

**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:	2022/62/91005/W
Site Address:	Jadewood, 10A, Sude Hill, New Mill, Holmfirth, HD9 7BL
Description:	Erection of single storey front and rear extension and exterior alterations
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.

John Holmes

AUTHORISED OFFICER

Date: 24-May-2022

SITE DESCRIPTION – 2022/91005

Jadewood, 10a Sude Hill New Mill is a 2-storey stone front detached property with render to the side & rear elevations with a concrete tiled roof. Located within large gardens overlooking fields to the rear.

The property was previously a bungalow and in 1997 the property was extended with a first-floor extension which appears to have created 2 flats, albeit conditioned to be occupied ancillary to one another. The upper flat had access down the side of the property to a first-floor balcony and a side entrance on the gable.

DESCRIPTION OF PROPOSAL

The application is for the creation of one dwelling, the removal of the external stairs/rear balcony, conversion of part of existing garage, a front oak framed canopy and single storey rear extension. The rear extension would create a large open plan kitchen/dining and living area.

The measurements of the proposed front canopy are as follows:

- 1.1m in projection
- 5.9m in width
- 2.4m in height to the eaves; 3.3m in overall height

Materials proposed to be open oak frame with blue slate tiled lean-to roof.

The measurements of the proposed rear extension are as follows:

- 3.4m in projection
- 12.9m in width
- 2.6m in height to the eaves; 3.9m in overall height

Materials would be render with concrete tiles

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2F91005>

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

No negotiations have taken place with the applicant/agent due to the application being considered acceptable in its submitted format. However, the agent confirmed that he was happy with a colour condition for the render and that the existing render is likely to be removed. The new colour would also be either white/cream or stone colour.

RELEVANT HISTORY

92/03782 - Erection of extension to form additional living accommodation
Conditional full permission

97/93183 - Erection of ground floor and first floor extensions
Conditional full permission

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 11.5.21, 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 and falls within the Holme Valley Neighbourhood Development Plan and associated landscape character area (ref: - LCA7, River Holme Wooded Valley).

The site also falls in an area at low & high risk of ground movement from former mining activity as identified by the Coal Authority. With the high-risk area being part of the front garden only. The site is also within an area with a known presence of bats and swift birds.

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

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
- **Policy 13** – Protecting Wildlife and Securing Biodiversity Net Gain

The application site is within Landscape Character Area 7 - River Holme Wooded Valley

Some key landscape characteristics of the area are glimpsed views of a wider landscape through gaps between built form and views across the wooded valley floor from elevated vantage points along with a network of Public Rights of Way (Prow) crossing the landscape. Where the built-up characteristics are settlements characterised by a close association between built form and landscape.

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, design including the now adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the newly adopted 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.”

The SPD also refers to front extensions in section 5.2 and the potential impact they could have on the character of the area and visual amenity. The SPD advises that front extensions will not normally be supported unless:

- The house is set well back from the pavement or is well screened; and
- The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area; and

- The materials and design match the existing features of the original house; and
- The extension would not unreasonably affect the neighbouring properties.

In Section 5.1 followed by 5.2 of the Supplementary Planning Document rear extensions are referred to, the recommendations of this document being that a rear extension should:

- Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Be 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 extensions setting out they 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 are relevant to the consideration of the principle of the development, visual amenity and residential amenity 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 Wooded Valley (LCA7).

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 proposed front extension is an open canopy oak frame structure with a lean-to tiled roof to a modern property which will be set back from the road and is small in scale, having a projection of 1.1m and would be located central to the building. The size, scale and appearance of the host property already is such that the impact of this element of the proposal is not considered to be visually harmful and this element would read as a subservient small scale addition.

With regards the Supplementary Planning Document the front extension is in the form of an oak frame canopy which would be set well back from the pavement and would be small in scale therefore, subservient to the original building, well-designed and would not harm the character of the original house or the area.

The proposal also includes a single storey extension to the rear which would not be visible from the highway and therefore will not significantly harm the appearance of the street scene. The rear extension will be constructed from materials to match those of the existing building and given its size and scale is considered to remain subordinate to the host property.

The proposed rear extension would preserve a back garden of a reasonable size in accordance with principle 7, would be to the rear of the property projecting less than 4m to a detached property. It would maintain external

access to the rear garden and respect the original house and garden in terms of its size and scale; built from appropriate materials which match in appearance to the original house.

The rear extension would see the removal of a large stairway / raised platform which is to the rear of the host property which would open up the rear of the building / neighbouring gardens in terms of views from further afield and would remove a large structure which has a somewhat imposing impact.

The existing render will be replaced to provide a uniform covering to the rear elevation with a suitable pale colour to the property which is not considered to have an adverse impact on the visual amenity of the area.

The extensions are considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, having regard to principles 1, 2 and 7 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of the National Planning Policy Framework.

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.10a has two side neighbours; No 10 & 12 Sude Hill with No 3/3a Sude Hill opposite and no neighbours to the rear.

Impact on No.12

No 12 is to the east, of the property, an end terraced property situated at a higher level as well as being set further forward in the plot than the application site. This property also has a small single storey rear extension where the floor level of No 12 will almost be level with the proposed eaves of the extension which is single storey. Therefore, the extension will have little impact on these neighbours with regards being overbearing or overshadowing.

Furthermore the existing balcony and external staircase located closer to the neighbour than the extension would be removed. There are also no windows in the side elevation of the rear extension and the existing first-floor side door

will be replaced with an obscurely glazed window further reducing overlooking than the current situation.

Impact on No.10

No 10 is to the west and albeit at a lower level and set forward of the application site, the separation distance between the properties is approx. 7.5m with mature planting along the shared boundary.

Therefore, given that the proposed extension would project less than 4m, is single storey and set in from the shared boundary by 1.5m with no additional side windows. The single storey rear extension is not considered to have a significant overbearing / overshadowing impact or lead to a significant level of overlooking of these neighbours.

The front canopy is an open structure and of a limited size. Therefore, the structure as proposed is considered to have little impact on the residential amenity of the neighbours either side or those properties opposite.

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 the parking arrangement is unchanged and spaces for 2 cars can be achieved, albeit the existing garage will be converted to create a snug, its internal width of 2.5m would provide limited usable space for a car as such the proposal is considered to meet 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.

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 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 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Home 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.

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 would have no impact on the existing roof structure of the host property as the proposal is single storey.

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.

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: 2022/91005

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, 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 Council's adopted Supplementary Planning Document on House Extensions and Alterations and

to accord with policies within chapters 2, 12, and 14 of the National Planning Policy Framework.

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

Reason: In the interests of visual amenity and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, the adopted SPD on House Extensions and Alterations and advice within the National Planning Policy Framework.

4. The render as indicated on the approved plan shall be either an off white, cream or natural stone colour and shall be retained as such for the lifetime of the development.

Reason: In the interests of visual amenity and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, the adopted SPD on House Extensions and Alterations and advice within the National Planning Policy Framework.

5. The external roofing materials of the front canopy shall either be blue slate or shall in all respects match those used in the construction of the host building and be retained thereafter.

Reason: In the interests of visual amenity and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, the adopted SPD on House Extensions and Alterations and advice within the National Planning Policy Framework.

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.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Application Form		1 st April 2022
Site survey	PM_030_Sude Hill	1 st April 2022
Location Plan 1:1250	21/739/01	1 st April 2022
Existing block Plan 1:500	21/739/02	1 st April 2022
Existing layout & elevations	21/739/03	1 st April 2022
Proposed block Plan 1:500	21/739/05	1 st April 2022
Proposed layout & elevations	21/739/04c	1 st April 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:

20.5.22

Coal – low risk

Coal – high risk