

**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: 2021/62/93202/W

Site Address: 33, Wilshaw Mill Road, Meltham, Holmfirth, HD9 4EB

Description: Erection of single storey rear extension [within a Conservation Area]

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 13-Oct-2021

Officer Report

Site Description

33, Wilshaw Mill Road, Meltham, Holmfirth, HD9 4EB

The application site relates to a two-storey detached stone-built dwelling, located at the end of a cul-de-sac off Wilshaw Mill Road. The dwelling has an attached double garage and driveway to the side and garden/amenity areas to the side, front and rear.

The application site is located within Wilshaw Conservation Area but is not located in close proximity to any Listed Buildings.

Description of Proposal

The application seeks planning permission for the erection of single storey rear extension (Conservation Area).

The proposed extension is to measure approximately 3.3m x 6.7m, with a ridge height of 4.9m. It will be constructed from natural stone with blue slate roof tiles.

History of negotiations/amendments received

An amended plan was sought to rectify an issue with the scale of the original drawing.

Relevant Planning History

2017/90365 – Work to TPO(s) in a conservation area. Approved 13th March 2017.

2016/93435 – Works to Tree(s) within a Conservation Area. Approved 2nd November 2016.

92/04620 – Erection of detached dwelling with integral garage (revised house type). Approved 11th November 1992.

92/04492 – Variation of condition 4 relating to roofing materials on previous permission (90/62/07266) for erection of residential development (phase 2). Approved 28th October 1992.

90/07266 – Erection of residential development (Phase 2)(within Conservation Area). Approved 27th February 1991.

89/04698 – Outline application and Change of Use of existing farm buildings to form 6 no. dwellings and garages. Approved 16th November 1989.

Representations

Final publicity date expires:

Neighbour Letters – Expired 29th September 2021.

Press Notice – Expired 8th October.

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. Whilst it is acknowledged that the application site is located within a Conservation Area, given the small scale and nature of the proposals, and the context of the site in general it is not considered that the scheme would impact on the setting of the Conservation Area and therefore a site and press notice was not considered necessary in this instance. As such, we have publicised this application via neighbour notification letters only, details of which are outlined above. Notwithstanding this, an erroneous press notice was placed which is referred to 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 but is located within the Green Belt, Bat Alert Area and Wilshaw Conservation Area. It is also important to note that TPO trees can be found to the east of the site.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP21 – Highways and Access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP30 – Biodiversity & Geodiversity**
- **LP33 – Trees**
- **LP35 – Historic Environment**
- **LP57 – The Extension, Alteration or Replacement of Existing Buildings**

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 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt Land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Summary of Principal Planning Issues

The following matters are considered in the assessment below –

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

1.2 – Land Allocation (Green Belt) The site is allocated as Green Belt on the Kirklees Local Plan.

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt. Paragraph 147 of the NPPF states that inappropriate development should not be approved except in 'very special circumstances'.

Paragraphs 149 and 150 of the NPPF set out that certain forms of development are exceptions to 'inappropriate development'. Paragraph 149 sets out that the extension or alteration of a building could be appropriate provided it does not result in disproportionate additions over and above the size of the original building. Policy LP57 of the Kirklees Local Plan is consistent with advice within the NPPF.

Policy LP57 of the Local Plan relates to the extension, alteration and replacement of existing buildings in the Green Belt. In the case of extensions, it notes that these will be acceptable provided that the original building remains the dominant element both in terms of size and overall appearance. Policy LP57 also outlines that such development should not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standing, curtilages and enclosures and means of access. Further to this, Policy LP57 states that with such development, the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.

Whether the proposal is inappropriate development in the Green Belt

As a starting point it is important to understand what constitutes the 'original building'. the glossary within the NPPF defines 'original building' as: 'A building as it existed on 1st July 1948 or, if constructed after 1st July 1948, as it was built originally'.

The building in its current form doesn't appear to have had any extensions or additions since its original construction. However, it is acknowledged that there appears to be a hardstanding area to the rear of the dwelling and changes in levels within the rear garden area, although it is not certain that this didn't form part of the original dwellinghouse and will not need to be included in the footprint and volume calculations of the cumulative extensions assessed below.

The footprint of the original building is considered to be approximately 146.3sqm, with a cubic volume of 1057.8 cubic metres. The proposed extension would have a footprint of approximately 22.11sqm, and a cubic volume of 108.3 cubic metres. Therefore, the extension would equate to an increase to the footprint of approximately 15%, and an increase of approximately 10.25% to the cubic volume of the house. Whilst it is acknowledged that the assessment into whether additions to a building are disproportionate is more than just an arithmetic exercise, it is considered that a 15%/10.25% increase to the original building would not be a considerable amount that would result in a disproportionate addition in the Green Belt.

In respect of the openness of the Green Belt, openness has been established to have both a visual and spatial aspect. As outlined above the proposal would increase the amount of built development therefore there would be some impact upon the openness of the Green Belt as a result of this. Whilst the proposed extension would be visible from a distance on Wilshaw Mill Road it would be viewed against a cluster of existing residential dwellings, some of which have also already been extended and altered over the years. Therefore, whilst there would be some harm to the openness of the Green Belt this is not considered to be significant in this instance.

In terms of a visual assessment, the proposed design of the extension is considered to be acceptable visually in terms of scale, size, design and materials proposed as they seek to reflect what is already existing within the host dwelling and within previous extensions. However, it is noted that blue slate is proposed to the roof of the extension rather than artificial stone roof tiles to match the host dwelling. Whilst officers did raise concerns with the agent on this they stated that in this instance the materials cannot match as the existing roof covering will not go down to the shallow 17 degree pitch that is required and shown on the submitted plans for the extension. This is a result of the first-floor window cills which are already been altered to try and maximise the roof pitch. The agent also notes that the applicant is hoping to re-roof the host dwelling in the near future as the existing roofing is failing. Finally, it is highlighted that many other properties within the area also have blue slate roof coverings, including some listed buildings therefore it is

considered that on this occasion this alternate material should be acceptable. Officers believe this justification to be sufficient and therefore deem the proposed blue slate to be acceptable.

In addition, whilst the site is located within Wilshaw Conservation Area, this is a small rear extension which will be viewed within the existing residential cluster of development and therefore it is not considered that the proposals would have a material impact on the setting, character or appearance of the area.

Given the above assessment the proposal is considered to not constitute as inappropriate development in the Green Belt and now falls to be assessed against all other material planning considerations, including residential amenity and highway safety.

2 – Impact on Residential Amenity

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’.

Further to this, paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future occupiers.

The Council’s adopted SPD for house extensions and alterations also 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.

Impact on no. 35 Wilshaw Mill Road

This neighbouring property is located to the south of the application site approximately 9m away from the proposed rear extension and includes a side facing window towards the application site. Given the scale, size, location and orientation of the proposals to no. 35 there are no concerns in respect to overshadowing or the proposals appearing overbearing in nature. Whilst a window is proposed within the southern elevation of the proposed extension (and would not meet the recommended 21m separation distance between habitable room windows within the Councils adopted SPD), justification is provided by the agent in which they state that this window is to be a high-level window and therefore would provide some level of privacy, it is also stated that there is an existing high timber fence and mature bush running along the shared boundary to the south which does provide a sufficient level of privacy and would prevent any overlooking issues. It is the officer’s opinion that given the nature and context of the site and the proposals, the high level window would not adversely impact on the privacy of the neighbour. Whilst there is

soft and hard boundary treatment this in itself would not prevent overlooking (had a standard window been proposed).

The proposal does not give rise to any adverse impacts upon neighbouring residential amenity and as such, this aspect of the proposal is considered to be acceptable. It is therefore concluded that the proposals accord with LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework, and is in line with the Council's recently adopted SPD for House Extensions and Alterations.

3 – 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 and car parking arrangements, and no additional bedrooms are to be provided within the dwellinghouse, 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.

4 – Other Matters

Biodiversity & Trees

Whilst the application site is located within a Bat Alert Area, given the nature of the proposals and that the dwelling appears to be well sealed, it is unlikely that roosting bats would be found on site. An informative has been provided however highlight to the applicant what to do should roosting bats be found during construction works.

In addition to this, GIS mapping shows that TPO trees can be found to the east of the site outside of the residential curtilage and that mature trees are located to the north of the site (within a Conservation Area and therefore are protected). Whilst it doesn't appear that there any trees immediately adjacent to the eastern boundary of the application site, even so there would be a separation distance of just over 10m between the proposed extension, to the north there would be a separation distance of approximately 7m however these trees are set at a significantly different ground level to the application site and therefore it is considered that this would be sufficient to ensure that the proposed extension would not cause any harm to adjacent protected trees. In addition to this given their northern location, the site is not considered to be impacted by any overshadowing from the trees and therefore there should be no pressure to prune or fell these trees in the future.

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.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

There are no other matters for consideration.

6 – 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, subject to conditions, the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation:

Approve with conditions.

Decision Authorisation - Delegated Powers

Application Number: 2021/93202

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 specification 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 with Policies LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework and the Council's adopted SPD 'house extensions and alterations'.
2. The external materials to be used in the construction of the 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 and LP35 of the Kirklees Local Plan, Chapters 12 & 16 of the National Planning Policy Framework and the Council's House Extensions and Alterations SPD.

NOTE: Due to its location, 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 kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a license. 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 found then contact Natural England.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Location Plan	21/674/01	-	30 th September 2021
Existing Block Plan	21/674/02	-	30 th September 2021

Existing Plans and Elevations	21/674/03	-	30 th September 2021
Proposed Plans and Elevations	21/674/04	-	30 th September 2021
Proposed Block Plan	21/674/05	-	25 th August 2021
Heritage Impact Assessment – Supporting Information	21/674	-	25 th August 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. Amendments have been sought in this instance to overcome scaling issues on the original plans.

Report Dated:

12/10/2021