

**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:** 2021/62/90377/W

**Site Address:** 100, Lower Town End Road, Wooldale, Holmfirth,  
HD9 1QD

**Description:** Erection of two storey rear extension, single storey  
side extension and exterior alterations

**Recommending Officer:** Ellie Worth

**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: 23-Jun-2021**

## **Officer report**

### **Site description**

100 Lower Town End Road, Wooldale is a detached two storey dwelling constructed from stone and pebble dash render. The property benefits from a driveway and landscaped area to the front, a flat roof single storey extension to the side and private amenity space to the rear. Pedestrian and vehicular access can be taken from the front boundary onto Lower Town End Road. Boundary treatment consists of hedging and dry stone walls. There are also well established trees to the rear of the host property.

The site is situated within a predominantly residential area however, the neighbouring properties vary in design and form. Part of the rear of the site is also situated within Wooldale Conservation Area.

### **Description of development**

The applicant is seeking permission for the erection of a two storey rear extension, single storey side extension and exterior alterations. The measurements of the scheme are as follows:

Two storey rear extension:

- 4m in projection
- 6.1m in width
- 4.6m in height to the eaves; 5.8m in overall height

Single storey side extension:

- 1.3m in projection
- 3.9m in length
- 3.1m in height to the eaves; 3.9m in overall height

The submitted plans show the host property to be re-rendered in an off white/cream render. The extensions would therefore be constructed from render, with a tiled roof to match. The windows would be UPVC/aluminium. Internally the works would provide a four bedroom house.

Parking will be retained on the driveway to the front/side of the dwelling.

### **History of negotiations/amendments received**

Officers entered into discussions with the applicant and agent regarding the bulk and massing of the development proposed, alongside its potential impact upon the mature trees to the rear of the site. As such, a Tree Schedule, Arboricultural Method Statement and Tree Protection Plan were received on the 26<sup>th</sup> April 2021. Final amended plans to hip the roof on the rear extension, to remove a first floor side window, to change the colour of the render and to demonstrate additional off road parking were also received on the 21<sup>st</sup> June 2021.

### **Relevant Planning History**

At the application site:

2021/90324 Work to a tree within a Conservation Area – Granted

Neighbouring properties:

89/00504 Erection of extension to side and rear to form garage, hall, lounge, bathroom & bedrooms – Granted.

### **Representations**

The application has been advertised by site notice, neighbour notification letters and the press.

Final publicity expires: 2<sup>nd</sup> April 2021.

As a result of the above publicity, no representations have been received.

Holme Valley Parish Council: In support.

Ward councillor comments:

Cllr Firth: In support of the scheme.

### **Consultation responses**

KC Trees: In support of the scheme subject to a condition being attached to the decision notice to ensure that the development is completed in accordance with the Arboricultural Report and Tree Protection Plan.

### **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 however, part of the rear garden is situated within Wooldale Conservation Area.

### **Kirklees Local Plan:**

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highway safety
- LP 22 - Parking
- LP 24 – Design
- LP 30 - Biodiversity
- LP 33 - Trees
- LP 35 – Historic environment

### **Householder Design Guide (SPD)**

Kirklees Council is currently in the process of producing its supplementary planning guidance on House extensions. Although this is at the draft stage, it does need to be considered in the assessment of planning applications with some weight attached. The general thrust of the advice is aligned with both the Kirklees Local Plan and the National Planning Policy Framework, requiring development to be considerate in terms of the character the host property and the wider street scene.

## **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 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic 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 (KLP). Policy LP1 of the KLP 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 LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

Furthermore, it has been noted that part of the rear garden is situated within Wooldale Conservation Area on the Kirklees Local Plan. However, officers have noted that the main bulk of the works would be sited on land without notation. As such, an assessment upon the impact of the Conservation Area will be taken into account below, as part of the visual amenity section.

Therefore, the principle of development is considered to be acceptable.

### **2. Impact on visual amenity and heritage**

Policies LP1, LP2 and LP24 of the Kirklees Local Plan are all relevant, as these policies seek to achieve good quality design that retains a sense of

local identify, which is in keeping with the scale of development within the area and is visually attractive. With reference to extensions, it is advised within LP24(c) that these “are subservient to the original building and are in keeping with the existing building in terms of scale, materials and details and minimise the impact on residential amenity of future and neighbouring occupiers”. These aims are also reinforced within Chapter 12 of the NPPF (Achieving well designed plans) where paragraph 124 provides an overarching consideration of design stating that “the creation of high quality buildings and places are fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

It has been considered that the proposed side and rear extensions would have some impact upon the amenity of the site and the wider area, given the additional bulk and massing proposed. However, given the amendments sought to hip the roof on the rear extension, officers are satisfied that the original dwelling would still sit comfortably within its curtilage. This would alleviate the majority of the concern.

#### *Two storey rear extension*

The design of the rear extension has been considered acceptable from a visual perspective, as it would follow the simple form of the original property. Its eaves height, roof form and materials will also match the host property. Whilst officers would prefer the extension to be set down from the ridge roof line, it has been noted that the works would appear as a continuation to the existing detached property, which has a relatively low pitch and therefore any impact would not be undue.

With regards to openings, the plans show large, elongated windows to be provided at first floor, along with bi-folding doors at ground floor. A smaller secondary window would also be installed within the eastern elevation at first floor. Given that the extension would be situated to the rear of the site, the openings would not appear prominent from public vantage points. As such, weight can be afforded to the extensions contemporary design, in which will aid passive solar gain and provide a flexible space for the occupants.

#### *Single storey side extensions*

The submitted plans show a hipped roof to be created above the existing single storey side extension. This would improve the visual aesthetics of the site, especially from public vantage points and therefore this alteration is welcomed. A smaller single storey extension would also adjoin this structure, to provide a link to the two storey rear extension.

The design of the new side extension has been considered acceptable from a visual perspective, as it would benefit from a lean to roof. Materials would also be to match the host property.

With regards to fenestration, two elongated windows would be installed within the side elevation, along with two roof lights. These additions would further

enhance the developments contemporary appearance and on balance, have been considered acceptable.

Therefore, given the size and scale of this extension, officers are satisfied that the works would not result in the overdevelopment of the site.

#### *External alterations*

As part of this application, the applicant is also seeking permission to re-render the main house in a cream/off white render. This has been considered acceptable, as there are a number of properties within the area, in which benefit from this visual finish. Nonetheless, given that the site is located within Wooldale Conservation Area, a condition to restrict the colour of the render would be attached to the decision notice.

A new first floor window would also be installed into the western facing side elevation, to serve bedroom 2. Given that this opening would be of a similar design and form to those that already exist on the host property, no concern has been raised.

Considering all the elements together, it is considered that collectively they would not result in overdevelopment. However only limited amenity space would be retained to the rear of the site and therefore it is considered appropriate to withdraw permitted development rights for outbuildings to retain an appropriate degree of amenity for the future occupiers but also to ensure that the site is not overdeveloped. This condition will be attached to the decision notice accordingly.

Alongside the above, the application has been assessed by the impact it would have on the character and setting of Wooldale Conservation Area. In this instance, it has been noted that the additional development would be constructed from matching materials and would be of an acceptable design and form to keep in with the character of the host property. As such, officers are satisfied that there would be no significant impact upon the Conservation Area.

Furthermore, the public benefits to the property, would be that the host dwelling could remain at its optimum use, as a dwelling, with the additional living accommodation required to meet the needs of the applicant. The works to extend, alter and re-render the property would also improve the sites current visual aesthetics.

For these reasons, it has considered that the public benefits of the scheme are considered to outweigh the less than substantial harm. In summary the proposed extensions would be of a satisfactory design and would be in keeping with the character of the area in accordance with Policies LP24 and LP35 of the KLP and Chapter 12 and 16 of the NPPF.

### **3. Impact on residential amenity**

Section B and C of LP24 states that alterations to existing buildings should: "...maintain appropriate distances between buildings' and '...minimise impact

on residential amenity of future and neighbouring occupiers.” Further to this, Paragraph 127 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

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

102 Lower Town End Road is the neighbouring property to the East of the application site. Given the change in levels within the wider area, it has been noted that these neighbours are situated in a significantly lower level. As such, there would be some impact from the additional bulk and massing.

Nonetheless, officers have sought amendments in order to alter the roof pitch from a gable into a hip. This would therefore, help reduce some of the impact. Furthermore, it has been noted that, whilst these neighbours benefit from existing extensions, the proposed development would retain an acceptable separation distance of approximately 7.8m. More specifically, 10m would be retained from the two storey rear extension.

It has also been noted that these neighbours benefit from additional outdoor amenity space to the opposite side of their property, in which would not be impacted upon as part of this proposal. For these reasons, any overbearing and overshadowing from the two storey rear extension and single storey side extension would not be detrimental and therefore this relationship can be supported, on balance.

With regards to overlooking, the applicant has provided photos from ground level to show that the two elongated windows within the side elevation of the side extension would not unduly impact upon these neighbours’ amenity. Instead, there is planting within these neighbour’s garden in which restricts any undue harm.

In terms of first floor side openings within the rear extension, officers have requested that the nearest opening to these neighbours is removed. This is demonstrated on the amended plan dwg. no 20-05-03 Rev C. There would also be limited impact from the window in which is to be retained, as this would have a relationship with the outdoor amenity space associated with host property, rather than these neighbours. As such, given that this window would be small in size and scale and would be secondary, any impact would not be significant.

Having taken into account the above, it has been considered that on balance, any impact upon these neighbours’ amenity would not be undue, given the sufficient separation distances in which would be achieved.

98 Lower Town End Road is the residential property to the West of the application site. It has been assessed there would be some impact upon these neighbours’ amenity, especially when taking into account the two storey rear extension.

Nonetheless, it has been noted that this property appears to be situated on a slightly higher level than the application site. From undertaking the site visit, it is also apparent that these neighbours are currently in the process of building a rear dormer and therefore any overbearing from the two storey rear extension, would not be undue. In terms of overshadowing, officers have noted that any impact would only be evident within a morning and therefore this relationship can be supported. There is also well-established boundary treatment between these neighbours in which would also help mitigate any impact.

With regards to overlooking, the submitted plans show no new windows to be inserted into the side elevation of the two storey extension. This would mitigate against any loss of privacy at these neighbours. Any future ground floor windows would also be obscured by the existing boundary treatment, with first floor openings needing to be obscurely glazed in order to comply with the GPDO.

Notwithstanding the above, the submitted plans show a new window to be inserted into the western elevation of the main property. This would look out onto these neighbour's blank gable and therefore there would be no detrimental overlooking.

As a result, any impact upon these neighbours' amenity can be supported.

104 Lower Town End Road is the neighbouring property to the South East of the application site. Due to the host properties relatively large curtilage it has been assessed that an acceptable separation distance can be achieved, in order to restrict any detrimental overbearing, overshadowing and overlooking upon these neighbours' amenity.

110 Lower Town End Road benefits from a relatively large rear garden in which extends towards the rear of the application site. Nonetheless, it has been noted that a separation distance of approximately 8m would be retained from the two storey rear extension, to the top section of these neighbour's garden. As such, officers are satisfied that there would be no undue overbearing, overshadowing or overlooking as a result of the additional built form.

Overall, it is considered that on balance, the proposed development would not cause undue harm to the amenities of any neighbouring residential properties in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

#### **4. Impact on highway safety**

It has been noted that the development would intensify the domestic use at the site by taking the property from a 3 to a 4 bed. In this case, it appears that the steps to the top of the driveway obstruct of road parking for two vehicles. As such, officers have entered into discussions with the agent regarding the removal of these in order to provide two tandem parking spaces.

In this case, an amended plan has been sought in which demonstrates three off road parking spaces. This has been considered acceptable, as the increased driveway will alleviate the pressure from the highway. This is to accord with Policy LP21 and LP22 of the KLP.

## **5. Other matters**

### **Trees**

KC Trees have been formally consulted as part of this application. In this case, it has been noted that the submitted tree information is of a high standard and provides a good level of detail to enable potential impacts to be considered. The existing mature tree, which is protect by Wooldale Conservation Area, is accurately represented within the survey and assessment.

The proposed extension will extend within the rooting area of the tree wherever it is sited at the property but that said the smaller the impacts can be restricted to the better the outcome is likely to be for the successful integration of the tree.

As such, the officer is satisfied that if the provided tree protection measures detailed in the tree information are adhered to the mature tree will not suffer any long term negative impacts. Should the proposal be granted, a condition should be attached to the decision notice to ensure that the tree is protected by the measures described. This is to accord with Policy LP33 of the KLP and Chapter 15 of the NPPF.

### **Bats**

The application site lies within the bat alert layer on the Council's GIS system. As such, careful attention has been paid when looking for evidence of bat roof potential. In this instance, the property appeared well sealed around the eaves and roof area and it was judged unlikely to contain roosting bats. Even so, as a cautionary measure, a note will be added to the decision notice stating that if bats are found development shall cease and the advice of a licenced bat worker sought. This is to accord with the aims of Policy LP30 of the KLP and Chapter 15 of the NPPF.

### **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 is not considered reasonable to require the applicant to put forward any specific resilience measures. However, it has been noted that the extensions would include large areas of glazing, especially to the southern elevation in order to help reduce the use of artificial light and improve passive solar gain.

## **6. Representations**

None 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 materials considerations. It is considered that the development is acceptable and is therefore recommended for approval.

## **Recommendation Approve**

### **Decision Authorisation - Delegated Powers**

**Application Number:** 2021/90377

**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 in the interests of highway safety to accord Policies LP1, LP2, LP21, LP24, LP30, LP33 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The re-rendering of external walls, along with the two storey rear extension and single storey side extensions shall be in an off white/cream colour, in accordance with the details shown on the approved plan.

**Reason:** In the interests of visual amenity and heritage and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

4. The roofing materials of the extensions hereby approved shall in all respects match those used in the construction of the existing building.

**Reason:** In the interests of visual amenity and heritage and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes B and 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 heritage, to prevent an overdevelopment of the site and to accord with Policies LP24 and LP35 of the Kirklees Local Plan.

6. The hereby approved development shall be completed in accordance with the advice and directions (recommendations) contained in the BS5837 Arboricultural Report and Tree Protection Plan, reference (Crown Tree Consultancy, dated 21/04/21 ref 010781). These shall be implemented and maintained throughout the construction phase and retained thereafter.

**Reason:** To protect trees in the interests of visual amenity and to accord with the requirements of Policy LP33 of the Kirklees Local Plan.

**NOTE:** Construction working times Noisy construction related activities shall not take place outside the hours of: 07.30 to 18.30 hours Mondays to Fridays 08.00 to 13.00hours, Saturdays With no noisy activities on Sundays or Public Holidays Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists, or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

**NOTE:** Please note that the granting of planning permission does not overrule private legal 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 or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

**NOTE:** Due to its location, a bat roost may 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:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan and existing floor plans and elevations	20-05-01	-	25 <sup>th</sup> March 2021
Design and access statement	20-05-DS	-	25 <sup>th</sup> March 2021
Tree report	10781	-	26 <sup>th</sup> April 2021
Tree schedule	10781	-	26 <sup>th</sup> April 2021
Tree protection plan	10781	-	26 <sup>th</sup> April 2021
Arboricultural method statement	10781	-	26 <sup>th</sup> April 2021
Proposed floor plans, roof plan and site plan	20-05-02	C	21 <sup>st</sup> June 2021
Proposed elevations	20-05-03	C	21 <sup>st</sup> June 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 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. In this instance, officers entered into discussions with the applicant and agent regarding the bulk and massing of the development proposed, alongside its potential impact upon the mature trees to the rear of the site. As such, a Tree Schedule, Arboricultural Method Statement and Tree Protection Plan were received on the 26<sup>th</sup> April 2021. Final amended plans to hip the roof on the rear extension, to remove a first floor side window, to change the colour of the render and to demonstrate additional off road parking were also received on the 21<sup>st</sup> June 2021.

**Report Dated:** 22<sup>nd</sup> June 2021

