

**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:	2022/62/92072/W
Site Address:	3, Arrunden Court, Holmfirth, HD9 2AP
Description:	Erection of single storey rear extension
Recommending Officer:	Laura Yeadon

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: 11-Aug-2022

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f92072>

Site Description

3 Arrunden Court is a two storey semi-detached property located within an area without notation on the Kirklees Local Plan. The property sits within a relatively modern cul-de-sac which is comprised of 2 pairs of semi-detached dwellings and a detached dwelling. The property has a parking area to the front and an elongated garden area to the rear with extensive views. Boundary treatment comprises of timber fencing.

Surrounding properties are comprised of mainly residential properties to the north and east with open fields to the south and west.

Description of Proposal

Permission is sought for the erection of a single storey rear extension.

The proposed application has been submitted along with application number 2022/92070 which is also for a proposed single storey rear extension on the attached property, No. 4 Arrunden Court.

The proposed extension would be located on the rear elevation of the property, set in from the side elevation of the dwelling by 0.6 metres. The extension would project 3 metres from the rear elevation of the property and would be attached to and lie flush with the proposed extension to No. 4. The eaves height would be 2.8 metres rising to 4 metres to the ridge of the lean-to roof.

The proposed construction materials would be artificial stone for the walls, concrete interlocking tiles for the roof and uPVC rooflights and sliding doors.

History of negotiations/amendments received

The Agent was contacted and asked to submit updated plans for both this and the application on the attached neighbouring demonstrating a proposed side elevation for each property in the event that development was not commenced on one of the properties. This was to ensure a satisfactory development upon completion.

Relevant Planning History

1990/02130 Outline application for erection of 3 dwellings
Conditional Full Permission

1993/01779 Renewal of unimplemented outline permission for erection of three dwellings

Conditional Outline Permission

1995/91745 Erection of one detached dwelling and 2 pairs of semi-detached dwellings and detached double garages
Conditional Full Permission

4 Arrunden Court (attached neighbour)

As above with:

2004/95290 Erection of two storey extension
Conditional Full Permission

2022/92070 Erection of single storey rear extension
Not yet determined – runs concurrently with this application

Representations

We are currently undertaking the legal 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, site notice and newspaper advertisement.

Final publicity date expired 1st August 2022 – no representations received

Holme Valley Parish Council – support

Consultation Responses

None required

Policy

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) and Holme Valley Neighbourhood Development Plan (adopted December 2021).

The site is within the Strategic Green Infrastructure Network as identified within the Kirklees Local Plan. It is also within an area with a known presence of bats and is in an area identified by the Coal Authority as being at low risk of ground movement due to former mining activity

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Parking
- **LP 24** – Design

- **LP 30** – Biodiversity and geodiversity
- **LP 31** – Strategic Green Infrastructure Network

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, 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
- Chapter 15 – Protecting and enhancing the natural environment

Neighbourhood Plans

- Holme Valley Neighbourhood Development Plan (2020-2031)

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan. When weighing material considerations in any planning judgement, it is always the case that what is material is a legal fact, and the weight to be attributed thereto is, as always, for the decision makers to ascertain..

- 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 (including energy efficiency)
- Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain

The site is located within Landscape Character 4 which is defined as the River Holme Settled Valley Floor. The key landscape characteristics of the area are:

- 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.
- Boundary treatments comprised largely of millstone grit walling. The stone walling which runs parallel with Upperthong Lane is representative of local vernacular detailing.
- A network of Public Rights of Way (PRoW) including the Holme Valley Riverside Way which follows the River Holme from Holmbridge through Holmfirth and downstream. National Cycle Route no. 68 follows minor

roads through Upperthong towards the centre of Holmfirth before climbing the opposing valley slopes.

- Mill ponds reflect industrial heritage and offer recreation facilities.

The key built characteristics of the area are:

- Mill buildings, chimneys and ponds, including Ribbleden Mill with its chimney, associated mill worker houses and ashlar fronted villas link the area to its industrial and commercial heritage and are a legacy of the area's former textile industry.
- Terraced cottages and distinctive over and under dwellings feature on the steep hillsides with steep ginnels, often with stone setts and narrow roads.
- Narrow winding streets with stepped passageways, stone troughs and setts characterise the sloping hillsides above Holmfirth town centre.
- Small tight knit settlements on the upper slopes are characterised by their former agricultural and domestic textile heritage.
- There are mixed areas of historic and more recent residential and commercial developments.

Supplementary Planning Documents (SPD's)

- House Extensions and Alterations Supplementary Planning Document

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. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

Assessment

The following matters are considered in the assessment below –

- 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 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.

With specific regard to the House Extensions and Alterations SPD the key designs principles for consideration are:

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

With specific regard to the proposed development the SPD states that in terms of single storey rear extensions, these 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

The relevant sections of the House Extensions and Alterations SPD listed above are considered in sections 2 and 3 of this report. On the basis the proposal is considered to have an acceptable impact upon visual amenity, residential amenity and all other relevant considerations, the proposal is considered to be acceptable in principle.

2 – Impact on visual amenity:

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 4, detailed in the 'Policies' section of this report)

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.

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. 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 House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

The proposal seeks to obtain for permission for a single storey rear extension. The extension would be subservient to the host property as required by Key Design Principle 2 of the SPD and would be constructed from matching materials which would comply with Key Design Principles 2 and 9.

The proposed extension would be constructed in conjunction with that proposed on the rear of the attached neighbouring property No. 4 Arrunden Court and therefore, the works would be in keeping with the rear elevation street scene, in accordance with Key Design Principle 1 of the SPD. It is noted that No. 1 Arrunden Court also benefits from a single storey rear extension.

The extension would not cover over half the amenity space for the property, as required and would not exceed 3 metres in projection whilst still retaining a gap of 1 metre between the side elevation of the extension and the boundary of the site. As such, the proposal would accord with paragraph 5.6 of the SPD.

The extension would be to the rear of the property and therefore would not be viewed from public vantage points from with Arrunden Court and Dunford Road and whilst it may be viewed from the public right of way that runs along the rear of the property due to the difference in levels and separation distance from the PROW it is not considered that the development would appear incongruous or out of keeping. This would also comply with Key Design Principle 1 of the SPD.

Taking into account all the above, it is considered that the proposal would have an acceptable impact in terms of visual amenity and would be compliant with both local and national policy.

3 – Impact on residential amenity:

Policy 2 of the HVNDP 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.

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.

There are proposed openings within the proposed rear extension which would be isolated to the rear elevation and roof form. As these would face the garden area of the property and not directly overlook any neighbouring amenity space it is considered that these are considered acceptable in terms of privacy and would therefore comply with Key Design Principle 3.

In terms of overshadowing and/or being overbearing, it is proposed that the extension would tie in with that proposed to the rear of No. 4. As such, should both applications be implemented at the same time, they would both have the same projection to the rear and therefore would have a limited impact on this neighbouring dwelling. Should the development be constructed in isolation, the extension would be located to the north of No. 4 and therefore there would be no loss of direct sunlight as a result of the works. In addition, given that Permitted Development rights have not been removed for the construction of extensions or outbuildings within the plot, subject to criteria, an extension with the same proposed projection could be constructed up to the shared boundary without the requirement of planning permission, it is not considered that the harm caused by the presence of the extension would justify a refusal of planning permission in this instance. Therefore, in terms of Key Design Principles 4 and 5 of the SPD, the proposal is considered acceptable in terms of the impact on the attached neighbouring property.

Key Design Principle 5, under paragraph 4.17 states that when assessing the impact of overshadowing on neighbouring properties, the Council will have regard to the 45 degree guideline which identifies to what extent a proposed extension would impact on loss of light for neighbouring properties. No. 2 Arrunden Court sits adjacent to the application site and it is noted that patio doors are located within the rear elevation of this property. In this instance, when measured, the proposed extension to No. 3 would not significantly impact on the 45 degree line by the proposal and therefore Officer's are satisfied that there would not be significant harm from overshadowing to this neighbouring property.

It is therefore considered that in terms of residential amenity, the proposal is acceptable and would comply with policies 3, 4, 5 and 6 of the House Extensions and Alterations SPD, Policy LP24 of the Local Plan, policies

contained within chapter 2 of the National Planning Policy Framework and policies 1 and 2 of the Holme Valley Neighbourhood Development Plan.

4 – 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 Principles 15 and 16 of the adopted House Extensions & Alterations SPD seek to ensure that acceptable levels of off street parking / waste storage areas are retained and are also considered to be relevant.

The extension would be located on the rear elevation of the property and parking provision is available to the front of the property. As no additional bedroom provision is proposed it is not considered that there would be an increased demand for off-street parking. In terms of bin storage, there is adequate space within the site boundary so as not to compromise parking provision. The proposal would therefore accord with Key Design Principles 15 and 16 of the SPD and Policies LP21 and LP22 of the Kirklees Local Plan.

5 – 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.

No specific mitigation measures are required in this instance. The extension would be constructed from artificial stone and therefore increase the thermal efficiency of the property.

Strategic Green Infrastructure Network – The site is within the Strategic Green Infrastructure Network and therefore Policy LP31 is of relevance in this instance. The role of the Network is to safeguard and enhance green

infrastructure networks, green infrastructure assets and the range of functions they provide. As the proposed works would be within the confines of the residential curtilage, it is not considered that the proposed works would be detrimental to the aims of Policy LP31 of the Local Plan.

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. Policy 13 of the Holme Valley Neighbourhood Development Plan also relates to biodiversity and seeks to ensure that wildlife is protected and biodiversity net gain is secured.

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest and therefore considered unlikely that the proposals would have an impact on the bat population.

Formal comments have not been requested from an Ecology & Biodiversity Officer as is considered that a Bat Survey was not required in this instance as the extension would not impact on the existing eaves of the dwelling. However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

Coal legacy - The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 174 and 183 of the National Planning Policy Framework.

6 – Representations:

None

7 – 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: 2022/92072

Officer Recommendation: Approve

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.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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 LP1, LP2, LP21, LP22, LP24, LP30 and LP31 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 15 and 16 of the House Extensions and Alterations SPD, Policies 1, 2, 12 and 13 of the Holme Valley Neighbourhood Development Plan and policies within Chapters 12, 14 and 15 of the National Planning Policy Framework.

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

Reason: In the interests of visual amenity and to accord with LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework and the House Extensions and Alterations SPD.

NOTE: The Council's GIS system indicates that 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 to 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	Version	Date Received
Location plan	LP01		20 th June 2022
Location plan, existing and proposed elevations and part-ground floor plan	2022/011/03 Rev: A		8 th August 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. The Agent was contacted and asked to submit updated plans for both this and the application on the attached neighbouring demonstrating a proposed side elevation for each property in the event that development was not commenced on one of the properties. This was to ensure a satisfactory development upon completion.

Report Dated: 10th August 2022

Coal – low