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: 2021/62/90348/W

Site Address: 4, Oak Tree Avenue, Scholes, Holmfirth, HD9 1SD

Description: Erection of single and two storey extensions

Recommending Officer: Lucy Taylor

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: 06-Apr-2021

Officer Report.

Reference: 2021/90348

Location: 4 Oak Tree Avenue, Scholes, Holmfirth, HD9 1SD

Proposal: Erection of single and two storey extensions.

Site Description.

4 Oak Tree Avenue is a two-storey detached property located in Scholes, Holmfirth. The property is constructed from artificial stone and has a gable roof, infilled with concrete tiles.

The property is located in a residential area where there is a strong sense of similarity within the streetscene. This is because all of the properties share a very similar appearance in terms of construction style and external construction materials.

Description of Proposal.

Permission is sought for the erection of a single storey and two storey extension.

Two-Storey Extension:
The proposed two storey extension is to be erected to the front elevation of the dwelling, it will project 2.15 metres from the existing front elevation of the dwelling and have a width that aligns with the existing width of the host dwelling. A gable roof will be erected above the proposed two-storey extension, that harmonises with the existing gable roof above the dominant dwellinghouse, sharing the same roof pitch and appearance, infilled with concrete tiles. The exterior walls of the two-storey extension will be constructed from artificial stone.

Glazing to the first floor of the proposed two-storey extension will remain the same as existing, with two regular windows to the front elevation. Additionally, a set of glazed bi-folding doors will be erected at ground floor level to the front elevation.

Internally, the extension will increase the size of two of the existing bedrooms on the first floor.

Single Storey Extension:
The proposed single storey extension at 4 Oak Tree Avenue is to be erected to both the front, side and rear elevation, adjoining so that it resultantly ‘wraps around’ the existing dwelling. The single-storey extension aligns with the proposed length of the dwelling, following all developments, to the rear and side elevations, with the front elevation having a length of 3.65 metres and projecting 2.5 metres from the newly proposed front wall of the dwelling. The side extension will project 1.65 metres from the existing side elevation of the

host dwelling and the rear extension will project 3.15 metres from the rear wall of the dominant dwellinghouse. All of the exterior walls will be constructed from artificial stone and each section of roofing will be infilled with concrete tiles. A lean-to roof will be erected to the rear and side elevation of the extension and to the front, a small hipped roof will be erected.

With regard to fenestration detailing, fenestration is proposed on the front elevation of the front extension in the form of a small window and an access door and to the rear of the rear extension in the form of a window, access door and glazed bi-folding doors. In addition, roof lighting is proposed in the form of 3 velux windows to the side elevation.

Internally, the extension will function as an increased porch/hallway area, a shower room and extend the existing kitchen/dining area.

Other Alterations:
In conjunction with the proposed extensions at 4 Oak Tree Avenue, the existing front garden amenity space will be excavated to facilitate the addition of a new driveway. The new driveway will create additional parking for the dwelling.

History of Negotiations.

The applicant provided a layout plan showing proposed bin storage at the site following development. As a result of this, Highways Development Management considered it appropriate to remove the condition relating to this matter, implemented in the initial highways consultation.

Relevant Planning History.

No relevant planning history.

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 18th March 2021 – no representations were received.

Consultation Responses.

Holme Valley Parish Council – support the proposal.

KC, Highways Development Management – consider that sufficient parking is retained, and that the new driveway is acceptable from a highway safety perspective. Therefore, deem the proposal to be acceptable in principle.

Policy/Legislation.

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 in Unallocated on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP1** – Achieving Sustainable Development
- **LP2** – Place Shaping
- **LP24** – 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 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

Assessment.

The Following matters that will be considered as part of the assessment of the proposal are set below. These considerations will be looked at in detail individually:
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 NPPF.

Policy LP1 goes on further to state that “the council will always work proactively 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 LP 24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design.

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

1. **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.

Firstly, the two-storey extension is considered to be acceptable from a visual amenity perspective, given its harmonisation with the existing dwelling in terms of both appearance and roof pitch, resultantly meaning the extension will be subservient when viewed in conjunction with the dwellinghouse as a whole. In addition, given the adjoining roof pitch, no undue bulking and massing will be caused as a result of the two-storey extension and in turn, ensures that overdevelopment to the front of the dwelling is not caused as a result of its erection.

Similarly, the single storey extensions will be subservient as a result of there height, form and construction materials, meaning overdevelopment will not occur as a result of there construction. The lean-to roofing styles will further mitigate any potential of undue bulking and massing and the small, hipped roof to the front elevation is deemed acceptable visually, given its low roof pitch and harmonising appearance, which mean its presence is not overtly obtrusive to the front of the dwelling.

All of the proposed fenestration detailing on the extensions is deemed appropriate visually, with those forms of fenestration proposed, that are not previously established on the dwellinghouse, considered to be appropriate contemporary additions to the property.

The proposed excavation of the existing front garden to facilitate the construction of a new driveway at the property, is deemed acceptable from a visual amenity perspective. This is because, driveways to the front of

neighbouring properties is a well established feature within the streetscene and extensive boundary treatment is present to the front and side elevation of the application site, mitigating any detriment to the visual appearance of the application site.

Taking into account all of the above, it is considered that the proposed extension and alterations would comply with local, national and emerging policies in relation to design.

2. 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 impact of the development on each of the surrounding properties will be assessed in turn.

- *2 Oak Tree Avenue* – this property is located to the west of the application site. It should first be acknowledged that this neighbouring property is already set forward of the application site by around 3.95 metres. Therefore, the proposed two-storey extension to the front elevation of 4 Oak Tree Avenue, will not result in undue overbearing or overshadowing, only projecting 2.15 metres from the existing front elevation. In addition, significant separation distance is present between the front elevations of both these properties, further emphasising the lack of detriment posed by the front extension in terms of overbearing and overshadowing. A sunlight calculator has been used to confirm any potential impacts of overshadowing and it has been concluded that the proposed two-storey extension will not result in overshadowing upon this neighbouring property in either the summer or the winter. The proposed single-storey extensions will also not result in undue overbearing or overshadowing given their single storey nature and boundary treatment is in place to the side elevation, in the form of wooden fencing, further mitigating any potential impacts. Overall, the proposed works pose no detriment to neighbouring privacy, given the extent of glazing proposed on the elevation facing this neighbouring property, and that the glazing present is in conjunction with the hallway, a non-inhabitable space, and a shower room, meaning the window will be obscurely glazed.

- *2 Morton Wood Grove* – this property is located to the south of the application side and therefore, the rear. Due to the proposed location of the two-storey extension at 4 Oak Tree Avenue, onto the front elevation of the dwelling, it will have no impact upon the residential amenity of this neighbouring property in terms of overbearing, overshadowing and neighbouring privacy. In addition, the proposed extension to the side elevation of the property will cause no impact in

any of these ways. The proposed extension to the rear will not result in undue overbearing or overshadowing for the occupiers of 2 Morton Wood Grove, given the single storey nature of the proposed extension as well as the separation distance present due to the presence of the rear garden at 4 Oak Tree Avenue. In addition, the proposed glazing to the rear is minimal and therefore, will cause no detriment to neighbouring privacy, especially given the separation distance present and the boundary treatment in place.

In light of the above the proposal is considered to have an acceptable impact on residential amenity.

3. Impact on Highway Safety:

The scheme has been considered acceptable from a highway safety perspective, with sufficient parking retained at the property following the addition of a new driveway to the front of the property in conjunction with the proposed developments. This new driveway has been deemed acceptable from a highway safety perspective upon consultation with KC Highways Development Management. For these reasons, the proposal is considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan.

4. 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 predates 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 case, due to the nature of the proposal it is not considered reasonable to require the applicant to put forward any specific resilience measures.

5. Representations

No representations were received.

6. Conclusions

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: **2020/90348**
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. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 978149804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that the additional hardstanding area is appropriately drained to mitigate flood risk in accordance with Policies LP21, LP22, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Note: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Note: The application site is located in a low coal risk area.

Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Plan General	P05 – visual	-	5.2.21
Plan General	P06 – visual	-	5.2.21
Plans – Existing Floor Plans	P01	-	5.2.21
Plans – Location Plan	-	-	1.2.21
Plans – Proposed Elevations	P02	-	5.2.21
Plans – Proposed Elevations	P04	-	5.2.21
Plans – Proposed Floor Plans	P03	-	5.2.21
Plans – Proposed Site / Block Layout	J19-087 4 Oak Tree Avenue P03 rev 1a	2	6.4.21

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 applicant provided a layout plan showing bin storage following development, as requested by KC, Highways Development Management.

Report Dated: 6.4.21