

**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: 2020/62/94370/W

Site Address: 117, Mill Moor Road, Meltham, Holmfirth, HD9 5LW

Description: Erection of single story rear extension

Recommending Officer: Tom Hunt

DECISION – Full Conditional 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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 30-Mar-2021

Officer Report

Site Description

2020/94370 – 117, Mill Moor Road, Meltham, Holmfirth, HD9 5LW

No. 117 is a two storey terraced property constructed of stone and tile roof. It is accessed off an unadopted access road off Mill Moor Road. No. 117 benefits from a rear conservatory extension being principally glazed. The area is residential and of varying architectural styles.

Description of Proposal

Erection of single storey rear extension

It is proposed to demolish the conservatory and to erect a rear extension made of stone and tiled with an artificial slate lean to roof. It would project 3.4m from the rear elevation of its host and be 4m width. The roof ridge height would be 3.3m and eaves 2.3m from ground level. There would be a window opening to the side elevation only facing No. 119 and two French doors to the rear elevation facing outside amenity space. To the roof, two skylights.

History of negotiations/amendments received

The case officer considered the application on review and requested amended plans to show all side elevations and the rewording of elevations to be 'rear' not 'front' to assess the plans. The agent was contacted regarding the unobscured window considering the impact on No. 119 and held that the applicant wishes to keep it unobscured in light of the reduced overlooking as a result of this proposed development.

Relevant Planning History

None

Representations

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: 08/03/2021

Two representations have been received; a summary of the comments received is set out below:

- Window in the side elevation needs to be obscured and non-opening.
Officer Note: This will be addressed in the Assessment
- Works to be carried out between 8am and 6pm

- **Officer Note:** A footnote has been attached to the report
- Request to not have access blocked by vehicles or skips
Officer Note: A footnote has been attached to the report
- Request to have building materials and waste to be secured or cleared up due to windy position
Officer Note: This is a private matter concerning securing of waste and not enforceable by condition.
- Request to have no dirty water from washing of tools
Officer Note: This is a private matter concerning water drainage and not enforceable by condition.
- Request to have any damage to neighbour garden to be restored by end of project
Officer Note: This is a private matter concerning damage to be restored and not enforceable by condition.

Consultation Responses

No technical consultees required.

Meltham Parish Council: Support

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.

Kirklees Local Plan (LP):

- **LP 1 – Achieving sustainable development**
- **LP 2 – Place shaping**
- **LP21 – Highways and access**
- **LP 22 – Parking**
- **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

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 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, general design considerations are set out in Policy LP24 of the Local Plan and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity. The Policy also requires extensions to be “subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details”.

The proposed extension would be of limited projection replacing a conservatory and would be constructed in matching materials, using artificial slate for its roofing material but matching stone for the walls. It would be situated to the rear and harmonise with its host dwelling being clearly subservient in size being single storey and with a lean to roof.

Whilst the amenity space is somewhat minimal, the space is currently occupied by a conservatory in the residential curtilage. Although the extension is larger in footprint than the structure it would replace, given that a built form of development has occupied this location for a number of years, it is not considered that the replacement structure would significantly impact on an overdevelopment of the plot over and above the existing situation. This is

mitigated by associated amenity plots to the southwest as defined on the location plan.

The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policy LP24 of the Local Plan.

3 – Impact on residential amenity:

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to *“provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.”*

The proposed extension and alterations are assessed upon whether they would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking.

With regards to its closest neighbouring properties, 115 (north) and 119 (south), the extension would be set close to their boundaries and replace a pre-existing conservatory. While the proposed is more substantial in solidity and slight increase in footprint it is reducing pre-existing detrimental overlooking impact on the neighbours by limiting views to windows compared to the current glazed elevations. There is a proposed window overlooking 119 which would be unobscured, the agent was contacted regarding this and held that the views would be more restricted compared to the pre-existing conservatory. It currently overlooks a greenhouse which obscures part of No. 119's garden and there is a rear window at ground level which is obscured by the greenhouse. It is considered on balance this does not overlook habitable rooms but the garden and be acceptable in terms of improving the pre-existing detrimental impact of overlooking. No. 115 would have no windows facing its garden and would not suffer overlooking. The next closest neighbours to the westwards direction of the extension would be circa 21m distance plus and are set at angles so no direct views into habitable rooms would result.

It is considered that the limited projection and lean-to roof of the single storey rear extension would reduce the overbearing impact of the proposed extension as much as possible within its setting to the neighbouring properties. In relation to overshadowing, No.119 would not suffer detrimental impact on overshadowing by way of the rear extension's position. There would be potential additional detrimental overshadowing harm to No. 119's garden in winter with the increase in projection compared to the existing and the solidity of construction materials compared to the lightness of the glazing. This may be compounded by the extension having a close 0.6m separation to the boundary of No. 119.

Given the above assessment the proposal is considered to have an acceptable impact on residential amenity and would accord with Policy LP24.

4 – Impact on highway safety:

Turning to highway safety, Policies LP21 and 22 of the Local Plan have been considered along with the KC Highway Design guide. The proposed development would not adversely affect the existing parking spaces within the site and therefore would not cause additional harm to 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.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

Biodiversity

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

6 – Representations:

No representations had 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: 2020/94370

Officer Recommendation: Approve

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 walls and roofing materials of the extension hereby approved shall in all respects similarly 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.

NOTE: Due to its 'Bat Alert' location, a bat roost may be present on site. Bats are a European protected species under section 43 of the Conservation of Habitats and Species Regulations 2017. It is an offence for anyone to intentionally 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.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership

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
Plans - Grouped Plans and Elevations	20-D08-01-2001 C		17/03/2021

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 undertook negotiations with the applicant to secure amended plans with correct titles for elevations (from front to rear) for avoidance of doubt to assess the proposal.

Report Dated: 18/03/2021