

**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: 2020/62/92759/W

Site Address: Flowery Field Barn, 40, Penistone Road, Hade Edge,
Holmfirth, HD9 2JG

Description: Erection of first floor extension above existing garage

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.

Emma Thompson

AUTHORISED OFFICER

Date: 09-Dec-2020

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f92759>

Site Description

Flowery Field Barn is an end-terraced property located within an area without notation on the Kirklees Local Plan. The property is set back from the roadside, separated by a lawned garden behind a dry stone wall and grass verge. The property is characterised by a large ground floor to ceiling ground floor opening which is centrally located within the front elevation with port hole openings at first floor. The property has a modest sized driveway which is accessed off Penistone Road which leads to a single storey attached garage which is set back from the front elevation of the property. To the rear of the property is a single storey cat slide extension which was granted permission as part of the conversion of the dwelling into 2 dwellings. The surrounding area is comprised of residential and farm buildings to the north-west, west and south and to the north and north-east are open fields. The opposite side of Penistone Road itself forms the Green Belt boundary.

Description of Proposal

Permission is sought for the erection of a first floor extension above the existing garage.

It is proposed that the eaves and ridge heights would be raised to match the existing ridge and eaves to the front elevation and to the rear, the eaves height would be retained with the projecting gable increasing its eaves to 4.8 metres with the ridge of the gable being set down from the ridge of the main dwelling by approximately 1 metre.

It is proposed that the extension would be constructed from reclaimed stone for the walls with yorkstone slates for the roof and hard wood frames for the openings.

Openings are proposed within the front, side and rear elevations at first floor level with patio doors proposed within the ground floor rear elevation.

History of negotiations/amendments received

The application was originally submitted as a Certificate of Lawful Development, however the applicant was advised that application would not be approved as it would not comply with the regulations. It was advised that the application be altered to a planning application and additional plans were sought with regard to existing and proposed side and rear elevations.

Relevant Planning History

2006/92795 Change of use, extension and alterations to convert existing dwelling into 2 and formation of new access
Conditional Full Permission

1991/05929 Erection of residential development
Approval of Reserved Matters

1990/05932 Conversion of cottage and redundant barn to form dwelling, triple garage and stable
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 13th November 2020 – 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 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 visual amenity, the first floor extension would be located on the side elevation of the property above the existing garage. The submitted details do not indicate that there would be an increase in footprint of the building. The extension would lie flush with the existing ground floor elevations and to the front of the property it is proposed to raise the eaves and ridge to match the existing and the existing gable to the rear elevation would have an eaves height slightly lower than the front elevation with the ridge of the gable being set down from the existing by approximately 1 metre.

Whilst the extension would not be particularly subservient when viewed from the front elevation, the rear gable would be set down from the ridge and the front elevation of the extension is set back from the front elevation of the main body of the dwelling and therefore, would be viewed as an extension to the property.

The proposed materials would be in keeping with the host and neighbouring properties with the use of reclaimed stone for the walls and the roof will use the existing stone slates with matching slates as necessary.

Additional window openings are proposed within the front, side and rear elevations and these are considered acceptable with the use of sawn heads, cills and mullions for the window surrounds.

As the extension would not occupy any further footprint of the property, it is not considered that the extension would result in an overdevelopment of the site.

Taking all the above into consideration, the proposal is acceptable in terms of 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:

In terms of residential amenity, the proposed extension would be at first floor level set on the existing footprint of the ground floor garage. The extension would be attached to the side elevation of the existing terraced property and is set within a modest curtilage. The extension would be to the north of the adjacent property No. 52 and there are no openings within the first floor of that property that could be impacted on in terms of overshadowing or by being overbearing. Openings are proposed within the side elevation of the extension at first floor level with one being to a habitable room however it is considered that these are acceptable and are not considered to cause undue harm from overlooking due to the relationship to the neighbouring land and buildings and existing relationship.

To the south-west of the site is No. 57 Bayfield Close. Due to the separation distance between the site and this property being approximately 24 metres and at an oblique angle, it is not considered that there be a significant impact on this property.

Beyond the rear elevation of the property to the west is No. 25 Bayfield Close which is separated by approximately 23 metres and is set on a higher ground level. There is a habitable room window within the rear elevation of the extension which would face this property however it is considered that the separation distance is acceptable.

It is therefore considered that the proposal is acceptable in terms of residential amenity and would accord with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

4 – Impact on highway safety:

The garage provision at ground floor level would be retained and there is sufficient hardstanding within the site for a number of vehicles to be parked and therefore, it is not considered that the extension would result in a displacement of vehicles which would impact on highway safety.

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 would be constructed from reclaimed stone which would be locally sourced and a sustainable material with the roof slates re-used for the roof of the extension. It is therefore considered that the development 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: 2020/92759

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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan			21 st August 2020
Block Plan			21 st August 2020
Existing side elevation			13 th October 2020
Existing rear elevation			13 th October 2020
Existing ground floor plan			21 st August 2020
Existing first floor plan			21 st August 2020
Proposed side elevation			13 th October 2020
Proposed rear elevation			13 th October 2020
Proposed front elevation			21 st August 2020
Proposed ground floor plan			21 st August 2020
Proposed first floor plan			21 st August 2020
Design and Access Statement	CB, 11 September 2020		11 th September 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. The application was originally submitted as a Certificate of Lawful Development, however the applicant was advised that application would not be approved as it would not comply with the regulations. It was advised that the application altered to a planning application and additional plans were sought with regard to existing and proposed side and rear elevations.

Report Dated: 8th December 2020

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