

**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: 2021/62/90448/W

Site Address: 15, Moor Royd, Honley, Holmfirth, HD9 6ES

Description: Erection of two storey side extension and dormer windows to front and rear

Recommending Officer: Stuart Howden

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: 12-Apr-2021

Officer Report

Site Description

15 Moor Royd, Honley, Holmfirth, HD9 6ES

15 Moor Royd is a 1 ½ storey semi-detached dwelling constructed from stone with brick on the side wall under a tile hip to gable roof. The dwelling has been extended to the rear with a single storey conservatory and there is a first floor gable element within the rear roofslope. On the front roofslope is a flat roof dormer which is attached to the flat roof dormer of the neighbouring dwelling (No.17 Moor Royd). Attached to the side of the dwelling is a flat roof single storey garage. There is a driveway to the front of the dwelling and to the rear of the dwelling is a garden, with some of it covered in decking.

The site is within a predominantly residential area and the land slopes upwards from the front to the rear, therefore the properties to the rear of the site are at a higher land level. Dwellings in the immediate vicinity tend to be semi-detached, and range from 1 ½ storey to 2 storey in height.

The site is not within a conservation area and there are no listed buildings within close proximity to the site.

Description of Proposal

Planning permission is sought for the erection of a 1 1/2 storey side extension and dormers on the front and rear roofslope.

The proposed 1 ½ storey extension would replace the garage to the side of the dwelling, would be flush with the front and rear walls, as well as the roof of the main body of the dwelling, and would have a similar width as the garage it would replace (~3 metres). The extension is proposed to be constructed from materials to match the existing dwelling.

A number of dormers are proposed and include:

- An extension to the flat roof dormer on the front roofslope so that it would run almost the entire width of the front roof (with the proposed side extension);
- A box dormer mainly on the rear roofslope of the proposed two storey side extension;
- A box dormer on the rear roofslope adjacent to the neighbouring attached property of No.17.

The dormers are proposed to be constructed from white upvc cladding to match the existing dormer to the front.

History of negotiations/amendments received

A first floor side facing window was removed from the plans by the applicant's agent following concerns raised by officers in terms of loss of privacy. Details were also later provided of the materials for the proposed dormers after these were requested by officers.

Relevant Planning History

2005/93095 – Erection of first floor extension – Approved.

Representations

Final publicity date expires:

Neighbour letters expired on 22nd March 2021.

3 representations have been received raising comments on the application. The comments raised are summarised below (full comments can be viewed on the Council's Planning Webpage:

- First floor dormers should be obscurely glazed to prevent overlooking/loss of privacy;
- The access and road opposite No.6 Moor Royd needs to be kept clear;
- Care should be taken with construction to avoid nuisance and disturbance, notably in terms of noise, dust and debris.

It was not considered necessary to re-consult following the submission of amended plans given that there are no alterations which are considered to cause greater harm to any neighbouring properties.

Consultation Responses

Holme Valley Parish Council: Support subject to satisfactory provision of parking.

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
- **LP 21** – Highways Safety and Access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 51** – Protection and Improvement of Local Air Quality

Draft Holme Valley Neighbourhood Development Plan (2020-2031)

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 2** – Achieving sustainable Development
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding

Other Material Considerations

House Extension and Alteration Supplementary Planning Document: 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.

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. Chapter 2 of the NPPF states that:

“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”

Chapter 2 of the NPPF goes onto further state that objectives should:

“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”

In line with the NPPF, Policy LP1 of the Kirklees Local Plan declares that:

“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”

LP1 goes further and states:

“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 this instance, it can be stated that the principle of development of this application is acceptable; and as a result, is subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise. These matters will be discussed below.

2 – Impact on visual amenity:

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby 124 provides a principal consideration concerning design which states:

“124. The creation of high quality buildings and places is 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.”

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape...” and *“c. extensions are*

subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”

The proposed 1 ½ storey extension to the side would be flush with the front and rear walls of the main body of the dwelling, and would also be flush with the roof slope of the dwelling. Given this, its relatively modest width and the use of materials to match the existing dwelling, it is considered that the extension would be a compatible addition to the existing dwelling.

Whilst the proposed two storey side extension would be within close proximity to the side boundary shared with No.17 Moor Royd and the side wall of No.17 is also very close to this boundary, it is considered that it would not result in the appearance of a cramped terracing effect from the street scene given that part of No.17 closest to this shared boundary is single storey.

In relation to the dormer on the front roofslope, this is acceptable in principle given the presence of dormers on the front roofslope of this dwelling and similar 1 ½ storey dwellings. The proposed front dormer would extend from the existing front dormer, and would be of a similar height, design and form to this and it is considered that this would appear as a sympathetic addition to the existing dwelling.

The proposed box dormers to the rear of the dwelling are considered to be bulky and unfortunate features. However, there are other box dormers to the rear of properties on Moor Royd, and the proposed dormers would not be prominent from the public domain due to their siting to the rear of the dwelling. It is also worth noting that a box dormer to the rear of the existing dwelling could potentially be constructed under permitted development and there are other dormers to the rear of dwellings within the vicinity of the site.

For the reasons set out above, the proposed development is acceptable in terms of visual amenity. The proposed development is therefore considered to comply with Local Plan Policy LP24 and Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Paragraph 127 of the NPPF states that planning decisions should ensure developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

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.”

The dwelling at No.17 Moor Royd is attached to No.15. The proposed two storey side extension would not protrude beyond the front and rear walls of

the dwelling, therefore it would be sited so as to prevent undue harm to No.17 in terms of loss of light and the creation of an overbearing effect.

In relation to No.13 Moor Royd to the other side of No.15, the proposed two storey extension would not go beyond the line of the rear wall of this neighbouring dwelling and it is considered that it would be sufficiently sited to prevent undue harm to the rear and front windows within No.13 in terms of loss of light and overshadowing, as well as undue overshadowing of the rear garden. There is a side window within No.13 which faces towards the site and this serves a habitable room (and is the only opening serving this room). The separation distance between the first floor side wall of the dwelling and this window would decrease from ~5.3 metres to ~2.3 metres. The proposal would therefore result in a loss of outlook and natural light to this room. However, this window, unfortunately already does not benefit from a good level of outlook and a similar side to side relationship has previously been accepted within a relatively close proximity at the site between No's 20 and 22 Moorside Road. On balance, it is therefore considered that the proposal would not result in additional undue harm to this side window in terms of loss of outlook and loss of light.

The proposed dormers are considered to be sufficiently sited so as to prevent undue harm to any neighbouring properties in terms of loss of light and the creation of an overbearing effect.

The proposed rear dormers would allow for oblique views in to the rear garden of No's.13 and 17 Moor Royd. It is noted that the only first floor window within the rear of No.15 is obscurely glazed, but it is not conditioned that this should be obscurely glazed and fixed shut so could be changed to clear glazing which would allow for similar views as those from the proposed dormers. In addition, a dormer with clear glazing could potentially be installed on the rear roofslope of the existing dwelling without planning permission (under Part B, Class 1, Schedule 2 of the GPDO). A first floor side facing window within No.15 also overlooks the rear garden of No.13. It is therefore considered that the proposed rear dormers would not cause undue harm to No's.13 and 17 in terms of loss of privacy or overlooking

The rear dormers will gain some views of the properties to the rear at Derwent Road (notably No's. 51 and 53), but given a number of the points raised in the above paragraph and the respective separation distances (~21 metres rear window to rear window relationship, and ~9 metres from the rear boundary) it is considered that the proposed dormers would not cause undue harm to properties on Derwent Road in terms of loss of privacy or overlooking.

The proposed development is therefore, on balance, considered acceptable in terms of residential amenity and it is considered that the proposed development complies with Local Plan Policy LP24 and Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

The proposal would result in the loss of the garage, but it is not considered that this would result in the loss of a parking space given its modest scale (~4.6 metres by ~2.9 metres) (the Kirklees Highways Design Guide outlines that internal parking spaces should be a minimum of 6 metres by 3 metres). The proposal would not result in the creation of any additional bedrooms therefore no additional on-site parking is considered to be required. Given the above, the impact upon highway safety is therefore considered to be acceptable. The proposed development is therefore considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

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.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

6 – Representations:

3 representations have been received raising comments on the application. Any comments which have not been addressed in the above assessment will be addressed below:

Third Party Comment: The access and road opposite No.6 Moor Royd needs to be kept clear.

Officer Response: There is considered to be sufficient on-site parking as discussed above. If parking on the street does block access to this property, this is not a material planning consideration, but a legal matter.

Third Party Comment: Care should be taken with construction to avoid nuisance and disturbance, notably in terms of noise, dust and debris.

Officer Response: The matter of construction is not a material planning consideration and is covered by other legislation. A footnote will be attached relating to construction best practice.

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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2021/90448

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 with Policy LP24 of the Kirklees Local Plan.

3. The external walls and roofing materials of the 1 ½ storey side 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 Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4. The external wall materials of the extended front dormer window hereby approved shall in all respects match those in the construction of the existing front dormer.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

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
Application form	-	-	5 th February 2021
Location Plan	TC/01	-	5 th February 2021
Existing Elevations and Floor Plans	TC/02	A	5 th February 2021
Proposed Elevations and Floor Plans	TC/03	B	8 th April 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. A first floor side facing window was removed from the plans by the applicant's agent following concerns raised by officers in terms of loss of privacy. Details were also later provided of the materials for the proposed dormers after these were requested by officers.

Report Dated: 12/04/2021