

**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: 2021/62/92416/W
Site Address: 57, The Cutting, Brockholes, Holmfirth, HD9 7HL
Description: Erection of single storey side extension
Recommending Officer: Laura Yeadon

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.

John Holmes

AUTHORISED OFFICER

Date: 11-Oct-2021

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f92416>

Site Description

57 The Cutting is an end terraced property constructed from stone with a blue slate roof. The property is a modern design and located within a cul-de-sac of modern dwellings which has differing house types with some being terraced, semi-detached and detached with some dwellings incorporating integral garages and other with driveways to the side. The amenity space for the property is to the rear where there is a tiered garden. The driveway between the application site and the neighbouring property No. 59 is defined by a low stone wall. Residential properties are predominantly to the north and to the east is a large expanse of land which is within the Green Belt.

Description of Proposal

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

The extension would be located on the driveway of the property projecting to the side by 3.4 metres being set back from the front elevation by 2.2 metres. The extension would span the remaining depth of the property projecting off the rear elevation by 2.8 metres with an eaves height of 2.7 metres and overall height of 4.7 metres.

The proposed construction materials would be stone for the walls, slate for the roof with uPVC /aluminium openings. There are no proposed changes to boundary treatments.

History of negotiations/amendments received

None

Relevant Planning History

- 2002/91815 Erection of 33 dwellings with garages
Section 106 Full Permission
- 2005/94241 Erection of 31 dwellings (amended house types)
Section 106 Full Permission
- 2012/92645 Proposed erection of 18 dwellings (amended layout and house types)
Conditional Full Permission
- 2014/92058 Compliance of conditions on previous permission 2002/91815 for erection of 33 dwellings with garages
Approved

2015/90806 Variation of Condition 7 (footpath) on previous planning permission 2012/92645 proposed erection of 18 dwellings (amended housing layout and house types)
Approved

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 2nd August 2021 – no representations received

Holme Valley Parish Council – support the application

Consultation Responses

None required

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 and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 21st July 2021, 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 14 – Meeting the challenge of climate change, flooding and coastal change

Holme Valley Neighbourhood Plan

The Holme Valley Neighbourhood Development Plan has reached an advanced stage of preparation and the independent Examiner's Report has been received. Although the plan has yet to be subject to a referendum in the affected area, this will take place in November 2021, it is a material planning consideration in decision making and weight has been attributed in accordance with NPPF (July 2021).

- Policy 2 – Protecting and enhancing the Built Character of the Holme Valley and Promoting High Quality Design. The application site is within Landscape Character Area LCA 7: River Holme Wooded Valley. One of the key characteristics of this area is glimpsed views towards the wider landscape through gaps between built form.

House Extensions and Alterations Supplementary Planning Guidance

Kirklees Council has adopted supplementary planning guidance on house extensions which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) 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:

Policy LP24 of the Kirklees Local Plan seeks to ensure high standards of design quality from new developments. Chapter 12 of the NPPF is also considered to be of relevance as well as the House Extensions and Alterations SPD which states single storey side extensions should meet the following:

- not extend more than two thirds of the width of the original house;
- not exceed a height of 4 metres; and
- be set back at least 500mm from the original building line to allow for a visual break.

In terms of visual amenity, the proposed extension would be located on the side elevation of the property and would sit on the existing driveway. The proposed ridge of the extension would be below the height of the eaves of the property and therefore would appear subservient when viewed against the host property. The construction materials would match and a condition can be attached to ensure this in the interest of visual amenity. The roof line would be pitched and openings are proposed within the front elevation, front and rear elevation roof slopes and within the side elevation of the projecting rear element. No openings are proposed within the side elevation facing No. 59.

With regard to the impact of the proposal on the street scene, similar extensions have been constructed within the street scene including the adjacent property No. 59. As such, the proposal is considered to be in keeping with the street scene.

It is therefore considered that in terms of visual amenity, the proposed would comply with the House Extensions and Alterations SPD, Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3 – Impact on residential amenity:

Overlooking – in terms of overlooking, openings are proposed windows within the front and side elevations of the extension. Given that these would be set back from the existing front elevation openings, the separation distance

between the application site and the properties on Oakes Avenue would not be reduced. The openings within the rear section of the extension would face the garden area of the property and therefore minimal concerns are raised. It is not anticipated that there would be significant harm from the proposed roof lights.

The extension would be located to the north of its neighbour, No. 59 and adjacent to a recently constructed single storey side extension. As such, it is not considered that the extension would be significantly harmful to residential amenity.

4 – Impact on highway safety:

In terms of the impact on highway safety, the proposed extension would be located on the driveway of the property. A proposed site plan has been submitted with the application which demonstrates that 1 no. vehicle can be sited to the front of the property and a site visit confirmed that there are parking bays along the roadside within the ownership of the properties along The Cutting.

It is therefore considered that the parking arrangements would be acceptable in accordance with Policies LP21 and LP22 of the Kirklees Local Plan.

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. No specific mitigation measures are required in this instance.

Biodiversity – the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested or received from the Ecology & Biodiversity Officer it is considered that a Bat Survey is not required in this instance. This is due to the works not affecting the original roof of the property. However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the NPPF, a footnote shall be attached to the permission setting out that should any bats be found using the building then works must cease and appropriate advice sought.

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: 2021/92416

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, LP21, LP22, LP24 and LP30 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3. The external walling and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building. The materials of construction shall thereafter be retained and maintained for the lifetime of the development.

Reason: In the interests of visual amenity and to accord with LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework and the House Extensions and Alterations SPD.

NOTE: The Council's GIS system indicates that 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 to 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:-

Plan Type	Reference	Version	Date Received
Location plan	21_892 102A		24 th June 2021
Existing elevations and floor plan	21_892 100		14 th June 2021
Proposed elevations and floor plans	21_892 101		14 th June 2021
Proposed site and location plan	21_892 103A		24 th 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 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: 8th October 2021

Coal – low

