

**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: 2020/62/92741/W

Site Address: Heavens House, Cliff Road, Wooldale, Holmfirth, HD9
1AN

Description: Erection of extensions and alterations to one dwelling
to form 2 dwellings

Recommending Officer: Stuart Howden

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: 05-Feb-2021

Officer Report

Site Description

Heavens House, Cliff Road, Woodale, Holmfirth, HD9 1AN

The application site occupies a moderately sized two storey detached dwelling constructed from stone under a slate roof, an internal vehicular access road (which is un-adopted and serves 3 other dwellings) and access onto Cliff Road. The dwelling fronts the internal access road, with the south east side elevation facing towards Cliff Road. A grassed garden area surrounds the dwelling, with a driveway to the front of the dwelling. The site falls from the south east to the north west and the dwelling sits at a lower land level to Cliff Road to the south east.

Residential properties of varied scale, design and orientation exist to the north west and north east of the application site,

The site adjoins an area of safeguarded land to the south west. The site is not within a Conservation Area and there are no listed buildings within close proximity to the site.

Description of Proposal

Planning permission is sought for the erection of extensions and alterations to the dwelling in order to form 2.no separate dwellings.

A two storey extension is proposed to the north west side of the existing dwelling which would protrude from the side wall by approximately 4 metres and would be a depth of approximately 6.7 metres (slightly set back from the front wall of the dwelling, and flush with the rear wall of the dwelling). The eaves and ridge of the extension would be lower than the existing dwelling and would have a stepped effect, and the eaves height would be approximately 6.2 metres and the ridge height would be approximately 8.3 metres. Openings are shown in the north and south elevations of the extension with the north west side elevation of the extension to be blank. The extension is proposed to be constructed from materials to match the existing dwelling.

The subdivision of the extended building is proposed to form 2.no 3 bedroom dwellings. The external alterations include raised decked patio areas approximately 0.7m of the ground level to the rear (south west) of both the existing building and extension to form part of the new dwelling and new windows. The alterations to the windows do not require planning permission.

A 1.2 metre high timber fence is proposed to divide the rear garden area. The hardstanding of the garden to the front of the building is proposed to provide

parking for the proposed dwellings, with a dry stone wall dividing the parking areas.

History of negotiations/amendments received

N/A

Relevant Planning History

Application site

89/00313 – Outline application for erection of detached dwelling – Approved.

89/01926 – Erection of detached house – Approved.

2012/93602 – Demolition of existing bungalow and erection of 3 detached dwellings with alterations to existing site access – Approved.

2012/93604 – Erection of two storey extension and alterations to existing dwelling to create 2 dwellings, and alterations to site access – Approved.

2016/91484 – Demolition of existing bungalow and erection of 3 detached dwellings with alterations to existing site access – Approved.

2019/91091 – Discharge conditions 3, 4, 11 on previous permission 2016/91484 for demolition of existing bungalow and erection of 3 detached dwellings with alterations to existing site access – Approved.

2019/94060 – Variation of condition 2. (plans and specifications) on previous permission no. 2016/91484 for demolition of existing bungalow and erection of 3 detached dwellings with alterations to existing site access – Approved.

2019/94067 – Discharge of condition 13 (retaining structures) on previous application 2016/91484 for demolition of existing bungalow and erection of 3 detached dwellings with alterations to existing site access – Approved.

2020/93796 – Discharge condition 14 (drainage) on previous permission 2019/94060 for variation of condition 2 (plans and specifications) on previous permission no. 2016/91484 – Approved.

The dwelling which is subject of this application was approved in 1989 under LPA ref: 89/01926. Further to this, permission for a very similar scheme to the one proposed in this application was approved under application reference 2012/93064, but this permission was not implemented and has now lapsed.

Permission has also been granted for 3 other dwellings served by the same access as the dwelling subject of this application (see LPA ref: 2016/91484) and these have been constructed. This application involved the widening of the access track into the site from Cliff Road and the installation of a bin collection area on Cliff Road.

Representations

Final publicity date Expires:

Neighbour letters expired on 22nd October 2020.

No representations have been received.

Consultation Responses

Holme Valley Parish Council: Support the application.

The above is a summary of the consultation responses received. Full responses from consultees can be viewed on the Council's Planning Webpage.

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 Proposals Map.

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 6** – Safeguarded Land
- **LP 7** – Efficient and Effective Use of Land and Buildings
- **LP 20** – Sustainable Travel
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 28** – Drainage
- **LP 30** – Biodiversity and Geodiversity
- **LP 33** – Trees
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality

Draft Holme Valley Neighbourhood Development Plan (2020-2031)

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 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making
- **Chapter 5** – Delivering a Sufficient Supply of Homes
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Efficient Use of Land
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **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 – e.g. trees/ecology
- 6) Representations
- 7) Conclusion

1 – Principle of development:

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

The site is without notation on the KLP Policies Map. Policy LP2 states that:

“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in

order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”

The site is within the Kirklees Rural sub-area. The listed qualities will be considered where relevant later in this assessment.

As set out in the Authority Monitoring Report (AMR), the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 5% buffer) compared to the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.88 years supply. The 5% buffer is required following the publication of the 2020 Housing Delivery Test results for Kirklees (published 19th January 2021).

As the Kirklees Local Plan was adopted within the last five years the five year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019). Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

In principle, the quantum of development is considered acceptable although a more detailed assessment of the proposal's design and its impact on the surrounding environment, assessed against LP24 of Kirklees Local Plan amongst other Policies, is undertaken below.

It is also worthwhile noting that a similar dwelling was approved in 2013 under LPA ref: 2012/93064, and whilst this permission was not implemented and has now lapsed, this application was determined in the context of the NPPF and is a material consideration in the assessment of this application.

2 – 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:

“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, heritage assets and landscape...”*
- *“c. 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 terms of the two storey side extension to the building, this would be visible from the public domain. However, it is considered that this would appear as a subservient addition given that the front wall of the extension would be set back from the front wall of the existing dwelling and the extension would have a lower eaves and ridge height to the existing dwelling. The extension would also follow the stepped approach of the dwelling, working with the topography of the site. The extension would be constructed from materials to match the existing building and the detailing would be in-keeping with the existing building. It is therefore considered that the extension would appear as a sympathetic addition to the host building.

The external alterations proposed to the existing building, these being the alterations involving openings and the raised patio area, are considered to be minor ones and are would have a negligible impact upon the visual amenities of the locality.

The subdivision of the property with the extension is considered to be acceptable as well. It is considered that the divided garden areas to the rear and parking areas would be of adequate size for these two dwellings and would not appear cramped and an overdevelopment of the site. As a result of the development, the retention of the garden area to the front of the building is proposed and it is considered that this would soften the impact of the hardstanding parking area from Cliff Road.

It is therefore considered that, subject to conditions, the proposal would not cause detrimental harm to the visual amenities of the locality. The proposed development is therefore considered to comply with Local Plan Policy LP24 and Chapter 12 of the National Planning Policy Framework.

3 – 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.”

Further to this, Paragraph 127 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

The proposal to extend the building would move the side wall of the building within approximately 10.5 metres - 12 metres of the front walls of the recently

constructed dwellings adjacent to the north west and these neighbouring dwellings sit at a lower land level. Therefore, there is the potential for some impact upon these neighbouring dwellings. However, this relationship with these properties has previously been considered acceptable in previous permissions. In addition, the neighbouring dwelling further to the north would have no windows directly facing this proposed extended element. Further to this, the neighbouring dwelling further to the south would have one habitable window that would face towards the very rear of the proposed extended dwelling, with a more open outlook further to the south of the extension. Overall, given this, the orientation of the extension to these existing dwellings, and taken into account the previous permission at the site, it is considered that the proposal would not unduly affect the level of light and outlook of these properties, and that it would unduly overshadow these properties.

No windows are proposed in the side elevation of the extension facing these dwellings to the north west therefore it is considered that the proposal would not unduly overlook these neighbouring properties.

The extension would not protrude beyond the front and rear walls of the existing building, therefore it is considered that it would not cause undue harm to the subdivided and reduced dwelling in terms of loss of light and overshadowing.

The proposed extensions and alterations are also considered to be a sufficient distance away to prevent undue harm to any other existing neighbouring properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

The land to the south of the site is allocated as Safeguarded Land within the Kirklees Local Plan and may in future be developed. The proposed extension includes habitable room windows facing onto this undeveloped land at a distance of 5 metres. This distance follows the existing pattern of development established by the existing house. The allocation of the adjoining land as safeguarded land would have taken into account its relationship with this property. In these circumstances it is considered that the relationship of the extension, and ensuing dwelling, to this land is acceptable.

Internally, the proposed dwellings would have a GIA of approximately 120 metres squared (plot 1 – the existing dwelling) and 86 metres squared (plot 2 – the new dwelling) and the Nationally Described Space Standards (NDSS) recommends that the minimum GIA for a two storey 3 bedroom dwelling should be 84 metres squared.

Given this, the dwellings at both Plot 1 and Plot 2 would comfortably satisfy the internal GIA requirements of the NDSS. Therefore, using the NDSS as a reference point, Officers are satisfied that the proposed dwellings would provide an adequate standard of amenity for the future occupiers. Furthermore, Officers are content that the amount of private amenity space provided for both dwellings is acceptable.

Given the above, it is considered that the proposed development complies with Local Plan Policy LP24 and Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Where an access serves more than 5 dwellings, Kirklees Council would expect to see the access laid out to an adoptable standard and be able to be offered for adoption. Given that the proposal would result in 5 dwellings utilising this un-adopted road, it would not be expected that this road is made to an adoptable standard. Furthermore, historically permission has been granted for 5 dwellings off this access track.

Nonetheless, the access off Cliff Road has recently been altered including the widening of the internal road (to allow two vehicles to pass) to the driveways of the proposed dwellings. Under the previous application at the site (2012/93604) for the subdivision of the plot, Kirklees Highways Officers also considered the widened access to the driveways acceptable.

In relation to parking provision, the proposal is for 2.no three bed dwellings and the Kirklees Highways Design Guide 2019 advises that dwellings of this scale would need two parking spaces. Officers consider that there is adequate space on the drives to the front of the dwellings for two cars each and the parking provision is therefore considered sufficient. Officers are also satisfied that there is adequate space for turning.

Bin storage is proposed to the front of the dwellings and there is a bin collection point on Cliff Road which has already been constructed and this arrangement is considered acceptable.

Provided the car park spaces are completed prior to the occupation of the new dwelling, it is considered that the proposed development would not cause detrimental harm to highways safety and that the proposed development is considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

5 – Other matters:

Ecology

The site is considered to be of limited ecological potential given that it comprises managed lawn and hard standing, and no trees are proposed for removal. It is therefore considered that the proposal is unlikely to cause harm to protected species.

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 predates 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.

Due to the nature of the scheme, this being a proposal subdivide the site to create a new residential unit within the site, it is considered that one electric vehicle for both dwellings should be provided to aid in the contribution to climate change.

Permitted Development Rights

The proposal includes the creation of two dwellings on this site and as discussed it is considered that these can be adequately accommodated on this site. However, it is considered that it would be appropriate to withdraw permitted development rights for extensions and structures on both plots to avoid over development and intensification of the whole site and in order to retain adequate external amenity areas for both dwellings. This can be conditioned should permission be granted.

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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2020/92741

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 Policies LP3, LP7, LP20, LP21, LP22, LP24, LP28, LP30, LP33, LP51 and LP52 of the Kirklees Local Plan and Chapters 4, 5, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

3. The external walls and roofing materials of the extensions 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 comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4. The parking areas as displayed to serve the dwelling hereby approved at Plot 2 in Drawing No. 2008001A-03-R01 shall be provided prior to the first occupation of this dwelling. The parking areas as displayed in Drawing No.2008001A-03-R01 shall be 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 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 parking thereafter.

Reason: In the interests of highways safety, to ensure adequate space within the site for vehicle parking, to mitigate flood risk arising from surface water run-off and to comply with Policies LP21, LP22 and LP28 of the Kirklees Local Plan and Chapters 9 and 14 of the National Planning Policy Framework.

5. Prior to the first occupation of the dwelling hereby approved at Plot 2, one electric recharging point shall be installed within the dedicated parking area of each dwelling. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging points so installed shall thereafter be retained.

Reason: In the interest of supporting low emission vehicles and to accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 9 and 15 of the National Planning Policy Framework.

NOTE: Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours Mondays to Fridays.
- 08.00 and 13.00hours, Saturdays.
- With no working Sundays or Public Holidays.

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Form	-	-	20 th August 2020
Design & Access Statement dated August 2020	20002D-01-P01	-	20 th August 2020
Site Plan – As Existing	2008001A-04-R01		20 th August 2020
Site Plan – Proposed	2008001A-03-R01	-	20 th August 2020
Existing Elevations and Floor Plans	2008002A-01-R01	-	20 th August 2020
Proposed Elevations and Floor Plans	2008001A-01-R01	-	20 th August 2020
Site Drainage – Proposed	2008001A-05-R01	-	20 th August 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.

03.02.2021

Report Dated: dsffsdf