

**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: 2020/62/92817/W

Site Address: 4, Bankfield Drive, Holmbridge, Holmfirth, HD9 2PH

Description: Erection of two storey rear and side extension and external alterations

Recommending Officer: William Simcock

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: 04-Nov-2020

Officer Report 2020/92817

Site Description

4 Bankfield Drive is a detached dwelling which is sited on steeply sloping land, and as a consequence is single-storey to its front or southern aspect, two-storey to its rear. There is a detached garage near the south-western corner of the plot which takes access to the highway at the south-eastern corner. Most of the amenity space is at the rear.

The site is within a residential neighbourhood comprising detached houses on small- to medium-sized plots, of a generally similar age and appearance but with some variation in design.

Description of Proposal

The proposal is for a two-storey rear and side extension and for external alterations.

The extension would enlarge the dwelling by 3.0m at its eastern end (partly replacing an existing terrace and decking) and there would be a further projection to the north of 1.9m, forming an ensuite facility, dressing room and enlarged bedroom at lower ground floor and a kitchen and north-facing covered terrace at upper ground floor. The new roof would join the existing roof at right-angles and would have a lower ridge.

At the western end, the existing first-floor conservatory would be rebuilt as a structure with the same height and footprint, but with a tiled roof instead of a glazed one.

It is proposed that the external facing is to be through-coloured off-white render. This would also be used to cover over elements of random stone on the house and the garage.

History of negotiations/amendments received

16-Sep-2020: Applicant submitted plans reducing the size of the north-facing extension by 450mm from the east owing to site constraints. The plans were re-advertised by a notification letter to the immediate side neighbour only but no comments were made as a result.

Relevant Planning History

2017/91485 – Erection of two-storey side extension. Approved, development not commenced.

Representations

Final publicity date Expires: 13-Oct-2020 (Publicity by neighbour letter only thus fulfilling the requirements of the Development Management Procedure Order).

Holme Valley Parish Council comments – Support subject to no overlooking.

No representations have been made by any other third parties.

Consultation Responses

No consultations were considered necessary.

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 designation on the Kirklees Local Plan.

Kirklees Local Plan (LP):

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

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

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.

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity (including any heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Representations
- 7) Conclusion

1 – Principle of development: The previous permission (now expired) was for a two-storey extension of 2.9m extent to the eastern end, with a gable roof. The proposed side extension is similar in extent (although with a different roof configuration) but the rear or northern projection is additional as is the remodelling of the conservatory. Thus the new proposal has some points of similarity with the 2017 one, but as there is no extant permission it will be assessed on its own merits.

The principal policies against which it will be assessed will be Policy LP24(c), which requires that 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. Any implications for highway safety will also be considered as required by Policies LP21-22.

2 – Impact on visual amenity: It is considered, on balance, that the overall scale and bulk of the extensions would not amount to overdevelopment of the plot and that they would be subservient to the original dwelling. The design of the extensions and alterations is considered to be satisfactory and in harmony with the character of the host building and the varied character of detached dwellings along Bankfield Drive. It is considered that the proposal to render the dwelling is acceptable provided it is carried out using off-white render as proposed. Subject to the above, and roofing materials matching the existing building, it is considered it would conserve visual amenity and accord with the aims of LP24(a&c).

3 – Impact on residential amenity: The property, as extended and altered, would still have its main outlook to the north and south. There are windows shown in the eastern elevation, but these appear to be to non-habitable rooms. A condition requiring side-facing windows to be obscurely glazed and no other windows formed was not imposed on the 2017 permission presumably because they would not face any windows in the neighbouring property or their main amenity space. However, it is considered that there would be a risk of reduced privacy if any new clear-glazed windows were formed in the upper storey especially, and there may be some uncertainty about whether this would count as ground or first floor for the purposes of the

General Permitted Development Order. Taking into account the close relationship between the two properties and Holme Valley Parish Council's comments, it is considered that it would be advisable to impose conditions to this effect.

There are no near neighbouring properties to the north. To the west, the land is undeveloped but allocated for housing; it is considered however that the alterations to the existing dwelling would not be materially different than the existing development in their impact on potential development on this land.

Subject to the above condition, it is considered that it would not compromise residential amenity and it would thereby accord with the aims of LP24(b&c).

4 – Impact on highway safety: The proposed development would not affect existing access or parking arrangements. The increase in the size of the living accommodation might create additional parking demand but given that the property has a substantial driveway and a detached garage this is not considered to be a cause for concern.

5 – Other matters:

Ecology:

The site is in the bat alert layer. Based on the case officer's observations on site it is unlikely that the property would have any bat roost potential, and owing to the nature of the development, enhancement will not be sought. The standard precautionary note will be placed on the decision notice.

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.

In this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. As the proposal is for an extension to an existing dwelling within an urban area it is considered however that that it would contribute to making more efficient use of land in a relatively sustainable location. It is considered that in the circumstances the applicant does not need to demonstrate further measures to combat climate change

and the proposal is deemed to be in accordance with the aims set out above, and set out in NPPF Chapter 14.

6 – Representations: Holme Valley Parish Council's support for the proposal is noted; potential overlooking can be avoided by means of a condition, as set out in part (3) above.

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: 2020/92817

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 external roofing materials of the extensions hereby approved shall in all respects match those used in the construction of the existing building. The rendering of external walls shall be undertaken using an off-white render.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.

4. All windows in the eastern side elevation of the proposed extension shall be non-opening or top-opening only and shall be fitted with grade 5 obscure glazing before the development is first brought into use. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), windows of this type shall be retained at all times.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24(c) of the Kirklees Local Plan.

5. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed in the external east side wall of the extensions at any time.

Reason: So as not to detract from the amenities of adjoining properties by reason of loss of privacy and to accord with Policy LP24(c) of the Kirklees Local Plan.

NOTE: There is the potential for a bat roost to 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
Application form			27-Aug-2020
Location plan, floorplans as existing and as proposed	20.013(2-)001	B	16-Sep-2020
Elevations as existing and as proposed	20.013(2-)002	A	16-Sep-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 case officer did not enter into negotiations with the applicant but the applicant chose to make some amendments to the plans, which were judged acceptable.

Report Dated: 03-Nov-2020