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:	**2021/62/94164/W**
Site Address:	143, Mill Moor Road, Meltham, Holmfirth, HD9 5LW
Description:	Erecton of first floor extension above garage
Recommending Officer:	Lucy Taylor

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: 25-Jan-2022

Officer Report.

Reference: 2021/94164

Location: 143, Mill Moor Road, Meltham, Holmfirth, HD9 5LW

Proposal: Erection of first-floor extension above garage.

Site Description.

143 Mill Moor Road is a two-storey detached property located in Meltham, Holmfirth. The property is faced in stone and has a gable roofing form, infilled with blue slate tiles. To the western side elevation, the property benefits from an attached garage. Within the wider curtilage of the site, hard surfacing to the front elevation facilitates on-site parking and to the rear, is a substantially sized garden, bounded to each elevation with wooden fencing.

The property is located within a semi-rural residential area. Within the immediate streetscene, the property shares a strong sense of similarity with neighbouring properties to the east and west. Given the matching styles of design and construction between these properties, it is fair to conclude that they were likely built within the same development scheme and within a similar time period.

Description of Proposal.

Planning permission is sought for the erection of a first-floor extension above garage.

The proposed first-floor extension will be constructed above the garage, to a height of 4.7 metres, creating a total height of 7.5 metres for both the existing garage and the proposed first-floor extension. The first-floor extension will have the same width (3.35 metres) and length (6.35 metres) as the existing single-storey garage.

The extension will be faced in matching stone and will have a gable roofing form erected above, infilled with matching blue slate tiles. With regard to fenestration, a regular window is proposed to the front and rear elevation of the first-floor extension. The window to the rear will be obscurely glazed. Both windows will have UPVC frames, to match the appearance of existing forms of fenestration on the host dwelling.

The first-floor extension will facilitate a bedroom and en-suite bathroom within the interior of the dwelling.

History of Negotiations.

No negotiations have been considered necessary in this case and the scheme as submitted is that which is being determined.

Relevant Planning History.

- **2015/93847** – Erection of 13 dwellings. *Section 106 full permission, 2016.*

Representations.

We are currently undertaking 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 which expired on 15th December – no representations were received.

Consultation Responses.

KC Highways Development Management – No objection

Policy/Legislation.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 required 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 within a housing land allocation (ref:-HS163) as indicated upon the Kirklees local plan the site also falls within an area at low risk of ground movement as a result of former mining activity, an area with a known presence of bats & twite birds and an area with a known presence of radon gas

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design

House Extension and Alterations SPD:

The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and architects who are planning and designing an extension or alterations (householder development) to an existing residential property, including conservatories and outbuildings, such as garages. It provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration required by the Council.

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, together with Circulars, Parliamentary Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving Sustainable Development
- Chapter 12 – Achieving Well-Designed Places
- Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding

Assessment.

The following matters that will be considered as part of the assessment of the proposal are set below. These considerations will be looked at in detail individually:

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 notion in the Kirklees Local Plan. Chapter 2 of the NPPF states that: *"Planning policies and decisions should play an active role in guiding development towards sustainable solutions…"*

Chapter 2 of the NPPF goes onto further state that objectives should: *"support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of the present and future generations; and by fostering a well-designed and safe built environment…"*

In line with the NPPF, policy 1 of the Kirklees Local Plan declares that: *"…the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF."*

LP1 goes further and states: *"the council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and 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 instance, it can be stated that the principle of development of this application is acceptable, subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise.

1. **Impact on Visual Amenity**

The NPPF offers guidance relating to design in chapter 12 (Achieving Well-Designed Places) whereby paragraph 126 provides a principle consideration concerning design which states: *"The creation of high quality 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 development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:
"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..."

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

The House Extensions and Alterations SPD goes on further to state that first-floor side extensions should:

- ideally be visually smaller in relation to the original house
- be set back at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridgeline from the original house
- have a roof design that follows the form of the existing roof
- retain a gap of at least 1 metre to boundary walls to avoid a terracing effect and to retain rear access to gardens.

The proposed rear extension appropriately complies with the first three design requirements of the SPD as set out above. Although the proposed first-floor extension will not be set in an entire metre from the boundary wall to the west of the site, this is considered acceptable given the existing single storey garage above which the development would be set upon. it is concluded there would be no design benefit to setting the first-floor extension in further and the

design as proposed is considered more appropriate from a visual amenity perspective.

The proposed first-floor extension is considered to be subservient, harmonising with the existing built form of the garage and constructed using matching exterior materials. This conclusion is drawn on the basis the proposal is set down from the gable roof, and set back from the front elevation of the host property. The forms of fenestration are also considered acceptable visually, in keeping with the existing architectural design of the host dwelling.

In turn, it is concluded that the extension would not be an obtrusive addition to the host dwelling and would sympathetically complement the existing architectural style of the dwellinghouse.
Within the wider streetscene, the same style of development has already been established to 141 Mill Moor Road, where the garage has a first-floor above. In conclusion, the erection of the first-floor extension to 143 Mill Moor Road is considered acceptable in terms of the character of the wider locality. It should also be noted that the extension will be significantly set back from the highway and therefore, will not be overtly prominent following its erection.

For all the reasons outlined above, it is considered that the proposal would not cause detrimental harm to the visual amenities of the locality. The proposed development is considered to comply with Chapter 12 of the National Planning Policy Framework, LP24 of the Kirklees Local Plan and Key Design Principles 1 and 2 of the House Extensions and Alterations SPD.

2. Impact on Residential Amenity

Section B and C of LP24 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 users.

Key Design Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations SPD seek to ensure development does not unacceptably reduce the amenity space serving the host property, have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive/overbearing.

The proposal would see the retention of the same amount of functional amenity space as existing and is therefore, not considered to be overdevelopment.

The properties most likely to be affected by the proposed development are those which directly neighbour the site, these being No. 141A Mill Moor Road and No. 143A Mill Moor Road. It is considered that the proposed development

would be a sufficient distance away from any other properties to prevent undue harm to residential amenity in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect to this property.

No. 141A Mill Moor Road – This property is located to the east of the application site.
Given the proposed site of development, to the western side elevation of 143 Mill Moor Road, its alignment with the existing built form and it's set down height, it is concluded that the development will cause no significant increase in overbearing or overshadowing for the occupiers of 141A Mill Moor Road. In addition, given that the extension proposes no glazing facing towards this property, the proposal will also have no significant impact upon residential privacy with regard to overlooking.

No. 143A Mill Moor Road – This property is located to the west of the application site. Given that the proposed extension will align with existing built form and be set down from the roof ridge of the host dwelling, it is fair to conclude that the proposal presents no detrimental level of overbearing or overshadowing for the occupiers of No. 143A Mill Moor Road. particularly as the eastern side elevation of No. 143A Mill Moor Road is completely solid stone, with no fenestration detailing present. In addition, given that the extension proposes no increase in glazing to face towards this neighbouring property, the proposal will also have no significant impact upon residential privacy with regard to overlooking of this property.

For these reasons, the proposed development at 143 Mill Moor Road is not considered to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan and Key Design Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations SPD.

3. Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan 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.

KC Highways Development Management were formally consulted as part of the assessment, they concluded the following: *"Given that sufficient off-street parking is retained for a 4+ bedroomed house and access arrangements onto Mill Moor Road are unchanged Highways Development Management consider these proposals to be acceptable."*

Taking into account the response of the Council's Highways Team on the scale of the proposal as well as the existing off street parking arrangements it is considered that the proposed first-floor extension at 143 Mill Moor Road

would appropriately accord with Chapter 9 of the NPPF, LP21 and LP22 of the Kirklees Local Plan and Key Design Principles 15 of the House Extension SPD.

4. Other Matters

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 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 Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

Bat Alert

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site lies within the bat alert layer on the Council's GIS system. As such, careful attention has been paid when looking for evidence of bat roof potential.
In this instance, the property appeared well sealed around the eaves and roof area and it was judged unlikely to contain roosting bats. Even so, as a cautionary measure, a note will be added to the decision notice stating that if bats are found development shall cease and the advice of a licensed bat worked sought. This is to accord with the aims of Chapter 15 of the NPPF.

5. Representations

No representations were received.

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: **2021/94164**
Officer Recommendation: **Approve**

Conditions and 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.

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 so as to ensure the satisfactory appearance of the development on completion, and to accord Policies LP1, LP2, LP21, LP22 and LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 15 of the Council's adopted House Extensions and Alterations SPD, and policies within Chapters 2, 12 and 14 of the NPPF.

3. The materials for the external walls and roof of the extension hereby approved shall in all respects match those used in the construction of the existing building and be thereafter retained.

Reason: In the interests of visual amenity and to accord with Policies LP2 and LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD and policies within Chapter 12 of the NPPF.

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 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.

Note: The application site is located in a low-risk coal area.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed Plans and Elevations	261021	-	2.11.21
Existing Plans and Elevations	261021	-	2.11.21
Location Plan	-	-	2.11.21
Block Plan	-	-	2.11.21

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 amended plans were sought or submitted.

Report Dated: 17.1.22