plans demonstrate that the garage provision would be increased from a single car garage to a double garage. The internal dimensions indicate that the space provided would be 5.4m x 5.4m and whilst this is not of sufficient depth to accord with the Council's standards, given the length of the driveway, it is considered that there is sufficient provision available so as not to be reliant on use of the substandard garage space.

5 – Other matters:

Climate Change - 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 pre-dates 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. The extension proposes to be constructed from natural stone with the existing roof slates re-used. Given the re-use of the slates with the natural stone being locally sourced and sustainable, it is considered that the proposal would assist in the mitigation of climate change.

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: 2020/92229

Officer Recommendation: Approve

Conditions

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 and LP24 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.

4. The development shall not be occupied until the first floor windows in the north elevation of the extension hereby approved have been obscure glazed to minimum Grade 4. 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) the obscure glazing shall thereafter be retained for the lifetime of the development.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	A2907/301		13 th July 2020
Block Plan	A2907/302		13 th July 2020
Existing elevations and floor plans	A2907/101		13 th July 2020
Proposed elevations and floor plans	A2907/201		13 th July 2020

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 as it was considered that the application was acceptable in its submitted format.

Report Dated: 2nd December 2020

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