

**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: 2021/62/90917/W

Site Address: 20, Upper Bank End Road, Holmfirth, HD9 1EW

Description: Erection of single storey extension to side and rear
with raised terrace and balustrade

Recommending Officer: Lucy Taylor

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-Apr-2021

Officer Report.

Reference: 2021/90917

Location: 20, Upper Bank End Road, Holmfirth, HD9 1EW

Proposal: Erection of single storey extension to side and rear with raised terrace and balustrade.

Site Description.

20 Upper Bank End Road is a two-storey end of terrace property located in Holmfirth. The property is constructed from stone and has a gable roof erected above the dominant dwellinghouse and a lean-to roof above a front projection at the property. The dwelling benefits from a driveway to the side elevation and from garden amenity space to the rear.

The property is located in a residential area where there is a mixed sense of similarity within the streetscene. All of the terrace properties located in close proximity to the application site are very similar in their style of design and construction, mostly due to been constructed from stone giving them a traditional appearance. However, the properties located opposite the application site and the terrace properties differ in there design and style of construction, faced with different materials, resulting in different appearances.

The application site is located just outside the boundary of the Underbank Conservation Area.

Description of Proposal.

Planning permission is sought for the erection of a single storey extension to the side and rear with a raised terrace and balustrade.

Extensions and Terracing:

The proposed side and rear extension will adjoin one another to the rear of the dwelling, creating one extension that wraps around the property. The side extension will project 2.9 metres from the existing side elevation of the dwelling, have a length of 6.9 metres and a maximum height of 5.8 metres, with a narrow gable roof erected above. The gable roof will adjoin the rear extension, which projects 2.15 metres from the rear elevation of the dominant dwellinghouse and has a width of 3.8 metres. The walls of the extensions will be built from matching coursed natural stone and the roof will be infilled with grey slates, to match the appearance of the roof erected over the dominant dwellinghouse.

With regard to fenestration, the extension proposes glazing to the side elevations of the side and rear extensions, in the form of long window and the

entirety of the rear elevation of the rear extension will be glazed, in the form of glazed bi-folding doors. Additionally, roof lighting is proposed in the form of velux windows. With one erected to the front of the extension and three adjoining smaller velux windows to the rear.

The proposed external raised terrace will be raised 0.8 metres from external ground level, with steps erected to allow access to and from the rear garden and rear extension. Balustrade will be erected along the side and rear elevations of the terrace, this will have glazed panels in the centre, having a height of 1.1 metres.

History of Negotiations.

No negotiations have taken place and no amended plans have been sought or submitted.

Relevant Planning History.

At the application site

- **2007/92415** – 20 Upper Bank End Road – Erection of ground floor extension. *Granted in 2007.*

At no.22 Upper Bank End Road

- 2010/91304 - Erection of entrance porch and two storey extension to side and rear – Approved and built

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, a site notice and within the newspaper, collectively expiring on 27th May 2021 – no representations were received.

Consultation Responses.

Holme Valley Parish Council – support the proposed development at 20 Upper Bank End Road.

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 is not specifically allocated in the Kirklees Local Plan however, it is located just outside the boundary of the Underbank Conservation Area.

Kirklees Local Plan:

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP24** - Design
- **LP35** – Historic environment

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 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
- **Chapter 16** - Protecting and enhancing the historic environment

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.

The proposed extensions will be single storey in height and constructed from materials that match the appearance of the dominant dwellinghouse. As such, the erection of the proposed side and rear extensions will be subservient when viewed in conjunction with the host dwelling. In addition, the proposed gable roof is considered to harmonise appropriately with the host dwelling, as well as the adjoining row of terraces and the terrace properties adjacent. This harmonising roofing style ensures that no undue bulking and massing will be caused as a result of the extension and that the proposed works will not lead to overdevelopment. Furthermore, the proposed fenestration to the front and side is of a simple form that harmonises appropriately with the host dwelling. The proposed glazed doors and windows to the rear are considered to be an acceptable contemporary element to the extension.

The raised terrace will harmonise appropriately with the main body of the extension and the rear garden amenity space, as well as the natural land located to the rear of the property. Additionally, the glazed balustrade will also harmonise well, with the glazed panels in the balustrade reducing the extent of harness from development and maintaining an open feel within the exterior environment.

For all the reasons outlined above, the proposed works at 20 Upper Bank End Road are considered to cause no harm to the Upperbank Conservation Area, harmonising appropriately with the host dwelling and deemed to be subservient to the host dwelling.

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.”*

- *18 Upper Bank End Road* – this property is located to the north and adjoins the application site. The main body of the house will prevent any impact from the main body of the side extension, however the rear projecting element will have a great impact. The proposal extends 2 metres beyond the rear elevation of the host dwelling, but is separated from no.18 by 5.5 metres. Such a level of separation is considered sufficient to ensure that there is no detrimental overshadowing or overbearing impact and on balance would mitigate against any detrimental overlooking from the windows in the side of the extension. Turning to the raised terraced, there is potential for overlooking of the neighbour garden, however on balance this is not considered to be detrimental given the 5.5 metre separation distance achieved.
- *22 Upper Bank End Road* – this property is located to the south of the application site and has been extended to the rear by a two storey extension approved via application 2010/91304. The proposed extension will be set off the shared boundary by 1 metre aiding on reducing the potential for overbearing. The position of the extension to the north combined with the single storey nature of the proposal will also prevent any detrimental overshadowing from occurring. However it is noted that the proposed extension would extend up the extended rear elevation of no.22 with the terrace extending a further 2 metres. A window is proposed on the corner of the side/rear extension which has some potential to overlook part of the garden area to no.22 given that the extension would be elevated in comparison to the garden area of no.22, to prevent any detrimental impact from occurring this window will be conditioned to be obscurely glazed. Turning to the raised terrace, there is potential for overlooking to occur to the garden area of no.22 due to the elevated position of terrace. To prevent any detrimental impact occurring, a condition will be attached to the decision notice requiring the provision of a privacy screen on the southern side of the terrace, before the terrace is brought into use.

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

3. Impact on Highway Safety

Although it has been acknowledged that the amount of driveway amenity space at the property will be reduced as a result of the proposed works, the property will still only have one bedroom, with the extension not resulting in an increase in the domestic use of the property. One parking space will be retained to the front of the proposed side extension, deemed an appropriate amount of parking for a one bedroomed property. In addition, the proposed works will not alter the existing access to and from the property, in conjunction with the adjoining highway. For these reasons, the proposal is considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan.

4. Other Matters

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. Additionally, the proposed works at 20 Upper Bank End Road do not require any alterations or works to the existing roof above the dominant dwellinghouse. 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 licensed bat worker sought. This is to accord with the aims of 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 it is not considered reasonable to require the applicant to put forward any specific resilience measures. In addition, it should be acknowledged that the proposed extensions are to be constructed from stone. Stone is considered to be a natural material.

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: 2021/90917

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 to Policies LP24 and LP35 of the Kirklees Local Plan.

3. The external walls 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 to accord with Policy LP24 of the Kirklees Local Plan.

4. The floor to ceiling height window serving the sitting room, in the southern side elevation of the extension hereby approved, shall be fitted with obscure glazing, minimum grade 4 before it is first occupied. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order

with or without modification) the said window shall thereafter be so retained obscure glazed.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan.

5. Before the hereby approved raised terrace is brought into use, a 1.8 metre high privacy screen in the form of either an obscurely glazed screen fitted with obscure glazing, minimum grade 4 or a solid timber screen, shall be erected along the southern boundary of the raised terrace. The privacy screen shall thereafter be retained.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan.

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.

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

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans – Grouped Plans and Elevations	DL685-02A proposed and location/block plan	-	4.3.21
Plans – Grouped Plans and Elevations	DL685-01 Existing	-	4.3.21

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. No amended plans were sought or submitted.

Report Dated: 29.4.21