

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:	2022/62/90992/W
Site Address:	Binns Meadow, 29, Binns Lane, Holmfirth, HD9 3BL
Description:	Removal of upper ground floor conservatory, erection of single storey side and rear extension and external alterations to dwelling
Recommending Officer:	Sam Jackman

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: 26-May-2022

SITE DESCRIPTION – 2022/90992

Binns Meadow, 29 Binns Lane, Holmfirth, is a detached stone bungalow with a concrete tiled roof, within fairly large garden.

Due to the topography of the area, which slopes from NE to SW, where the property itself is a bungalow when viewed from Binns Lane with the under build to the SE creating a double garage & store, with a large wide drive to the side and front of the property.

The property benefits from a rear garden room built on a raised patio area with access to the rear garden via several steps.

Along the front of the property is a drystone wall with a mature hedge and along the rear boundary are several protected trees not within the applicant's ownership.

DESCRIPTION OF PROPOSAL

The application is for the removal of the garden room to create a patio area, convert and extend the existing double garage & store to create a single storey wrap around extension to form a large kitchen/dining area, utility. Internal re-design of the room layout and the alterations of the rear elevation windows to have a sloping heads, following the creation of a vaulted ceiling.

The measurements of the proposal are as follows:

- 3m in projection from the rear and side elevations
- 9.5m in width along the rear elevation and 8.4m in length to the side elevation
- 2.1m in height to the eaves; 3.5m in overall height with a lean-to roof and hipped corner.

Materials proposed are random coursed stone with concrete tiled roof, an oak frame entrance with new powder coated Aluminium frame windows.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2F90992>

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

RELEVANT HISTORY

None

PUBLIC/MEMBERS RESPONSE

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 the 4.5.21, whereby no representations have been received.

Holme Valley Parish Council comments - supports the application.

CONSULTATION RESPONSES

None

POLICY

The site is unallocated on the Kirklees Local Plan, within an area with a known presence of bats, falls within the Holme Valley Neighbourhood Development Plan and is within an associated landscape character area (ref:- LCA4, the River Holme Settled Valley Floor).

The site also falls in an area at low risk of ground movement from former mining activity as identified by the Coal Authority.

The following policies are therefore considered to be applicable in the consideration of this application: -

Kirklees Local Plan (LP):

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** - Biodiversity and geodiversity
- **LP 33** - Trees

Neighbourhood Development Plans

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan.

- **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

The application site is within Landscape Character Area 4 - The River Holme Settled Valley Floor.

One key characteristic of the area is framed views from the settled valley floor to the upper valley sides and views across to opposing valley slopes and beyond towards the Peak District National Park. Where the built-up characteristics are terraced cottages, narrow streets within small tight knit settlements.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 21st 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, flooding & coastal change.
- **Chapter 15** – Conserving and enhancing the natural environment

Supplementary Planning Documents

- Kirklees Highways Design Guide
- Kirklees House Extensions and Alterations Supplementary Planning Guidance (SPD) (2021)

Kirklees Council has adopted supplementary planning guidance on house extensions which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene.

Legislation

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).

ASSESSMENT

Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan 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 NPPF.

Policy LP1 goes on further to stating that “the council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the now adopted Kirklees Supplementary Planning Document on House Extensions (SPD) which come into effect on 29th June 2021 and attracts weight as a material consideration.

Within the SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – that “extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene.”
- Principle 2 – that “extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.”
- Principle 7 - of the Council’s adopted House Extensions & Alterations Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

In Section 5.17 of the Supplementary Planning Document refers to the general rules, where single storey side extension should:

- not extend more than two thirds of the width of the original house;
- not exceed a height of 4 metres;
- and be set back at least 500mm from the original building line to allow for a visual break.

In Section 5.1 followed by 5.2 of the Supplementary Planning Document refers to the general rules, where a rear extension should:

- Preserving a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Being set behind the original building, and not projecting beyond the sides; and
- Maintaining external access to the rear garden.
- respect the original house and garden in terms of its size and scale;
- use appropriate materials which match or are similar in appearance to the original house; and
- not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.

In Section 5.6 of the Supplementary Planning Document specifically refers to single storey rear extension which 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 terraces 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.

Principles 1, 2 and sections 5.1, 5.2, 5.6 & 5.17 are relevant to the consideration of the principle of the development, visual amenity and residential amenity and are considered within the following report.

Impact on visual amenity:

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all 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 & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

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 River Holme Settled Valley Floor (LCA4). 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.

In this case the extension has been designed to reflect the host property with regards to the roof design, would be built from matching materials and will remain subordinate to the host building.

The proposed wrap around single storey extension is set lower than the road and set back from the front elevation and there would be limited view of it from the street and therefore will not harm the appearance of the street scene, or more long distance views from the other side of the river valley.

The proposed extension wouldn't project more than 3m at the rear or over twice the width of the property and would be less than 4m high. Provides access to the rear of the property and would not significantly reduce amenity space for the occupiers of the host property and is considered to therefore accord with Principle 7 of the House Extensions SPD in this regard.

The extension is considered to relate satisfactorily to the host building and will have an acceptable impact on visual amenity, thereby acceptable and compliant with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan and advice in the National Planning Policy Framework.

The proposal also includes the removal of the first-floor conservatory which adds a neutral contribution to the design of the property and is considered

acceptable. The removal of the conservatory would result in new glazed balustrade being added to this modern bungalow and again would be acceptable in its materials and design. Therefore, would have little impact on the visual amenity of the area.

Finally the internal works to the property at the upper floor, don't require planning permission in this case.

Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and advice within 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, 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

Policy 2 of the HVNP sets out that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings.

No.29 has two side neighbours; no.27 & 31 Binns Lane, with No 22 Binns Lane opposite with no direct neighbours to the rear.

Impact on No.27 Binns Lane

With regards the impact on this neighbour which is located to the NE of the host property where there is a separation distance of approx. 17m and the neighbouring property is at a higher level than the proposed extension, it is considered that there would be no overshadowing, overbearing or overlooking in this case from the rear/side extension.

The proposal also includes internal works to the property at the upper floor which don't require planning permission however, the redesign of the internal layout creates a bedroom and study from the existing kitchen, changing non-habitable room windows to a habitable room window for bedroom 4 and the study is also of a size to create a small children bedroom. Regardless of this, the separation distance from these windows to the neighbours property is over 21m with some screening along the boundary, therefore, there would be limited additional overlooking than the current situation.

Impact on No.31 Binns Lane

The proposed rear extension would be approx. 25m from No. 31 with mature planting along the shared boundary, therefore, it is considered that there would be no overshadowing, overbearing or overlooking in this case from the rear/side extension.

The removal of the conservatory is considered acceptable however, would create a raised platform, where the current conservatory is already clear glazing to all sides. This is considered to already create a greater overlooking than the proposed patio as it could be used for longer periods of time throughout the year. Therefore, given the separation distance it is unlikely to create any additional overlooking.

Impact on No.22 Binns Lane

The property opposite is at an acceptable separation distance of over 40m to the proposed extension combined with the topography of the area, the proposed wrap around extension would have no impact on these neighbours with regards being overshadowing, overbearing or overlooking in this case.

Therefore, it is considered that the proposed extensions are acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of Policy LP24 of the Kirklees Local Plan, principles 3, 5 and 6 Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of the NPPF

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.

In this case albeit the existing garage would be lost along with part of the existing drive, the remaining drive would provide parking for at least four cars.

It is therefore concluded the proposal meets the aims of Policy LP22 of the Kirklees Local Plan with respect to highway safety and advice in Chapter 12 of the National Planning Policy Framework.

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 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.

Due to the size, scale and limited nature of development, it was not considered necessary to request specific measures to address the developments' resilience to climate change.

K.C. 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.

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 is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the fact that the extension is single storey and would have no impact on the existing roof structure.

As such the development would have little impact on bats and would be in accordance with Chapter 15 of the National Planning Policy Framework and Policy LP30 of the Kirklees Local Plan.

K.C. Tress – it is note that along the rear boundary there a mature protected trees, however, the extension projecting 3m would not be within the canopy of these trees, therefore, it would have no direct impact on these trees and would not lead to increased indirect impact through pressure to fell in accordance with policy LP33 of the Kirklees Local Plan.

Representations:

It should be noted that no representations have been received as a result of site publicity.

Holme Valley Parish Council supports the application.

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.

Decision Authorisation - Delegated Powers

Application Number: 2022/90992

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 51 of the Planning and Compulsory Purchase Act 2004.

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 with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 & 11 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Chapters 2, 12, and 14 of the National Planning Policy Framework.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, the Council's adopted Supplementary Planning Document on House Extensions and Alterations, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Application Form			28 th March 2022
Location Plan 1:1250	21/743/01		28 th March 2022
Existing block Plan 1:500	21/743/01		28 th March 2022
Proposed block plan	21/743/05a		28 th March 2022
Existing layout & elevations	21/743/03		28 th March 2022
Proposed layout & elevations	21/743/04a		28 th March 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 Planning 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. The Case Officer did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Recommendation and Authorisation Box

Report Dated:

25.5.22

Coal – low risk