

**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:	2022/62/92994/W
Site Address:	5A, Greenway, Honley, Holmfirth, HD9 6NQ
Description:	Erection of two storey rear extension and external alterations (within a Conservation Area)
Recommending Officer:	Luke Walstow

DECISION – REFUSED

I hereby authorise the refusal 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: 26-May-2023

OFFICER REPORT

Application Reference: 2022/92994.

Site: 5A, Greenway, Honley, Holmfirth, HD9 6NQ

Site Description

5A Greenway is a detached bungalow constructed from stone with a concrete tiled roof. The property benefits from a grassed area and an area of hardstanding to the front, alongside private amenity space to the rear. Vehicular access can be taken from the front boundary at the application site onto Greenway, with pedestrian access also been taken from the rear of the site onto Greenlea Court. Boundary treatment consists of small stone walling to the front and medium sized shrubs to the rear.

The site and the wider area is dominated by residential properties, whereby the common construction material is stone. The host property is also located within Honley Conservation Area on the Kirklees Local Plan.

Description of Development

The applicant is seeking planning permission for erection of two storey rear extension and external alterations.

Two storey rear extension:

- 2.74m in projection from the rear elevation at the dwellinghouse
- 4.2m in width
- 4.8m in height to the eaves; 6.2m in maximum height

The extensions proposed will be constructed from stone with concrete tiled roofs to match the host property. Internally the proposal will provide additional living accommodation at the property. An additional on-site parking space will also be provided to the front of the host property.

History of negotiations/amendments sought

Officers contacted the agent to state how the proposal would not be acceptable due not complying with the new council's house extensions and alterations SPD in relation to being too close to the boundary and being an overdevelopment of the site. The agent disagreed, stating that that the proposed development is only slightly different from that previously accepted within 2019 under planning permission 2019/92654 which was approved before the new SPD was introduced. Officers offered the option to withdraw the application advising the outcome of this proposal likely to be refusal.

Planning History

2019/92654. Erection of two storey and single storey rear extension (within a conservation area). *Conditional Full Permission – 14/10/2019.* – This permission has now lapsed.

Publicity and Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters, press advert and a site notice, due to being located within a conservation area.

Final publicity date expired 04th November 2023 - Two representations received.

Two Representations Received

Representation 1: Objection

- Refers to the councils adopted House Extension and Alteration SPD, stating how two-storey rear extensions should be separated from a boundary by at least 1.5 metres.
- Potential impact of overlooking upon neighbouring dwellings.
- Builders and construction materials would create traffic issues withing Greenlea Court.

Representation 2: Objection:

- Refers to the councils adopted House Extension and Alteration SPD, stating how two-storey rear extensions should be separated from a boundary by at least 1.5 metres and Principle 15 in relation to car parking.
- Potential impact of overlooking upon neighbouring dwellings.
- Potential issues over land ownership in relation to entry points.
- Concerns over construction equipment which would be stored and used during construction of the extension should it be approved.

Consultation Responses

Holme Valley Parish Council – *“Support in principle, but concern regarding provision of sufficient parking and regarding the closeness of the boundary to neighbouring properties.”*

Planning Policy Background

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).

The site is within the Honley Conservation Area and falls within the Holme Valley Neighbourhood Plan area.

Kirklees Local Plan

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 35** – Historic Environment
- **LP 51** – Protection and Improvement of Local Air Quality

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 12** – Achieving Well-Designed places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment
- **Chapter 16** – Conserving and Enhancing the Historic Environment

Other Material Considerations

Kirklees Highway Design Guide (November 2019)
House Extensions and Alterations SPD (June 2021)

Holme Valley Neighbourhood Development Plan

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan. Policies within the plan relevant to the consideration of this application are listed as follows: -

- 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 13 – Protecting Wildlife and Securing Biodiversity Net Gain.

The application site is within Landscape Character Area LCA 7: River Holme Wooded Valley. Key characteristics of this area included views across wooded valley floor from elevated vantage points, stone boundary walls and a sense of dominance from agricultural land.

Legislation

The Town & Country Planning Act 1990 (as amended).
 The Planning and Compulsory Purchase Act 2004
 The Conservation of Habitats and Species Regulations 2017
 Planning (Listed Buildings & Conservation Areas) Act (1990)

Assessment

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon the character and appearance of the area (including historic environment)
3. Impact upon residential amenity
4. Impact upon highway safety
5. Other matters (including climate change and biodiversity)
6. Representations
7. Conclusion

1 – Principle of Development

The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan (KLP) 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. Policy LP1 goes on further to stating that:

The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy LP2 of the KLP sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “*good design should be at the core of all proposals in the district*”.

The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations

2 – Impact on character and appearance of the area / heritage

The site is located within the Honley Conservation Area. Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.

Section 72 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, Policy LP35 states that: *“Development proposals affecting a designated heritage asset should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”*

In addition, the NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 126 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also 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.

Policy 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...” and “c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”

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. Furthermore, this policy sets out that development should sit in with and neither dominate or have a detrimental impact on its surroundings and neighbouring properties.

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

With specific regard to the proposed development the SPD states that in terms of Conservation Areas under paragraph 2.10 that:

'If your home is listed or located in a Conservation Area, additional design criteria will usually apply, and it is recommended you submit a formal preapplication enquiry to the council. A carefully considered and detailed design approach will be required where the proposed development would impact on a designated heritage asset, falls within the curtilage of a listed building, or affects a positive contributor to a Conservation Area.'

Section 5 of the House Extensions and Alterations SPD provides advice for specific extensions and alterations. Section 5.8 of the SPD relates specifically to two-storey rear extensions and provides the following advice.

5.8 Two-storey rear extensions will be considered based on the extent of overshadowing, loss of privacy and outlook. Generally, two-storey rear extensions should:

- be proportionate to the size of the original house and garden;*
- not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings);*
- not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties;*
- not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary;*
- be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre; and*
- not adversely affect habitable room windows where they adjoin a neighbour's boundary*

The proposed rear extension would have a projection of 2.74 metres, which is an increased projection from the previously agreed scheme in under 2019/92654. Whilst this complies with guidance for maximum projection, which is under the 4m given the dwelling is a detached property, the extension would be within 1.5 metres of the site boundary at several points to the side of the extension and to the rear. A site visit confirmed that should the proposed extension be constructed, it would fill in a space within the rear garden, resulting in creating a development with a cramped appearance within this section of the site.

The two-storey extension includes a dual pitch with a rear facing gable which would match the existing feature. Window proportions are considered to be acceptable and in keeping with the host property. Matching materials would be used which is considered to be acceptable as it matches the host dwellings appearance and other structures within the street-scene.

The proposed rear extension would represent a large addition to the rear of the dwelling and does not appear to be a subservient addition. With positioning of the dwelling at the front of a cul-de-sac, the extension would potentially be an oppressive addition to the street-scene. Whilst there is a boundary hedge which would screen a single storey extension, a two-storey extension would be viable from the pathway and other sections of the cul-de-sac. It is considered that the development would result in development which is not subservient to the original house and the creation of a dominant extension when viewing the rear of the property.

Given the identified harm of the development, and fact it is considered no public benefits would arise from the development of a private residence, the proposal is considered to be contrary to policy LP35 and policies within Chapter 16 of the NPPF.

It is considered the proposed extension would have a significant visual impact and would read as an addition which is out of character with the host property and wider locality. Whilst the planning history is noted, this can be afforded minimal weight as this permission is no longer extant. In addition the LPA has adopted the House Extensions and Alterations SPD in June 2021 and this is considered to be a material consideration not present at the time of the 2019 decision which is of relevance in this case.

It is therefore considered that the proposal would not comply with Policies LP24 and LP35 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD, policy 1 of the Holme Valley Neighbourhood Development Plan and policies within Chapters 12 and 16 of the National Planning Policy Framework.

3 – Impact on residential amenity

Section B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that: *“extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours.”*
- Principle 4 – that: *“extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light, and outlook.”*
- Principle 5 – that: *“extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.”*
- Principle 6 – that: *“extensions and alterations should not unduly reduce the outlook from a neighbouring property.”*
- Principle 7 – that: *“extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals.”*

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 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

The following neighbours’ properties have been assessed for the impact of the residential amenity should the proposal be accepted -

Impact on 7 Greenway:

7 Greenway is the neighbouring property to the Southwest of the application site. There would be no significant harm on these neighbours’ amenity as extension would position away from this property preventing detrimental overshadowing or overbearing and the existing boundary treatment would prevent any detrimental overlooking.

Impact on 4 Greenlea Court

4 Greenlea is the neighbouring dwelling located to the South of the application site. The proposed with its projection of 2.74 metres would shorten the separation distance between the two properties. Whilst the extension will have rear windows projecting in the direction of the property, there would be a distance of 10 metres, which is considered a large enough separation distance to prevent any breaches of privacy. The separation distance and positioning of the rear extension is considered to create a sense of overbearing upon the neighbouring dwelling. In regard to overshadowing, these neighbours are located to the South of the application site and therefore any harm on overshadowing would be limited.

Impact on 1 Greenlea Court

1 Greenlea Court is the neighbouring dwelling located to the southeast of the application site. The extension would have a separation distance of 15 metres from this neighbouring dwelling. There are no proposed windows within the side the eastern elevation of the extension, resulting in further harm to privacy for this neighbouring dwelling. The separation distance of 15 metres is considered to be an adequate distance to negate any risk of the proposal being overshadowing and overbearing for this dwelling.

Impact on 5 Greenway

5 Greenway is the neighbouring property located to the Northeast of the application site. Similar to 7 Greenway, due to the positioning of the neighbour, there would be no risk of overshadowing, loss of light or overbearing.

Principle 7 seeks to maintain adequate outdoor space to ensure a dwelling has sufficient amenity space for the current and future occupiers. The proposed side extension would result in the loss of outdoor space within the rear garden. Whilst there would be a loss, the remaining outdoor space considered to be sufficient for use by current and future occupants.

It is therefore considered that in terms of residential amenity, the proposal would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations SPD, policies within the HVNP and Government guidance contained within Chapter 12 of the National Planning Policy Framework.

4 – Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan and Policies within Chapter 9 of the NPPF 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 Council's adopted House Extensions and Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The councils adopted House Extension and Alterations SPD provide guidance on the amount of parking spaces that should be provided for the number of bedrooms within a dwelling.:

4.42 Proposals should maintain appropriate access and parking arrangements, including for bicycles. The number of parking spaces required are dependent on the size of the property and the prevailing local characteristics and will be considered on a case-by-case basis. An initial point of reference for residential development is as follows:

- *2-to-3-bedroom dwellings provide a minimum of 2 off-street car parking spaces*

- *4+ bedroom dwellings provide 3 off-street parking spaces*

The proposal would increase the bedroom capacity from 3 to 4 bedrooms. This requires a minimum of 3 off-street parking spaces to be provided. Two car parking spaces can be accommodated on the driveway located to the front of the dwelling. Under the previous application, KC Highways deemed the integrated garage too small to accommodate a parked vehicle. Given that the garage has not changed in size, this is considered to still be relevant information. This means that the site only has the capacity to accommodate two cars, falling short by 1 car parking space. Parking within the cul-de-sac is not encouraged due to the tight nature of the space between dwellings. Whilst less than ideal, on-street parking can be achieved along Greenway and in this case it is considered satisfactory parking arrangements are present.

It is considered that waste storage and collection arrangements would remain as existing, and that the proposal would also be in accordance with Principle 16 of the House Extensions and Alterations SPD too.

It is therefore considered that in terms of access and highway safety / parking the proposal would comply with Policies LP21 and LP22 of the Kirklees Local Plan, Principles 15 and 16 of the House Extensions and Alterations SPD and Chapter 9 of the National Planning Policy Framework.

5 – Other matters/Climate Change

Climate Change

On 12th November 2019, the Council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Principles 8-11 of the House Extensions and Alterations SPD also relate to combatting climate change and they state the following:

- Principle 8 (Energy Efficiency): Extensions and alterations should, where practicable, maximise energy efficiency.
- Principle 9 (Construction Materials): Extensions and alterations should seek to use innovative construction materials and techniques, including reclaimed and recycled materials where possible.
- Principle 10 (Renewable Energy): Extensions and alterations should consider the use of renewable energy.

- Principle 11 (Water Retention): Extensions and alterations should consider designing water retention into the proposals.

Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency.

Biodiversity

Principle 12 of the 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.” Given the nature of the proposal, it is not considered reasonable to require biodiversity enhancements in this case.

6 – Representations:

The two representations received share similar opinions in relation to the development. Parking on the site is considered to be acceptable due to the front driveway and existing parking being accommodated on Greenway. The concerns raised are similar to officers’ concerns regarding the proximity of the extension with the boundary, which would create overdevelopment of the site. For this reasoning the application is to be put forward as a refusal.

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 proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF taken as a whole.

The proposal is therefore considered to be contrary to policy LP2 which seeks to ensure all development proposals build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places.

Recommendation

Refuse

Decision Authorisation - Delegated Powers

Application Number: 2022/92994

Officer Recommendation: Conditionally Approve

Reason

1. The proposed two-storey rear extension by reason of its scale, massing and its proximity to the site boundary, would result in a development that would not be subservient to the original dwelling and would be out of character with the host property and wider locality. To permit such development would be contrary to Kirklees Local Plan Policy LP24b, Policy 1 of the Holme Valley Neighbourhood Plan and Policies contained within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Plans, Elevations and Views as Existing and proposed.	1927-01	Rev B	20 September 2022
Block Plan	1927-02		30 September 2022
Heritage and Design and Access Statement			20 September 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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Officers had concerns with the scale of the extension, drawing attention to the proximity of the development to the boundary.

Report Dated: 18/05/2023

Coal – Low