

**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: 2021/62/90146/W
Site Address: 82, Thong Lane, Netherthong, Holmfirth, HD9 3EE
Description: Erection of front, side and rear single storey extension
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: 24-Mar-2021

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f90146>

Site Description

82 Thong Lane is a two storey property and forms the end of a row of 3 no. dwellings. The property is constructed from stone with a tiled roof and is set back and up from the roadside, separated by a front garden which is retained by a stone wall fronting the highway. A path runs down the side of the property leading to a lawned rear garden. Beyond the rear garden are playing fields. Other than the properties within the street scene and the playing fields to the rear, the property is surrounded by open fields which are designated as Green Belt.

Description of Proposal

Permission is sought for the erection of a front, side and rear single storey extension.

The proposed extension would be project 1.8 metres forward of the front elevation of the property and would be part width, set in from the shared boundary with No. 80 by 2.9 metres. The extension would span the full depth of the property at a distance of 1.9 metres to the side and projecting off the rear by 3.1 metres. The front and side elements of the scheme would have an eaves height of 2.4 metres and a lean-to roof height of 3.4 metres and the rear extension would be the same overall height with a flat roof.

The proposed construction materials would be stone to the front and side elevations of the front extension with the remainder of the side extension and the rear extension would be vertical timber cedar cladding. The lean-to roof would be tiled with a single ply membrane for the flat roof.

History of negotiations/amendments received

No amended plans have been requested and none submitted.

Relevant Planning History

None

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 5th March 2021 – one letter of representation received with the following being a summary of comments:

- Loss of light
- Extend beyond adjacent conservatory
- Outlook from conservatory would be onto a wall
- Flat roof increases height and blocks light further
- Concerned about relocation of access path which is on the deeds
- No objection to the front and side extension and to a smaller rear extension

Holme Valley Parish Council – support

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
- **LP 30** – Biodiversity and geodiversity

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
- 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
- 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:

The proposed extension would be in the form of a wrap around extension which would extend the front, side and rear of the property. The design is such that the front and side elevations would have a lean-to roof with the rear extension being more contemporary in its design and would be flat roofed.

As the extension is single storey in height, it would appear as a subservient structure when viewed against the main dwelling. The front extension would use traditional materials which would match the host dwelling complementing the general character of the buildings within the street scene. The remainder of the side elevation is timber clad with a tiled roof ensuring, in the main,

materials would be akin to those in existing development. The rear extension is flat roofed. Whilst the cladding would not match the host dwelling it would ensure that the extension is read as such and not part of the original dwelling. It is proposed to be treated and is conditioned as such to ensure that the construction materials complement the materials used in the host and extensions.

There are other front extensions within the street scene of varying sizes and design which add weight to the acceptability of the proposed development.

Taking into account all the above, it is considered from a visual amenity perspective that the proposal is acceptable and would comply with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3 – Impact on residential amenity:

In terms of the impact on residential amenity and overlooking, front extension would reduce the separation distance between the site and facing property to approximately 21 metres which is considered to be acceptable. Roof lights and a personal door are proposed within the side elevation where no openings are positioned at ground floor level within the side elevation of the neighbouring property No. 84. Larger dark grey uPVC openings are proposed within the rear elevation of the extension facing into the garden area and playing fields beyond with no openings within the side elevation facing the conservatory on the attached neighbouring property. A concrete framed rooflight is proposed within the roof of the flat roofed rear extension. Considering all the above, it is not considered that the impact of the extensions would result in significant harm from overlooking.

In terms of overshadowing and/or being overbearing, the application site is to the west of No. 80 and to the east of No. 84 built close to the shared boundaries of both properties. Due to the separation of the properties by the strip of lawn to the side of No. 84, it is not considered that this property or amenity are would be significantly compromised by the extensions and the impact of the scheme on this property is considered acceptable.

In terms of the impact on No. 80, the proposed rear extension would be located adjacent to the shared boundary where a ground floor window is located and also a glazed conservatory. Whilst it is noted that the views from the conservatory and window would be compromised by the extension and that some level of overshadowing may occur, mainly during the winter months, consideration needs be given to the fall back position. The application site benefits from full permitted development rights and therefore can be extended without the requirement of planning permission, subject to criteria. Rear extensions can be constructed to attached properties with a depth of 3 metres and eaves height of 3 metres can be constructed without planning permission and the proposed extension is marginally larger than this criteria by being 3.1 in projection and 3.4 metres in height. Notwithstanding this, a fence up to 2 metres in height could be constructed along the boundary

which would also face the side elevation openings within the conservatory and act as a screen. It is therefore considered that due to being only slightly over the dimensions allowed under permitted development, that the proposal is acceptable in terms of the impact on neighbouring property.

To protect residential amenity and overlooking at close quarters it is considered reasonable and necessary to impose a condition preventing the flat roof of the rear extension from being used as a terraced area and therefore a condition preventing this shall be added to the decision notice.

Taking all this into account, it is therefore considered that the proposal is acceptable in terms of its impact on residential amenity and would therefore comply with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

4 – Impact on highway safety:

None

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.

Biodiversity – the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been received from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the extensions being single storey and therefore the roof of the property would be not need to be disturbed.

6 – Representations:

One representation has been received with the following being a summary of comments and LPA response:

- Loss of light

Response: This has been addressed within the residential amenity section of this report

- Extend beyond adjacent conservatory

Response: Noted

- Outlook from conservatory would be onto a wall

Response: This has been addressed within the residential amenity section of this report

- Flat roof increases height and blocks light further

Response: The assessment has been made based upon the submitted plans

- Concerned about relocation of access path which is on the deeds

Response: Private rights of access are not a matter that the Local Planning Authority can be involved. A note can be attached to the decision notice stating that this is a private matter

- No objection to the front and side extension and to a smaller rear extension

Response: Noted

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: 2021/90146

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 timber cladding shall be stained or painted in a dark brown colour. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any other Order revoking or re-enacting that Order) the colour of the timber shall be so retained thereafter.

Reason: In the interests of visual amenity in accordance with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

4. Other than for maintenance and/or repair, the roof of the single storey rear extension shall not be used for any other purpose.

Reason: To prevent any overlooking and in the interests of residential amenity in accordance with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

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 and/or private access rights may be required for third party access.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	2020-04-02 Rev: A		27 th January 2021
Site plan, existing and proposed elevations and floor plans	2020-04-01 Rev: B		27 th January 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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 22nd March 2021

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