

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:	2021/62/94041/W
Site Address:	30, Scholes Moor Road, Scholes, Holmfirth, HD9 1SJ
Description:	Erection of first floor and single storey extensions to side and rear
Recommending Officer:	John Holmes

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: 11-Mar-2022

THE SITE

The application site relates to a semi detached property located in a predominantly residential setting. To the east of the site are properties of a mix of single and two storey and of varying design / styles being a mix of detached and semi detached.

To the north and south of the site are semi detached properties in a variety of styles and mix of ages with properties to the south and the host property being constructed at a later date than properties to the north.

The host property and properties to the south benefit from long back gardens, with terraced residential properties beyond. To the immediate north of the site is an access track which leads to an area of vacant land which is a backland plot.

THE PROPOSAL

The applicant is seeking planning permission for: -

The erection of first floor and single storey extensions to side and rear.

PLANNING HISTORY

Relevant planning history for this site is summarised as follows:-

2004/90144 – Single storey extensions – **Approved** 4th March 2004

2007/91383 – Erection of single and 2 storey extensions – **Approved** 23rd May 2007

2015/92179 – Erection of a single storey wrap around extension – **Approved** 7th September 2015

2021/90645 – Erection of first floor and single storey extensions to side and rear – **Approved** 21st April 2021

It is noted that the proposal represents a resubmission of a similar scheme that has previously been approved (application 2021/90645) and that this extant consent constitutes a material consideration to which must be afforded in the consideration of this application.

PUBLICITY & REPRESENTATIONS

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters.

Final publicity date expired 7th December 2021 – no representations received

Holme Valley Parish Council – Support the proposal

CONSULTATIONS

No consultations were requested for this application.

ALLOCATION & POLICIES

The site is unallocated in the Kirklees Local Plan. The site falls within the Holme Valley Neighbourhood Development Plan area, with associated landscape character area (LCA3)

The site is designated as lying within a Coal Authority Standing Advice Area and an area with a known presence of radon gas.

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application: -

Kirklees Local Plan

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway Safety
- LP22 Parking Provision
- LP24 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 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. Considered to be of relevance to the consideration of this application are policies within the following chapters:

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- Chapter 2 – Achieving sustainable development
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change
- Chapter 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- House Extensions and Alterations SPD (June 2021)
- Kirklees Highway Design Guide (November 2019)

Holme Valley Neighbourhood Development Plan –

The site is within the Hade Edge Upland Pastures Landscape Character Area (LCA3)

Legislation

The Town & Country Planning Act 1990 (as amended).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

ASSESSMENT

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon the character and appearance of the area
3. Impact upon residential amenity
4. Impact upon highway safety
5. Impact upon Climate Change
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.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case, the principle of extending the existing dwelling is acceptable and shall be assessed against the applicable material planning considerations within the following report.

2 – Impact on character and appearance of the area

Policy LP24 (Design) of the Council’s adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Paragraph 130 of the NPPF is also of relevance to the consideration of this application.

Key Design Principles 1 and 2 of the Council’s adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

Policy 1 of the Holme Valley Neighbourhood Plan HVNP sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA), in this case Netherthong Rural Fringe (LCA5).

Policy 2 of the HVNP states that new development should protect and enhance local built character and distinctiveness, strengthen the local sense of place by respecting the existing grain of development in the surrounding area, use local materials and detailing which add to the quality or character of the surrounding environment, respect the scale, mass, height and form of existing buildings in the locality and their setting. Furthermore this policy sets out that development should sit in with and neither dominate or have a detrimental impact on its surroundings and neighbouring properties.

The site is within Landscape Character Area 3 (LCA3) of the Holme Valley Neighbourhood Development Plan, which relates to Hade Edge Upland Pastures and sets out the key landscape characteristics are open landscape with long distance views of the settled corridor of River Holme and Kirklees district, stone walls are a common feature and there is a network of public rights of way.

In terms of built form characteristics LCA3 sets out that there area is characterised by dispersed settlements characterised by former manufacturing, mill buildings and agricultural heritage with millstone grit used in the boundary walls and vernacular building materials.

The planning history for the site allows for a two storey extension of the same proportions as proposed to be constructed and is an extant permission. This weighs heavily in favour of the proposal given it is a realistic fall back position that the applicant could implement the extant consent.

The proposal is not set back / down from the front elevation / roof ridge of the host property. As such it does not comply with the Council's House Extensions and Alterations SPD in terms of meeting the guidance for two storey side extensions or constituting a design which is subservient to the host property.

The applicant's agent has been recommended to give consideration to amending the scheme by setting the first floor element down / back from the host property. They have responded advising that as there is an extant consent for an extension of the same proportions / design as proposed they do not consider it necessary to amend the scheme.

Whilst there would be a design benefit in terms of amending the scheme as suggested, given the extant consent in place would allow for a first floor extension and single storey rear extension of the same design / proportions as that being proposed it is considered this constitutes a material consideration which indicates that, in this case, refusal of permission by the Council would not be justified. The changes to the scheme now proposed include the provision of a pitched roof to the single storey element in front of the garage and a change in window fenestration, both of which are considered to be acceptable amendments visually.

It is therefore considered that in terms of visual amenity, the proposed would be acceptable given the fall back which exists in this case having regard to policy LP24 of the Kirklees Local Plan, the adopted House Extensions and Alterations SPD, and advice within the National Planning Policy Framework.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Policy 2 of the Holme Valley Neighbourhood Development Plan sets out that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings and prevent or reduce pollution as a result of noise, odour, light and other causes. Light pollution should be minimised and security lighting must be appropriate, unobtrusive and energy efficient.

The proposal would not lead to the significant loss of amenity space associated with the host property, and would be acceptable in this regard, in accordance with principle 7.

The proposal would see a window inserted in the existing single storey side extension and a window to serve the single storey rear extension in the side elevation facing towards no.1 to the north of the host property. A window which is proposed to be obscure glazed is proposed in the side of the first floor extension and would serve a bedroom.

An opening is proposed to the side elevation of the single storey extension which faces towards the rear patio of the host property and boundary with the neighbouring property to the south and to which the host property is attached. Given the screening in place between these properties (fencing approximately 1.8m high) it is not considered significant overlooking would occur from this window.

The openings to the rear of the first floor extension / single storey rear extension are in excess of 21m from properties opposite to the west. As such it is considered that the proposal would not lead to a significant level of overlooking of these properties.

The proposal would see an additional bedroom window at the first floor level in the front elevation. Given this would not protrude beyond the front elevation it is considered this window would not significantly increase overlooking from this elevation over and above that which exists already.

It is considered that, to prevent undue overlooking occurring from the windows to the side elevation of the first floor extension to side and single storey extension to rear, a condition be imposed requiring that they are obscure glazed. Furthermore to prevent overlooking from the window in the southern elevation of the single storey rear extension a condition be included which requires this boundary to be suitably

screened. Subject to inclusion of these recommended conditions the proposal is considered to accord with principles 3 and 4.

The proposal would be closer to the property to the north, which has windows in the side elevation facing the development. The ground floor window is obscure glazed and appears to serve a non habitable room, at the first floor level the window appears to serve a landing area. It is considered that, given the distance between the property to the north and the proposed first floor extension, this element of the proposal would not be unduly oppressive / overbearing or lead to an unacceptable level of overshadowing.

The single storey extension to rear is set away from the shared boundary by approximately 3m. Given its single storey design it is considered this element of the scheme would not be unduly oppressive / overbearing or lead to unacceptable levels of overshadowing. It is therefore concluded that the proposal would have an acceptable impact in this regard in accordance with principles 4, 5 and 6.

It is therefore considered that in terms of residential amenity, the proposal would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, Policy 2 of the Holme Valley Neighbourhood Development Plan and policies within Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and policies within chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off street parking are retained are also considered to be of relevance.

The proposal would not increase the number of bedrooms which serve the host property as the submitted plans detail it would remain a three bedroom dwelling. As such it is considered that, as the parking arrangements would not be altered with the existing off street parking provision remaining, the proposal would have a neutral impact in this regard.

It is therefore considered that in terms of access and highway safety / parking the proposed would be acceptable having regard to policies LP21 and LP22 of the Kirklees Local Plan, principle 15 of the Council's Street Design Guide and chapter 9 of the National Planning Policy Framework.

5 – Impact upon Climate Change:

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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 extension would be constructed from stone which is a sustainable, recyclable material which would locally sourced. This is considered to be acceptable in terms of mitigation against climate change.

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 the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation – Delegated Powers

Application Number: 2021/94041

Officer Recommendation: CONDITIONAL FULL PERMISSION

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 (as amended).

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 to accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document, Policies 1, 2, and 13 of the Holme Valley Neighbourhood Development Plan and Policies within Chapters 2, 9, 12, 14 & 16 of the National Planning Policy Framework

3. Notwithstanding the plans submitted the external walls and roofing materials of the development hereby approved shall in all respects match those used in the construction of the existing building. The materials of construction shall thereafter be retained.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Policies within Chapter 12 of the National Planning Policy Framework.

4. The first-floor window in the side elevation of the proposed extension shall be non-opening or top-opening only and shall be fitted with obscure glazing to give a grade 5 degree of obscurity before the development is first brought into use. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or reenacting that Act or Order with or without modification), windows of this type shall be retained at all times.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24(c) of the Kirklees Local Plan, principles 3 and 4 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework

5. Along the southern side boundary of the property, for a minimum distance of 6.5m measured from the original rear wall of the dwelling, a solid or trellis-topped screen fence with a minimum height of 1.8m shall be retained at all times.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24(c) of the Kirklees Local Plan, principles 3 and 4 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan / Document Type	Reference	Version	Date Received
Application form	-	-	21 st October 2021
Location Plan	FS 564-00	-	21 st October 2021
Block Plan	FS 564-17	-	21 st October 2021
Existing Plans	FS 564-01	-	15 th November 2021
Proposed Plans	FS 564-20	-	21 st October 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: 10th March 2022

Coal – low