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: 2021/62/92114/W

Site Address: 84, Pavilion Way, Meltham, Holmfirth, HD9 5QW

Description: Erection of single storey rear extension

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: 19-Jul-2021

Officer report

Site description
84 Pavilion Way, Meltham is a semi detached dwelling constructed from stone with a tiled roof. The site benefits from an area of hardstanding to the front, alongside private amenity space to the rear. Pedestrian and vehicular access can be taken from the shared access onto Pavilion Way. Boundary treatment consists of hedging and timber fencing.

The site is situated within a wider residential area, whereby the neighbouring properties are of a similar design and form. The site is also unallocated on the Kirklees Local Plan.

Description of development
The application is seeking permission for the erection of a single storey rear extension. The measurements of the scheme are as follows:

- 3m in projection
- 5.2m in width
- 3m in overall height (3.5m including the lantern)

The extension would be constructed from stone to match the host property, with a flat roof. The additional windows and doors would also be UPVC to match.

Parking will be retained to the front of the dwelling as existing.

History of negotiations/amendments received
An amended plan to alter the roof form was received on the 28th May 2021, at the request of the applicant.

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 the 2nd July 2021, whereby no representations have been received.

Meltham Town Council: No comments received.

Consultation Responses:
KC Trees (informal): No objection to the proposal.
KC Environmental Health: No formal comments received.

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 without notation on the Kirklees Local Plan.

Kirklees Local Plan:

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highway safety
- LP22 - Parking
- LP 24 – Design
- LP 30 - Biodiversity
- LP 33 - Trees
- LP 53 – Contaminated and unstable land

Householder Design Guide (SPD) adopted June 2021.

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 – Protecting and enhancing the natural 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. 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.

Policy 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 has been considered that 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

In terms of visual amenity, it has been noted that the single storey rear extension would be relatively small in size and scale. This would ensure that the works would not result in the overdevelopment of the site.

In terms of design, the extension would benefit from a flat roof in order to reduce some of its bulk and massing. This has been considered acceptable from a visual perspective, as it would not appear overly dominate or prominent within the wider street scene.

Materials would match the existing, along with fenestration. To the rear, bi folding doors have been proposed, along with a high levelled window within the southern elevation. This has been considered satisfactory, as the additional glazing would allow for natural light penetration.

A small decked area would also be created to the rear of the extension. This would comply with permitted development and therefore does not require formal planning permission.

Having taken into account the above, the rear extension has been considered acceptable from a visual perspective, in accordance with Policy LP24 of the Kirklees Local Plan, the House Extensions and Alterations (SPD) and Chapter 12 of the NPPF.

3. Impact on residential amenity

82 Pavilion Way is the adjoining property to the application site. It has been noted that there would be some impact upon these neighbours' amenity, given that they are situated directly to the North. However, amendments have been submitted at the request of the applicant, to alter the proposed roof form to a flat roof. This would help reduce some of the bulk and massing.

As such, officers do not consider there to be any undue overbearing or overshadowing as a result of this proposal. This is due to the extension being retained at single storey with a 3m projection. The existing boundary treatment would also help mitigate against some of the impact.

With regards to overlooking, the submitted plans do not show any new openings to be inserted into the northern facing side elevation. However, given the close proximity between these neighbours, future permitted developments right for new windows within this elevation will be removed.

58 and 60 Pavilion Way are the neighbouring properties to the rear of the application site. There would be a separation distance of approximately 5m to the shared boundary, alongside 12m to the nearest elevations at these neighbours. As such, any overbearing and overshadowing from the single storey rear extension would not be undue. Any potential overlooking from the bi-folding doors within the rear elevation of the extension would also be obscured by the existing boundary treatment. As such, these relationships can be supported.

For these reasons, the proposal has been considered satisfactory in terms of its impact on residential amenity and would accord with the advice contained within Policy LP24 of the KLP.

4. Impact on highway safety

The development is unlikely to intensify the domestic use, nor would it alter the existing parking arrangement at the site. As such, there would be no additional impact on highway safety, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan.

5. Other matters

Bats

Given the nature of the development, it has been noted that the works would not interfere with the eaves or the roof space on the host property. As such, there would be no impact on roosting bats, in line with Policy LP30 of the KLP.

Trees

Given that the works would be within a close proximity to a woodland, KC Trees have been informally consulted. In this case, the officer raised no objection, as there is unlikely to be any harm upon the protected trees. This is to accord with Policy LP33 of the KLP and Chapter 15 of the NPPF.

Landfill buffer

Given that the site is located within a historic landfill buffer, KC Environmental Health have been formally consulted. In this case, no comments have been received, however, officers consider it necessary to attach a condition to the decision notice regarding the finding of unexpected land contamination. This is to accord with Policy LP53 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. Nonetheless, it has it has been noted that the extension would be constructed from stone, in which is a natural material that can be locally sourced. The use of large areas of glazing to habitable rooms would also reduce the need for artificial light and improve solar passive gain.

6. Representations

As a result of the above publicity, no representations have been 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 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: 2021/92114
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 Policies LP1, LP2, LP21, LP22, LP24 and LP53 of the Kirklees Local Plan and the the aims of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and the National Planning Policy Framework.

3. The external walls of the single storey rear extension hereby approved shall in all respects match those used in the construction of the existing building, in accordance with the details shown on the approved plan.
Reason: In the interests of visual amenity and to accord with Policies LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the northern facing side elevation of the single storey rear extension hereby approved.
Reason: So as not to detract from the amenities of the adjoining property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan.

5. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority

shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 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 13.00 hours , 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
Location plan	-	-	21st May 2021
Existing floor plans and elevations	01	-	21st May 2021
Proposed floor plans and elevations	02	A	28th May 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, an amended plan to alter the roof form was received on the 28th May 2021, at the request of the applicant.

Report Dated: 19th July 2021