

**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: 2021/62/92666/W

Site Address: 5, Berry Road, Meltham, Holmfirth, HD9 5PL

Description: Erection of single storey extension to rear, demolition of existing extension and external alterations

Recommending Officer: Katie Chew

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.

Emma Thompson

AUTHORISED OFFICER

Date: 10-Aug-2021

Officer Report

Site Description

5 Berry Road, Meltham, Holmfirth, HD9 5PL

The application site relates to a two-storey semi-detached dwelling which benefits from a driveway to the front and garden/amenity areas to the front and rear. The site is located on a cul-de-sac surrounded by residential dwellings in all directions.

The host dwelling is constructed from brick with concrete roof tiles and PVC windows and doors.

The site is not within a Conservation Area and there are no Listed Buildings within close proximity to the site.

Description of Proposal

The application is for planning permission to erect single storey extension to rear, demolition of existing extension and external alterations.

The existing sunroom to the rear is to be demolished and replaced with a larger sunroom measuring approximately 4m x 6.2m, with a height of 2.6m.

To enable space for the replacement sunroom a small retaining wall and ramped access are to be moved back further into the garden to the north.

The proposed extension is to be constructed from brick with a flat roof felt roof, and have PVC windows and doors.

History of negotiations/amendments received

No amendments have been sought in this instance.

Relevant Planning History

2003/93030 – Erection of single storey extension. Approved 10th September 2003.

94/93429 – Erection of conservatory. Approved 29th November 1994.

86/05079 – Erection of conservatory. Approved 6th January 1987.

Representations

Final publicity date expires:

Neighbour Letters – Expired 9th August 2021.

No representations have been received to date.

Officer note: 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 only, details of which are outlined above.

Consultation Responses

No technical consultations required.

Parish/Town Council –

Meltham Town Council – No comments received within statutory timescales.

Local Ward Members –

N/A.

Planning Policy Background

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 application site is unallocated in the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP21 – Highways and access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP51 – Protection and Improvement of Local Air Quality**

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- House Extensions and Alterations Supplementary Planning Document (2021)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision making
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Summary of Principal Planning Issues

The following matters are considered in the assessment below -

- 1) Principle of development
- 2) Scale, design and visual impact of the proposed development
- 3) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 4) Impact on highway safety
- 5) Other matters
- 6) Conclusion

1 - Principle of Development:

1.1 – Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

As the site is without notation in the Kirklees Local Plan (KLP), it is considered that the principle of development in this instance would be acceptable; and as a result, is subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise.

2 - Impact on Visual Amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby paragraph 126 provides a principal consideration concerning design which states:

“The creation of high-quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of the development in the local areas, thus retaining a sense of local identity.

LP24 states that all proposals should promote good design by ensuring the following:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”

The application site is surrounded by a number of other residential dwellings that are all similar in age and design. A number of these dwellings have been extended or altered in some way over the years. It is therefore considered that dependent on design, scale and detailing it may be acceptable to extend the host property.

Given the location of the proposed extension to the rear of the host dwelling, views of the proposals would be limited from the public domain. Nonetheless, the extension is considered to be of an appropriate scale and size which reflects proportions and designs of other extensions found within the area. It is therefore considered that the proposals would not dominate the street scene or detract from it. Moreover, the host dwelling benefits from a curtilage which is considered to be a sufficient size to support the proposed extension and alterations without amounting to overdevelopment and will retain a reasonable amenity space for the occupiers of the dwellinghouse.

In respect to the design of the proposed extension, the applicant seeks to construct a flat roof sunroom with roof lantern. Whilst this will create a more

modern addition to the host dwelling, it is not considered that this would be out of keeping in this location and as the majority of the materials proposed within the extension are to match what is currently found within the host dwelling, the proposals are deemed to be acceptable in this instance. However, in the interests of visual amenity the external materials to be used within the walls of the proposed sunroom are to be conditioned.

To conclude, the site is not within a Conservation Area or located in close proximity to any Listed Buildings. The proposals are considered to be appropriate in size, scale and design in this location and that they would not appear incongruous or overly dominant in the general context of this site. The proposals therefore accord with LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework. The proposals are also considered to be in accordance with the Council's adopted house extensions and alterations SPD.

3 - Impact on Residential Amenity:

The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupiers of land and buildings. This is echoed within sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should:

“maintain appropriate distances between buildings” and “...minimise impact on residential amenity of future and neighbouring occupiers”.

Furthermore, the Council's adopted SPD for house extensions and alterations provides additional details under key design principles 3: privacy, 4: habitable rooms and side windows, 5: overshadowing/loss of light, 6: preventing overbearing impact and 7: outdoor space. These will be discussed in more detail within the below assessments.

Neighbouring properties with the most potential to be impacted by the proposals are discussed below.

Impact on no. 2 Oak Avenue

This neighbouring property is located to the west of the application site. Whilst it is noted that windows are to be installed within the western elevation of the extension, there is an existing high timber fence which runs along the boundary of no. 2 and no. 5 which provides sufficient screening to ensure that there are no concerns in regards to overlooking or loss of privacy. In addition to this, the proposed extension is to replace an existing sunroom, and be single storey in height which would be viewed against the existing two storey host dwelling. It is therefore considered that the proposal would not appear overbearing or overly dominant in this location. The proposals seek to increase the size of the existing sunroom and therefore it is recognised that this will result in additional shadowing. Whilst a small portion of no. 2's rear amenity area will be subject to some additional overshadowing; this would be

minimal and not be for a prolonged period of the day. It is also noted that this area of garden at no. 2 is already subject to some overshadowing from the host dwelling itself.

Impact on no. 7 Berry Road

This neighbouring property adjoins the application site to the east. As no windows are proposed within the rear extension there are no concerns in respect to overlooking or loss of privacy. The proposals seeks to demolish the existing sunroom and erect a new sunroom which will be of a similar length to the existing extension provided at no. 7. It is not considered that the proposals would appear overbearing in this instance and would be screened by the existing high wall which runs along the boundary between both dwellinghouses. Whilst some additional overshadowing will occur from the proposals the majority of this shadowing would fall within the rear garden of no. 5 or above the existing extension at no. 7, and therefore there are no significant concerns in respect to residential amenity.

In conclusion, taking the above into account it is considered that the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Chapter 12 of the National Planning Policy Framework. The proposals are also considered to be in accordance with the Council's adopted house extensions and alterations SPD.

4 - Impact on Highway Safety:

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

As no changes are proposed to the existing access or car parking arrangements at no. 5 Berry Road and no additional bedrooms are proposed at the property there are no concerns in respect to highway safety.

For the aforementioned reasons it is considered that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, and the guidance contained within the National Planning Policy Framework.

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 proposal is for a small-scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

There are no other matters for consideration.

6 - Conclusion:

Paragraph 11 of the NPPF advises that Local Planning Authorities should be approving development proposals that accord with an up-to-date development plan without delay. On balance, it is considered that there are no adverse impacts arising from the proposal that would significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 11 of the NPPF, and therefore planning permission should be granted.

Recommendation:

Approve.

Decision Authorisation - Delegated Powers

Application Number: 2021/92666

Officer Recommendation: Approve.

Conditions & 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.

1. 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 Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and the Council's adopted house extensions and alterations SPD.

2. The materials to be used in the external walls of the extension hereby approved shall in all respects match those used in the construction of the host dwelling.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Planning Drawing	01	-	2 nd July 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 preapplication 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 have been sought in this instance as the proposals were deemed to be acceptable upon submission.

Report Dated:

10/08/2021