

**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: 2021/62/92521/W

Site Address: 80, West Avenue, Honley, Holmfirth, HD9 6HF

Description: Erection of single and two storey side and rear extensions and associated alterations

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: 03-Sep-2021

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f92521>

Site Description

80 West Avenue is an end terraced property which is two storey in height and is constructed from stone with a tiled roof. The property is set back from the street frontage and is separated by a front garden and has a larger garden area to the rear. There is also a driveway to the front of the property providing one off-street parking space. There is a separate path running down the side of the of the property which is not a defined PROW and the Agent has confirmed that this is a communal path providing access to the gardens. The surrounding area is predominantly residential.

Description of Proposal

Permission is sought for the erection of single and two storey side and rear extensions.

The proposed side extension would lie flush with the front elevation at ground floor and would be set back at first floor by 0.9 metres projecting to the side by 2.9 metres with a roof line which is set down from the existing by 0.3 metres. The extension would span the full depth of the side elevation lying flush with the rear elevation of the property.

The proposed single storey extension would lie flush with the side extension of the proposed two storey extension and would project 2 metres spanning the width of the two storey extension. The eaves height would be 2.4 meters rising to a height of 3.3 metres to the ridge of the lean-to roof.

The proposed construction materials would be coursed stone for the walls and tiles for the roof which would match the existing. The proposed openings would be white uPVC which would also match the existing.

Openings are proposed within the front and rear elevations of the extension with no openings proposed within the two storey element and a door would be located within the side elevation of the single storey extension facing across the rear elevation of the existing dwelling.

History of negotiations/amendments received

No amendments were sought however the Agent was asked to clarify ownership details of the path separating the application site with the adjacent neighbour No. 82.

Relevant Planning History

No history

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 4th 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 24** – Design

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

House Extensions and Alterations Supplementary Planning Guidance:

Kirklees Council has adopted supplementary planning guidance on House Extensions and Alterations in June 2021. 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. This is considered in detail in the report below.

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, it is a material planning consideration in decision making and weight has been attributed in accordance with NPPF (July 2021) paragraph 48.

The following Policies are relevant:

- Policy 2: Protecting and enhancing the built character of the Holme Valley and promoting quality design

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 proposed extension would be located on the side and rear elevation of the existing property. The eaves height of the two storey extension would match the existing with the roof line set down from the existing roof ridge and the first floor section of the extension would be set back from the front elevation. This would broadly comply with the requirements of the Extensions and Alterations Supplementary Planning Document (SPD) which cites that two storey side extensions should be set back from the existing building line. In addition, this arrangement is not dissimilar to the end terraced property in the adjacent row which has constructed a two storey side and single storey rear extension.

There is communal path separating the side elevation of the extension and the neighbouring property and which the applicants have a right of way over and due to this, and the difference in site levels alongside the extension retaining a hipped roof would ensure that a terracing effect would not occur.

A proposed location plan has been submitted which clearly demonstrates that the resultant development would not result in an overdevelopment of the site.

It is considered that the design of the extensions is considered acceptable, along with the size, scale and mass with the construction materials to match the host property.

As such, the proposed works are considered to be acceptable and would accord with Policy LP24 of the Kirklees Local Plan.

3 – Impact on residential amenity:

Openings are proposed within the front and rear of the two storey extension and within the rear and side elevation of the single storey extension. In terms of the front and rear elevations of the two storey extension the elevations would not extend beyond the existing established building lines and therefore no existing separation distances would be reduced. In terms of the single storey rear extension, this would be a limited projection of 2 metres with floor to ceiling openings which would face the rear garden of the property. There is also a door proposed within the side elevation of the single storey extension which would face across the rear elevation of the property and therefore would have little impact on overlooking.

In terms of overshadowing and/or being overbearing, whilst the extension would be constructed close to the side boundary of the site, there would be a degree of separation between the site and the adjacent property by virtue of the shared pathway. As the adjacent property is to the west of the application site it is not anticipated that there would be a significant loss of direct sunlight to the existing openings. In terms of being overbearing, the openings within the side elevation of the adjacent property are a door at ground floor and a window at first floor which appears to be a secondary window and therefore, it

is not considered that the proposal would have a significant impact on the adjacent property.

With regard to the single storey extension, the projection is limited to 2 metres and therefore it is not anticipated that this would cause undue harm from either overshadowing or by being overbearing.

It is therefore considered that the proposal would have an acceptable impact on residential amenity and therefore would comply with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

4 – Impact on highway safety:

There is one existing car parking space for the property which would be retained as part of the works. Whilst off-street parking is undersubscribed at the property which would deviate from advice within the SPD, it is noted that on-street parking is available which does not appear to be oversubscribed. As such, on balance, the proposal is acceptable in terms of parking.

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. The proposed extensions would be constructed from stone which would likely to be locally sourced and is a sustainable, recyclable material. This is considered acceptable in terms of climate change mitigation.

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: 2021/92521

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

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan			28 th June 2021
Proposed location plan			28 th June 2021
Existing elevations and floor plans	2133-01		28 th June 2021
Proposed elevations and floor plans	2133-02		28 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 in its submitted format.

Confirmation was sought from the Agent with regards to the ownership of the path adjacent to the property.

Report Dated: 2nd September 2021

Coal – low