

**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:** 2021/62/90988/W  
**Site Address:** 134, New Mill Road, Brockholes, Holmfirth, HD9 7AZ  
**Description:** Erection of single storey rear extension  
**Recommending Officer:** Laura Yeadon

**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: 07-May-2021**

## **Officer Report**

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f90988>

## **Site Description**

134 New Mill Road is an extended semi-detached property located within an area without notation on the Kirklees Local Plan. The property is set back from the roadside, separated by a parking area, front garden and driveway which leads to an attached integral garage. There is also a garden area to the rear of the property. The dwelling is constructed from brick and has a tiled roof with dark window frames within the front elevation and white frames within the rear elevation. The southern side of New Mill Road is predominantly residential and beyond the rear boundary are industrial buildings located within an area which is allocated a Priority Employment Area.

## **Description of Proposal**

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

The construction of the extension would result in the loss of the hedge which forms the boundary with the attached property.

The extension would be set in from the shared boundary by 0.15 metres and would be a total width of 3.7 metres. The total projection would be 3.9 metres from the rear elevation of the property with the eaves height being 2.3 metres and overall height being 3.5 metres to the ridge of the pitched roof. The proposed construction materials would be brick for the walls and tiles for the roof with openings being located within the western side elevation and the rear elevation. Also on the rear elevation would be an aluminium curtain wall above the patio doors.

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

None

## **Relevant Planning History**

2005/91507 Erection of two storey side extension and conservatory  
*Conditional Full Permission*

## **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: 22<sup>nd</sup> April 2021 – no representations received

Holme Valley Parish Council comments – support the application

## **Consultation Responses**

The Environment Agency – note to applicant to be added to decision notice

## **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 27<sup>th</sup> 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

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19<sup>th</sup> February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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

### **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.

### **House Extensions and Alterations Supplementary Planning Guidance**

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. 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 extension would be located to the rear of the property and therefore would not be visible from public vantage points on New Mill Road and would be subservient to the host property which is two storey in height. The single storey structure would be constructed from materials to match the host dwelling with the exception of the openings which are proposed to be constructed from anthracite grey uPVC. The structure is simplistic in terms of design and is of an acceptable scale and mass, appropriate to this form of development. As such, it is considered that the proposal is acceptable in terms of visual amenity.

### 3 – Impact on residential amenity:

The extension would be located adjacent to the boundary with the attached neighbour, No. 136 New Mill Road. The extension would be located to the north-west of this neighbour and it is not anticipated to result in a significant loss of sunlight to this property or its amenity space. No openings would be located within the side elevation adjacent to this boundary which prevents overlooking. In terms of overbearing it is noted that the extension would extend most of the boundary of the garden area and it will be clearly visible from no.136. However given the proposed design with low eave's height and roof slopping away from no.136 it is considered that no detrimental would be caused. Therefore it is not considered that the extension would result in significant harm.

In terms of the impact on No. 132, this property has a rear elevation which is set forward of the front elevation of the application site. As the extension would be set in from the side elevation of the property by approximately 5.5 metres, it is not considered that the extension would cause significant harm to this property over and above the existing situation.

The openings within the front and west side elevations would face into the garden area of the property with no residential dwellings within close proximity beyond the rear boundary.

As such, in terms of residential amenity, the proposal is considered to be acceptable.

### 4 – Impact on highway safety:

None.

### 5 – Other matters:

*Climate Change* - On 12<sup>th</sup> 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. Due to the small scale of development proposed, it is not considered that the proposal requires specific mitigation measures.

*Bats* – The site is within a Bat Alert layer on the Council's GIS system however as the extension would not interfere with the existing roof of the

dwelling due to being single storey in height, it is not considered that a Bat Survey is necessary.

*Flood risk* – the extension would be within 20 metres of the bank top of the River Holme and therefore The Environment Agency were formally consulted regarding the application. The comments conclude that a note should be attached to the decision notice which explains when a permit is required to be obtained.

#### 6 – Representations:

None

#### 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:** 2021/90988

**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, LP24 and LP30 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3. The external walls and roofing materials of the 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 and LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

**NOTE** The proposed development is in close proximity to the River Holme which is a designated 'main river'. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Plans and specifications schedule:-

| <b>Plan Type</b>                                  | <b>Reference</b> | <b>Version</b> | <b>Date Received</b>        |
|---------------------------------------------------|------------------|----------------|-----------------------------|
| Location plan, existing elevations and floor plan | HD.20.41.EX.01   |                | 10 <sup>th</sup> March 2021 |
| Proposed ground floor plan                        | HD.20.41.PP.01   |                | 10 <sup>th</sup> March 2021 |
| Proposed elevations                               | HD.20.41.PP.02   |                | 10 <sup>th</sup> March 2021 |
| Proposed site plan                                | HD.20.41.PP.04   |                | 10 <sup>th</sup> March 2021 |
| Proposed indicative 3D plan                       | HD.20.41.PP.03   |                | 10 <sup>th</sup> March 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:** 28<sup>th</sup> April 2021

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