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:	**2022/62/90094/W**
Site Address:	38, Burnlee Road, Holmfirth, HD9 2PS
Description:	Demolition of existing conservatory and erection of single storey rear extension
Recommending Officer:	Hubert Lam

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-Apr-2022

Officer Report

2022/90094 – 38 Burnlee Road, Holmfirth, HD9 2PS

Site Description

The application site is within the residential area of Upperthong, Holmfirth, characterised by semi-detached dwellings of various types, accessed by Burnlee Road to the frontage of its principal (east) elevation.
The host property is a two-storey semi-detached dwelling adjoined with 36 Burnlee Road to its north, constructed in stone and slate roof tiles, with an associated side (south), and rear garden, and a private drive / hardstanding area within its residential curtilage.

Description of the Proposals
The application seeks planning permission for the proposed demolition of the existing conservatory to the rear of the dwelling, and the erection of a single-storey rear extension.

Planning History

The most relevant planning history is considered to relate to the following: -

Reference: 2019/62/90534/W
Description: Removal of conservatory and erection of two storey rear extension
Status: CONDITIONAL FULL PERMISSION

Representations

The application has been advertised by neighbour notification letters. Final publicity expired 17 February 2022.

Holme Valley Parish Council have commented that they support the application.

Consultee Responses

None.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 unallocated on the Kirklees Local Plan.

The application site is within a Coal Advice Area, a Bat Alert Area, and abuts the Green Belt along its south / southwest boundary.
The application site is within the Holme Valley Neighbourhood Development Plan Area, in particular the Landscape Character Assessment area (LCA) no.4 (River Holme Settled Valley Floor).

The most relevant Policies for consideration in this case are:

Kirklees Local Plan (2019)

LP1 Achieving Sustainable development
LP2 Place Shaping
LP24 Design
LP30 Biodiversity and Geodiversity

Holme Valley Neighbourhood Development Plan (2021)

Policy 1: Protecting and Enhancing the Landscape Character of Holme Valley. Policy 2: Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design.
Policy 12: Promoting Sustainability.
Policy 13: Promoting Wildlife and Securing Biodiversity Net Gain

Supplementary Planning Documents (SPD):

House Extensions and Alterations SPD

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.

Chapter 2 – Achieving sustainable development

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Appraisal

Principle

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".

Paragraph 5.6 of the SPD specifically relates to single storey extensions and reads as follows,

> "Single storey extensions should:
> be in keeping with the scale and style of the original house; not normally cover more than half the total area around the original house (including previous extensions and outbuildings); not exceed 4 metres in height; not project out more than 3 metres from the rear wall of the original house for semi-detached and terraced houses or by 4 metres for detached properties; where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge."

These recommendations of the of the SPD are taken into account within the following sections of the report, where relevant.

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

Visual Amenity

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.

Policy 1 of the Holme Valley Neighbourhood Development Plan HVNDP 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 River Holme Settled Valley Floor (LCA 4).

Policy 2 of the HVNDP 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.

Due to the particular location of the application site with relation to its surrounding setting, the proposed works would not interject with the framed views across the river valley slopes from the settled valley floor, or that to the wider landscape character. The proposed scale, massing, materials, construction methods, and therefore the resultant external appearance would also be in-keeping with that of the the surrounding residential setting within the LCA.

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.

The proposed single-storey rear extension would project 3.0m from the existing rear (west) elevation of the main house with a width of 5.1m measured from the party wall of the adjoining semi-detached dwelling 36 Burnlee Rd, a height of 3.4m to the ridge overall and 2.3m to the eaves with a lean-to monopitch roof section.

The proposed new openings include 1no doorway and 1no inset window to the proposed rear (west) elevation, 1no inset window to the proposed side (south) elevation, and 2no Velux rooflights to the proposed roof plane. Minor alterations to the rainwater goods on the existing rear elevation of the main house were also proposed so the runoff would terminate onto the proposed roof plane.

The proposed rear extension and alterations would be constructed in artificial stone blocks for external walls and roof tiles to the roofing, all such materials to match that of the existing house in their external appearance.

The proposed single-storey rear extension and associated external and internal alterations would be carefully designed to either utilise or respect the existing dimensions and configuration of the host property. The aggregate effect of which would be proportionate and subservient to the main house in terms of scale and massing, and would be well-related in terms of their design in layout and orientation. The proposal would be up to the boundary of the neighbouring (attached) occupier. However given the existing relationship between the dwellings it is considered it would be unreasonable of the LPA to require a 1m separation distance as recommended within the House Extensions and Alterations SPD in this case.

The proposal would be of a matching architectural style that could be clearly interpreted as the typical vernacular in its context and surroundings. It is considered the proposal would not materially impact on the character and setting, and in turn the public visual amenity of its surroundings.
As such, subject to condition requiring matching materials and finishes of construction to match the host property, the proposal is considered acceptable in terms of design and visual amenity and would accord with Policies and LP24 of the Kirklees Local Plan, Policies 1, 2 and LCA 7 of the Holme Valley Neighbourhood Development Plan, Principles 1 and 2 of the House Extensions and Alterations SPD and policies within chapter 12 of the NPPF.

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.
The proposed single-storey rear extension would closely respect the scale, massing, and overall external dimensions of the existing rear conservatory, and would not exceed the existing built-up footprint and overall height. The proposed extension would clearly be within the SPD guidance in terms of scale, would utilise materials matching in external appearance to that on the existing house.

Principle 7 of the House Extensions and Alterations SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained. The application site benefits from a relatively generous outdoor space in the form of its rear / side garden, and the proposed extension would clearly satisfy the requirement for at least 50% outdoor space within the residential curtilage being retained.
Considering paragraphs 4.16-17 of the SPD, and the specific layout and orientation of the adjoining neighbour / semi-detached dwelling 36 Burnlee Rd, the proposed single-storey rear extension would not pose a significantly greater impact than that of the existing rear conservatory due to its location, layout, and orientation. As such, the resultant extension would not pose a significant detrimental impact to the shading and would not be seen as overbearing or overshadowing the neighbours, particularly as the site is at a lower land level.
The proposed new window openings would be to the rear (west) and side (south) elevations would not be facing onto any neighbouring properties. The proposal is therefore considered to not significantly increase the impact on privacy in this respect.
Due to its location, layout, orientation, separation, and overall configuration, the proposed extension and alterations would not pose a significantly greater impact on the shading and privacy, and would not be seen as overly oppressive or overbearing upon the neighbouring properties. As such, the proposed extension would accord with Section 12 of the NPPF, Policy LP24b of the Local Plan, and the specific guidance on residential amenity as described by the Kirklees House Extensions & Alterations SPD KDPs 3-6.

Highways Safety

The dwelling benefits from substantial on-site parking with a provision of at least 2no parking spaces on its private drive / hardstanding area to the side (south) of the house, and additional on-street parking for at least 2no vehicles immediately to the front (east) of the house. The proposal would not materially intensify the site so as to the point where the provision off additional parking provision is critical. Therefore, the proposed development will not materially impact on matters of highway safety and would accord with KDP 15 of the SPD in terms of parking provision.

Ecology and Biodiversity

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. Principle 12 of the House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of biodiversity.
Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Holme Valley Neighbourhood Plan sets out that development proposals should demonstrate how biodiversity will be protected and enhanced including the local wildlife, ecological networks, designated Local Wildlife Sites and habitats.
Whilst it is acknowledged that the site is located within an identified Bat Alert Area, the proposals are relatively modest and the proposed extensions and alterations would not be considered likely to host roosting bats. As such, subject to informative requiring works to cease and Natural England contacted in the event bats are discovered, the proposal would be considered acceptable in light of the aforementioned policy / legislation.

Carbon Budget

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.

Policy 12 of the Holme Valley Neighbourhood Development Plan seeks to ensure that energy efficient designs are used in all new buildings.

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.
The proposal could clearly be seen as an addition and alterations reflecting the continued and evolving use of the property as a residential dwelling, with the proposed materials and construction methods being energy efficient wherever possible and applicable and would therefore be appropriate in securing and safeguarding sustainability. As the scope of the works proposed are relatively modest and would not introduce a significant environmental impact compared with that of the existing house and its associated outbuildings and structures, it is not considered reasonable to add any carbon budget / climate emergency related condition. The scheme therefore complies with the aims of policy LP24 of the KLP, KDP8-11 promote energy efficiency and renewable energy, Policy 12 of the HVNDP, and Chapters 9 and 14 of the NPPF, which seek to promote sustainable transport and to support low carbon future.

Representations

Holme Valley Parish Council support the application.

Conclusion

Having assessed the application against the relevant local planning policies, SPD and the National Planning Policy Framework, it is considered that the proposed works, in isolation and aggregate, would not bear any significant detrimental impact to the residential and public amenity of the house or its residential setting. Regarding all these elements, the proposal represents a sustainable and appropriate form of development both upon the house and its surroundings.

Recommendation

That this application be GRANTED permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with 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: In the interests of sustainable design principles and sound planning practice, in accordance with Policies LP1, LP2, LP24, and LP30 of the Kirklees Local Plan, Policies 1, 2, 12, and 13 of the Holme Valley Neighbourhood Development Plan, principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 15 of the adopted SPD on House Extensions and Alterations, and Policies within Chapters 2, 12 and 14 of the National Planning Policy Framework.

3. 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 be retained thereafter.

Reason: In the interests of visual amenity and in accordance with Policies LP1, LP2, and LP24 of the Kirklees Local Plan, Policies 1, 2, and 12 of the Holme Valley Neighbourhood Development Plan, the adopted SPD on House Extensions and Alterations and Policies within Chapter 12 of the National Planning Policy Framework.

Schedule of Plans and Specifications

Plan Type	Reference	Version	Date Received
Location Plan	LP 01		12 Jan 2022
Planning Drawing	2021/074/03	Rev E	12 Jan 2022

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.