

**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: 2020/62/93592/W

Site Address: 44, Heather Road, Meltham, Holmfirth, HD9 4HT

Description: Erection of two storey side and single storey rear extensions and exterior alterations

Recommending Officer: Sam Jackman

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: 17-Dec-2020

SITE DESCRIPTION – 2020/93592

44 Heather Road Meltham is a detached artificial stone property with concrete interlocking tiled roof. Located on a sloping site above Meltham and part of a residential development of mixed style properties, with the adjacent property to the NE being a bungalow. Properties to the SW, opposite and behind being 2-storey either detached or semi-detached.

The property benefits from a single storey front extension, an attached flat roofed garage and rear conservatory.

DESCRIPTION OF PROPOSAL

The proposal is to replace the existing garage and conservatory with a 2-storey side extension and single storey rear extension.

The side extension would project from the gable by 3.65m by 6.1m in line with the rear elevation, with a set back of 2.6m from the first floor with a hipped roof.

The rear extension would project 3m by 10m the full width of the rear elevation and new side extension with a lean-to roof.

The extension will create a replacement garage, with the internal layout of the property which will reconfigure the property at ground floor to create an open plan kitchen diner and family room at the rear, with utility to the rear of the garage. The side entrance would be re-located closer to the front creating a new study and lounge at the front of the property. At first floor the side extension would create a 4th bedroom with en-suite with further internal works to the existing bedrooms.

The extension would be built from materials to match the host property

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f93592>

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

RELEVANT HISTORY

88/04267- erection of single storey front extension – Granted Conditionally

PUBLIC/MEMBERS RESPONSE

We are currently undertaking 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 which expired on the 8.12.20, whereby no representations have been received.

Meltham Town Council - supports the application.

CONSULTATION RESPONSES

K.C. Arboricultural officer – No objection raised.

POLICY

The statutory development plan comprises:

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 22 - Parking

LP24 – Design

LP 33 – Trees

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, together with Circulars, Parliamentary 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 & coastal change.
- **Chapter 15** – Conserving and enhancing the natural environment

ASSESSMENT

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 NPPF.

Policy LP1 goes on further to stating that “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 terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design.

In this case the principle of development on the application site is acceptable and shall be assessed against other material planning considerations below.

Impact on visual amenity:

The side extension would be built close to the boundary with No. 46, leaving a gap of 0.5m where the neighbour has an existing gap to the boundary of approx. 0.75m which is unlikely to be built on. In general, a larger gap is preferred in the case of two-storey side extensions so as to avoid the creation of a terracing effect, along with a set back at first floor. In this case the side extension would have a setback of 2.6m, with a hipped roof, furthermore there is a difference in levels between the two properties. Therefore, reducing the potential of any terracing effect.

It is considered, on balance, that the proposed side extension would respect the appearance of the host building, using materials to match when viewed from the street with its surroundings and would not give rise to the appearance of overdevelopment.

The alterations to the rear of the existing house are in a more discreet location with limited view from the street. Therefore, will not harm the appearance of the street scene. The extension will be constructed of materials to match those of the existing building.

It is accepted that the extension is an ‘L’ shaped extension, where it is considered that the extensions are subservient to the property, however there is potential for adding further extensions within the roof space along with

changing the roof from a hip to a gable or adding additional outbuilding, it would therefore be appropriate to remove permitted development rights for alterations within the roof space and detached buildings, in this case. This would be to prevent the overdevelopment of the site in the interests of visual amenity. (Condition 5)

Therefore, the proposal is in accordance with Policy LP24 of the Kirklees Local Plan that states “extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details”. The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area.

Impact on residential amenity:

The proposed single storey rear extension would project 3m, in line with permitted development rights. However, is linked to the side extension and therefore requires planning permission.

In this case there would be no windows in the side elevations facing either of its neighbours at No.42 or No. 46, therefore it is considered that the extension wouldn't create any undue overlooking of its neighbours. The rear windows overlook the applicant's garden with the properties at the rear having no direct windows facing the extension.

With regards being overbearing and or overshadowing the proposal to the side is at a lower level than its neighbour at No. 46, who have an almost blank gable apart from either a landing or bathroom window, where at this height the neighbours window would overlook the new hipped roof. Therefore, little opportunity of the side extension being overbearing, with regards overshadowing the neighbours gable faces NE with only morning sun shining on to the gable. The applicant's existing property will already reduce some earlier morning sunlight. Therefore, given that the extension is set back from the front elevation the loss of light in this case would be marginal.

With regards the rear extension which projects 3m there is potential for this to be overbearing and or overshadowing of the neighbour's property No. 42 given that it is a bungalow and at a lower level.

However, there would be a separation distance of over 3m to the shared boundary where the boundary tapers away from the application site, therefore reducing the potential further of overshadowing. Given the separation distance and the extension being single storey with a lean-to roof it is considered to be acceptable in this case, subject to no windows being inserted into the north east elevation.

The proposal therefore accords with policies LP1, LP2 & LP24 of the Kirklees Local Plan which states “extensions...minimise impact on residential amenity of future and neighbouring occupiers.” Having considered the above factors affecting neighbouring properties and relevant policies, the proposed rear & side extension is not deemed to result in any significant harm upon the

residential amenity, as well as chapter 12 of the National Planning Policy Framework.

Impact on highway safety:

In terms of highway safety there are no highway issues as the drive is not being affected by the proposal, the existing garage will be replaced, where the internal dimensions would be 6.3m by 3.3m. furthermore the existing garage is unlikely to be used given the existing porch which will be removed.

However, to prevent further obstructions of the new garage, a condition should be added, removing permitted development rights for side extension or the garage being converted to additional living accommodation. (condition 6). In principle the conversion of the garage would be acceptable, however the remaining drive wouldn't be able to accommodate 3 cars given that the bedrooms would be increased to 4.

Therefore, provided the condition is added the proposal would meet the aims of Policy LP22 of the Kirklees Local Plan with respect to highway safety and advice in Chapter 12 of the National Planning Policy Framework.

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.

Due to the size, scale and limited nature of development, it was not considered necessary to request specific measures to address the developments' resilience to climate change.

K.C. Trees - Adjacent to this property is a large mature Lime, protected by TPO 71/91 as T31. The tree is offsite, by 2-3m and though the canopy overhangs the boundary it is well clear and with a high crown structure, resulting from previous pruning of lower branches.

The proposals are for a single storey extension at the rear and two storey to the side which does not project close to the tree than the existing property. The canopy of the adjacent tree is well clear of the proposals and it is considered unlikely that any significant harm would be caused by the proposals to the trees canopy or root system. I therefore would have no objection to the proposals.

Representations:

It should be noted that no representations have been received as a result of site publicity.

Meltham Town Council supports the application.

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.

Decision Authorisation - Delegated Powers

Application Number: 2020/93592

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 51 of the Planning and Compulsory Purchase Act 2004.

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 with Policies LP01, LP02 & LP24, of the Kirklees Local Plan and advice in 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 LP01, LP02 & LP24 of the Kirklees Local Plan and advice in the National Planning Policy Framework

4. 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 additional door or window openings other than those expressly authorised by this permission shall be constructed in the north east (side) elevation of the rear extension on the approved plan at any time.

Reason: So as not to detract from the amenities of the adjoining property by reason of loss of privacy and to accord with policies LP01, LP02 & LP24 of the Kirklees Local Plan and advice in the National Planning Policy Framework.

5. 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) no development included within Classes AA, B or E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to preserve the amenities of nearby residential properties and to accord with LP24 of the Kirklees Local Plan and Policy in Chapter 12 of the National Planning Policy Framework.

6. Notwithstanding the Section 55 (2)(a)(i) of the Town and Country Planning Act 1990 (or any statute or order revoking or re-enacting that Act with or without modification) the integral garage hereby approved shall not be converted to living accommodation.

Reason: In the interests of the free and safe use of the highway so as to retain sufficient off street parking space to serve the dwelling and to accord with Policy LP22 of the Kirklees Local Plan.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan 1:1250	LP 01		23 Oct 2020
Existing layout & elevations	2020/035/01		23 Oct 2020
Proposed layout & elevations	2020/035/04		23 Oct 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 Planning 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 undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Recommendation and Authorisation Box

Report Dated:

17.12.20

Coal – low risk