

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:	2022/62/94064/W
Site Address:	109, Slaithwaite Road, Meltham, Holmfirth, HD9 5PW
Description:	Erection of single storey rear extension, external ramp and extension of drop kerb.
Recommending Officer:	Luke Walstow

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: 22-Feb-2023

OFFICER REPORT

Application Reference: 2022/94064

Site: 109, Slaithwaite Road, Meltham, Holmfirth, HD9 5PW

Site Description

The application site is a semi-detached residential dwelling located in the residential area of Meltham. The dwelling is constructed from red brick with concrete roof tiles. The dwelling benefits from a large rear garden, off street parking in front of the house and an existing single storey rear extension. The street scene consists of dwellings of different sizes and scale, ranging from similar semi-detached houses to bungalows located across the highway. The application site is not located within the Green Belt or any conservation area.

Description of Development

The applicant is seeking planning permission for erection of single storey rear extension, external ramp and extension of drop kerb to the highway.

The extension would have the following dimensions:

Width: 3.5 metres

Projection: 4 metres

Height: 2.4 metres to eaves height, 3.49 metres in total height.

The rear extension is proposed to align in design and projection with a pre-existing rear extension. This would extend across the remaining original rear wall and stop leaving a 0.25 metre space between the extension and the boundary fence. The proposed extension would be constructed with a rendered finish to match the existing rear extension. Similarly, concrete tiles are proposed for the roof, which would match existing materials used on the host dwelling. The proposed rear extension would be used as an extended bedroom space with shower room but would not add any additional bedrooms to the dwelling. A ramp is proposed to a pathway located to the side of the dwelling, which would allow access to the rear garden and extensions for improved accessibility. An extension to the drop kerb is also proposed to the front of the dwelling. There is already a dropped kerb, this would simply extend its width.

History of negotiations/amendments sought

No amendments have been sought in the processing of this application as it was considered acceptable as submitted.

Planning History

Relevant Planning History:

2021/91845: The proposal is for erection of single storey rear extension. The extension projects 4m beyond the rear wall of the original dwellinghouse. The maximum height of the extension is 3.49m, the height of the eaves of the extension is 2.68m.

NANR Not Required – 14/06/2021. Extension completed.

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.

Final publicity date expired 10th February 2023 – no representations received.

Meltham Town Council – no comments provided.

Consultation Responses

None

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 unallocated in the adopted Kirklees Local Plan.

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

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

Other Material Considerations

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

Legislation

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

Assessment

The following matters are considered in the assessment below –

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

1 – Principle of development:

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

In this case, the principle of the proposal could be acceptable subject to the assessment of all material planning considerations and it not having adverse impacts (e.g. to visual amenity and residential amenity etc.) and this shall be discussed below.

2 – Impact on character and appearance of the area

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...”

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.

Section 5.1 of the House Extensions and Alterations SPD provides advice on rear extensions, stating the following:

5.1 Rear extensions should maintain the quality of the residential environment and relate well to the neighbouring buildings. Rear

extensions should generally not be visible from the street and should retain a reasonable living environment for the property being extended. This should include consideration of the following:

- Preserving a back garden of a reasonable size, with a general principle that at least half the garden area is retained;*
- Being set behind the original building, and not projecting beyond the sides; and*
- Maintaining external access to the rear garden.*
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5.2 As a general rule, a rear extension should:

- 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.*
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5.3 Rear extensions commonly encounter problems by causing overshadowing and loss of outlook to neighbouring properties.

5.4 To avoid the problems caused by loss of light, as well as loss of privacy and outlook, the sizes and projections of rear extensions need to be strictly controlled.

Sections 5.5 and 5.6 of the House Extensions and Alterations SPD provides specific guidance to on single storey rear extensions, stating the flowing:

5.5 Single storey rear extensions can have an adverse impact on neighbouring properties and gardens. Careful consideration should therefore be given to the design of these extensions to ensure their height and windows do not harm the privacy of neighbours.

5.6 Single storey extensions 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.*
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The proposed single storey rear extension would not project beyond any side wall and would leave large amounts of the rear garden untouched. The proposed ramp is a very insignificant alterations and would improve access for all users to the rear garden. The proposed extension is to be constructed from similar materials for the exterior walls and roof as the existing extension, with the exterior walls having a cream render finish with tiles to match the host, thus respecting the existing rear extension and providing a more complete outlook to the rear elevation of the dwelling. Although the walls are different to the red brick of the original house, the siting of the extension and the existing rendered finish of the rear extension leads to the conclusion that the walling finish is acceptable in this case.

The single storey rear extension would project 4 metres out from the rear wall of the host dwelling. Whilst this does not comply with guidance from paragraph 5.6 from the SPD, projecting past the stated 3 metre length, it would match the existing rear extension, providing a cohesive appearance. There is also no neighbouring building located directly to the rear of the rear garden boundary, therefore officers can deem the projection acceptable. The overall height of the extension would be 3.49 metres, which is within the recommended 4 metres maximum height for single storey rear extensions. The rear extension would have a gap of 0.25 metres from the neighbouring boundary, short of the 1m recommended. This will be assessed in the residential amenity section of the report.

The proposal included an extension to the drop kerb located to the front of the dwelling. This would be extended by 900mm in width. After conducting a site visit, officers can confirm no issues would arise from this development with no risk to any bus stops, lighting, signage etc, therefore this part of the proposal is acceptable.

Having taken into account the above, it has been considered that the proposal would harmonise, to an acceptable degree, with the host property and would not cause detrimental harm to the visual amenities of the area, in accordance with Policy LP24 of KLP, the principles within the Council's House Extensions and Alterations SPD and Chapter 12 of the NPPF.

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.”*

Officers have deemed the following properties most likely to be affected by the proposal:

111 Slaithwaite Road is a dwelling located to the Northeast of the application site. This dwelling has a rear conservatory which has a partly solid brick wall and high-level windows facing the application site. There is also a concrete open block wall separating the two properties of around 2m in height along the affected section of the boundary. The extension would be 0.25 metres off the boundary which is less than the 1m set in the SPD. There is justification to permit the extension in its present form, notwithstanding the SPD, for the following reasons. Whilst the high-level windows would be partially obscured by the rear extension, there are other windows/doors within the conservatory which would allow significant light to this structure, thus complying with principle 5. Due to its projection and the existing conservatory, the 45-degree rule would not be breached, further complying with principle 5 of the SPD. With an existing fence, hedge and solid wall which runs along the shared boundary, there would be no increased risk of overlooking or overbearing impact, therefore complying with principle 3, 4 and 6. Officers can confirm residential amenity would be maintained should the proposals be approved in their current form.

107 Slaithwaite Road and 44 Birmingham Lane are semi-detached dwellings located to the Southeast and South of the application site respectively. The proposed single storey rear extension would not be overtly visible from these neighbours' properties due to its location adjacent the existing extension, the oblique relationship of the application site to no. 44 Birmingham Lane and that

it is the side elevation of Birmingham Lane that faces the application site. For these reasons the amenity of these residents would be retained.

Key Design Principle 7 requires that extensions should ensure that appropriately sized and useable areas of outdoor space is retained. It is noted that whilst the single storey rear extension would fill in a section of the rear garden, large amount of outdoor space is retained, therefore adequate amenity space is preserved for present and potential future occupiers.

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 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 proposals do not increase the number bedrooms within the dwelling and officers can deem the number of occupants on site would remain the same. Therefore, the number of current car parking spaces is deemed acceptable. The extension to the drop kerb would improve access to the highway in relation to highway safety.

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.

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

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.

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, this being a single storey extension, 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.”*

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity. Policy LP30 outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.

In this case the extension would not interfere with the roof and the wall area is well maintained without cracks or crevices. Taking the above into account, given the nature of the proposal and with it being small in scale, it is not considered reasonable to request biodiversity enhancements in this case.

The proposal is considered to accord with the aims of Policy LP30 of the KLP and Chapter 15 of the NPPF

6 – Representations:

None received.

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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2022/94064

Officer Recommendation: Conditionally 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 (as amended).

1. 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 and LP30 of the Kirklees Local Plan, Chapters 2, 4, 9, 12, and 15 of the National Planning Policy Framework, principles 1-17 of the Council's adopted House Extensions and Alterations SPD.

2. The external wall and roof materials of the single storey rear extension approved shall in all respects match those used in the construction of the existing single storey rear extension.

Reason: In the interests of visual amenity and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1,

2 and 9 of the House Extensions and Alterations SPD and policies within chapter 12 of the National Planning Policy Framework.

NOTE: The consent of Kirklees as Highways Authority will be required to extend the dropped crossing to Slaithwaite Road as shown on the approved plans.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan			05 th January 2023
Block Plan			05 th January 2023
Existing Plans	01		20 th December 2022
Proposed Plans	02		20 th December 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 applicant was not contacted during the course of the application as the scheme was considered acceptable on the basis of the submitted plans.

Report Dated:

20/02/2023

Coal Advice: Low