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:	**2022/62/92615/W**
Site Address:	38, Station Street, Meltham, Holmfirth, HD9 5QP
Description:	Erection of single storey side and 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.

Teresa Harlow

AUTHORISED OFFICER

Date: 05-Jan-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2022/92615
Location	38, Station Street, Meltham, Holmfirth, HD9 5QP
Proposal	Erection of single storey side and rear extension
Publicity end date	20th September 2022
Number of representations received	None
Kirklees Local Plan Allocation/Designation	Unallocated land
Extension to Time (EoT)	**EoT Date: 15th January 2024**
Recommendation	Conditional Full Permission

	NO	YES
Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)	✓	
Contrary to previous decision	✓	
Called in by Ward Member	✓	
Significant number of representations received	✓	

If 'No' to all above, proceed with a fast track report

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

Policy

National

National Planning Policy Framework (NPPF) December 2023
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed places

- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- NPPF Chapter 15 – Conserving and enhancing the natural environment

Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 27** – Flood risk
- **LP 28** – Drainage
- **LP 30** – Biodiversity
- **LP 51** – Protection and improvement of air quality

Supplementary Planning Document 'House Extensions and Alterations' (2021).

- 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 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

	YES / NO	**SUMMARY**
Negotiations/Amendments during course of application	Yes	Via Environment Agency re permit for works
Parish/Town Council comments sought	Yes	Meltham Town Council – support the application
Planning History	No	

Consultations required	Yes	Environment Agency – Initial concern relating to the development due to works within 2 metres of a watercourse – subsequent correspondence received including a plan relating to foundations – objection removed however it is likely that a flood risk activity permit would be granted – advice to applicant can be attached to the decision notice

Assessment

The application seeks permission for a single storey side and rear extension.

The existing side and rear extensions would be demolished and replaced with a side and rear extension that would wrap around the property.

The extension would be set back from the front elevation of the property by 2 metres and would project to the side by 2.6 metres for a depth of 2.6 metres. The extension would then step out to project 3.7m from the side elevation of the property and would project a total of 3.1m from the rear elevation of the property. The extension would be set in from the boundary by 1.2 metres. The porch within the front section of the extension would have a mono-pitched roof with an eaves height of 3.3 metres and overall height of 3.8 metres with the rear of the side extension and the rear extension having a flat roof with an overall height of 3.1m.

The Kirklees SPD sets out that single storey rear and side extensions should comply with certain parameters set out at paragraphs 5.1, 5.6 and 5.17 on pages 24 and 28 (and listed below) and if they do not, they need to be justified:

Rear extensions should:	**Yes - COMPLY**	**No - JUSTIFY**
Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained	Yes – the garden areas to the front and rear of the property would be retained	
Be set behind the original building, and not projecting beyond the sides		The extension would project off the side however a side extension is also

		proposed and listed in the description of development
Maintain external access to the rear garden	Yes – access to the rear garden would be retained	
Single storey rear extensions should:		
be in keeping with the scale and style of the original house	yes – subservient structure replacing existing extensions which are of a mixture of designs and finishes – proposal is more cohesive as one structure	
not normally cover more than half the total area around the original house	The proposal would comply with his criteria	
not exceed 4 metres in height	Yes – the proposal would comply with this criteria	
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		The extension would project 3.1m from the rear elevation however the additional 0.1m projection is considered to be minimal and therefore it would be unreasonable for the LPA to insist upon the reduction of the projection by 0.1m in this case.
where they exceed 3m in length the eaves height should generally not exceed 2.5 meters		The extension would exceed 2.5 metres in height however this is due to the design of the extension being flat roofed
retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge	Yes – a gap of at least 1m would be retained	

Single storey side extensions should:		
not extend more than two thirds of the width of the original house	The side extension would comply with this criteria	
not exceed a height of 4 metres	Yes – the side extension would comply with this criteria	
be set back at least 500mm from the original building line to allow for a visual break	Yes – the side extension would comply with this criteria	

Design and Visual Amenity:

The host property is a three storey semi-detached property set down from Station Street and is constructed from stone with a rendered rear elevation. Meltham Dike runs alongside the side (southern) elevation of the property. Vehicle access for the property is off a private drive for the property and attached neighbour which is accessed off Station Street/Mean Lane which leads to the front of the properties where garage/parking provision is located.

Consideration has been given here in terms of the proposals impact on the local character and street scene, including subservience, terracing and building line.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	**Further comments**	**✓ / X / N/A**
Impact on the Local character and street scene	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	Semi-detached property with no other dwellings in close association to the side elevation – attached neighbouring property also extended to side. Would be visible from Meltham Dike and looking down onto the property from Station Street, no materially adverse impact.	✓
Impact on original house	• KDP2 of the SPD	Subservient structure which would replace	✓

	• Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	existing structures resulting in a more cohesive design	
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Single storey and therefore subservient – porch/hall would have a mono pitched roof with the rear of the side extension and rear extension being flat roofed	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	K-render proposed as annotated on plan – rear elevation is rendered and therefore use of this material which would match the host property is considered acceptable. Note suggests render to rear elevation might be removed, but K-render would still be a material to harmonise with main dwelling.	✓
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Mono-pitched and flat roofs proposed – minimises impact in terms of scale and bulk	✓
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Large openings proposed however typical of those found in modern construction and would improve the existing mismatched extensions to the original property	✓
Accessibility for all users	• KDP 17of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Private domestic extension – no alterations to general access arrangements	

The design of the proposal is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Residential Amenity:

The main properties affected are:

- 42 Station Street – attached neighbour – no impact from side extension – rear extension would be set in by 1.5 metres from shared boundary where a high wall with fencing is in place

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	**Further comments**	**✓ / X / N/A**
Impact on privacy of neighbours (to sides, rear and front)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	No openings facing No. 42 with no neighbouring properties within close proximity of the side or rear elevations	✓
Impact on light and outlook of neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	Flat roof of rear extension not considered to be of a scale which would significantly impact upon the attached neighbouring property.	✓
Impact on overbearing or overshadowing	• KDP 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	Minimal impact from side extension, rear extension not considered to be of a scale which would significantly impact upon the attached neighbouring property.	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	Acceptable level of garden space remaining	✓

The proposal is therefore acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Highways and Parking: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	**Further comments**	**✓ / X / N/A**
Impact on highway safety	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	N/A	
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	Ample parking spaces retained to front of property	✓
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	Not shown on plan however sufficient space available within red line boundary	

The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Other matters:

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	**Further comments**	**✓ / X / N/A**
Impact on trees	• KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees	N/A	

	• Chapter 12 of the NPPF		
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	Bat Alert layer – extensions are single storey and therefore not interfering with existing roof of main dwelling	✓
Carbon Budget / Climate change statement	• KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • Chapter 14 of the NPPF	Small scale domestic development to an existing dwelling. As such, no special measures required in terms of the planning application with regards to carbon emissions.	✓
Drainage and Flood Risk	• KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP	The site is located within Flood Zone 2. Flood Risk Assessment submitted setting out floor levels would be no lower than existing. Environment Agency formally consulted as works within close proximity to bank of main river. Following submission of further information, objections removed: A flood risk activity permit would need to be obtained prior to any works commencing with the details included within the decision notice. Proportionate flood resilience measures submitted and confirmation that the FFL would be no lower than the existing property.	✓

The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

Representations, including Parish/Town Council comments:

Summary of Representation	Officer response	Addressed ✓ / X / N/A
Meltham Town Council - support the application	None required	N/A

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: CONDITIONAL FULL PERMISSION

Decision Authorisation - Delegated Powers
Application Number: 2022/29615
Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP27, LP28, LP30 and LP51 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 14, 15 and 16 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 12, 14 and 15 of the National Planning Policy Framework.

3. The external materials of the walls of the development hereby approved shall be render in a stone colour finish to harmonise with the host property. The roof(s) of the development hereby approved shall be a dark grey colour finish. The materials and colour finishes approved by this condition shall be retained thereafter.
Reason: In the interests of visual amenity to accord with policy LP24 of the Kirklees Local Plan, principles 1 and 2 of the Council's adopted House

Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

Note: Meltham Dike is designated as a main river. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16
- metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood
  defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage
  and potential impacts are not controlled by a planning permission

For further guidance please visit https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits or contact our National Customer Contact Centre on 03708 506506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environmentagency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan, existing site plan, ground floor plan and elevations	2184 – A(00) – 01		3rd August 2022
Location plan, proposed site plan, ground floor plan and elevations	2184 – A(10) – 01		3rd August 2022
Flood Risk Assessment			3rd August 2022
Flood resilience measures			5th January 2024
Foundation Design Option	SK-10		31st October 2023

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. Further information was requested in relation to the initial response of the Environment Agency and objections subsequently withdrawn.

Report Dated: 5th January 2024

Coal - low