

**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:	2023/62/90225/W
Site Address:	63, Sunny Heys Road, Meltham, Holmfirth, HD9 5PB
Description:	Erection of single storey extensions and alterations
Recommending Officer:	Tom Hunt

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: 20-Mar-2023

Officer Report

Site Description

2023/90225 – 63, Sunny Heys Road, Meltham, Holmfirth, HD9 5PB

The application site relates to a red brick faced, two-storey semi-detached dwelling house with a concrete tiled, hipped roof design. It benefits from a front porch extension with a lawned front amenity space and driveway. To the rear is a garden which gently rises towards the rear boundary of the amenity space. A private sewer lies within the rear garden close to the rear elevation of the property.

The property is within a residential area of similarly built houses. Front extensions are not common with most houses keeping their doorway canopy.

Description of Proposal

Erection of single storey extensions and alterations

It is proposed to have three extensions. Figures are all approx.

The proposed single storey front extension with a lean to roof would replace an existing flat roofed extension. It would be overall be 5.75m width and project 1.2m from the front elevation; a section would be stepped back by 0.35m and be 3.15m width to have a varied elevational design. The proposed height of the ridge would be 3.35m and its eaves 2.6m from ground level. Openings are to front only with large window, door and narrow window. Its function is as a lobby and to extend the living room.

The single-storey side extension would have a lean-to roof with 3.1m height and eaves height at 2.7m from ground. It would project from the flank by 1.15m and depth of 5.2m. It would be set back 2.25m from the primary elevation and have door and window to the flank elevation. Its function is as a lobby/cloakroom.

The single-storey rear extension would project 4m from the rear and would extend past the side elevation of the host and the full width of the host at rear to be 6.9m width. It would have a pitch roof finishing at 4.05m for its ridge and 2.8m for its eaves. This would have sliding/folding doors and small window to

rear only and two skylights to both roof planes. This would create a kitchen/dining room and bathroom.

Materials proposed in brick and tile are matching to the host. Simple matching stone cill and head details would be to most openings apart from the small window to the side extension finished with cill detail. Two steps would be added to the proposed doorways front and side.

To the host, an existing flank elevation windows would be increased in height to both ground and first floor level. There would be a new patio extending out 3.5m from the rear elevation of the rear extension in the ground floor plan.

History of negotiations/amendments received

None

Relevant Planning History

2022/92778– Erection of single storey extensions and alterations. Approved December 2022. This application seeks modifications to this previous approval.

Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on: 17/03/2023

No representations have been received.

Meltham Town Council – no comments received

Consultation Responses

Yorkshire Water – Advised that Requirement H4 of the Building Regulations 2010 will need to be considered.

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).

The site is unallocated for development on the Kirklees Local Plan.

Kirklees Local Plan (LP):

LP 1 – Presumption in favour of sustainable development

LP 21 – Highways and access
LP 22 – Parking
LP 24 – Design
LP 28 – Drainage
LP 30 – Biodiversity & Geodiversity

Supplementary Planning Guidance

Highways Design Guide SPD
House Extensions and Alterations SPD
Waste Management Design Guide for New Developments (Oct 2020, v.5)

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 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

Principle of development

Impact on visual amenity

Impact on residential amenity

Impact on highway safety

Other matters – e.g., trees/ecology

Representations

Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 confirms that the Council will take a positive and proactive approach when considering development proposals to reflect the presumption in favour of sustainable development embedded in the National Planning Policy Framework.

In addition, Policies within LP24 of the Local Plan and Chapter 12 of the NPPF will guide the proposal's impact on achieving good design. In this case, it could potentially be acceptable, subject to the assessment of impacts on visual and residential amenity and highway safety.

2 –Impact on visual amenity:

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan, the 'House Extensions and Alterations SPD' and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.

LP24 of the Kirklees Local Plan requires extensions to be “subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details”.

In addition, Key Design Principles 1 and 2 of the 'House Extensions and Alterations SPD' is relevant along with detailed design guidance relating to the types of extensions proposed.

There is an extant permission on place at the site. This revised proposal has made the side extension greater in length and the rear extension greater in width with a dual pitched roof, instead of a lean-to roof form.

The single-storey front extension would be almost full span of the host with a lean-to roof and varying elevational depths which would aid adding some visual interest and retaining some subservience when viewed against the two-storey host's remaining original elevation. While it is noted that porches are not a characteristic of the streetscene, the property has an existing poor quality flat roofed porch which would be replaced for a modestly projecting front extension and bay window with canopy aiding in good design.

The single-storey side extension would be set back from the primary elevation, would project modestly from the side and have a lower ridge height to the front porch aiding in the proposal to have a subservient appearance.

The proposed single-storey rear extension with patio would require some groundworks (reduction in ground levels) to take place in order to achieve the extent desired. It would be set near a neighbouring existing single-storey rear extension (or structure adjoining the rear elevation of that property) with gable pitch roof design which does not have windows or skylights adjacent to the boundary at side or rear.

The projection at rear, proximity to the boundary and extending beyond the side elevation of the host is at odds with the specific design guidance of the SPD. The rear extension would extend 4m and have minimal property boundary separation gap to limit its impacts on visual amenity. The design of the pitch roof would appear at odds with the paired neighbour's shallow pitch and be dominant. Despite this, the proposal would be to the rear, not visible from most streetscene vantage points screened by the side extension and would have a single-storey design achieving some form of subservience to the two-storey host. It is noted that the existing extension to the neighbour is of very poor design and materials that do not match its host. Whilst officers consider the extension could be reduced further to comply with the SPD, the overall scale, and given the existing structure next door and the potential for

either a 3m pd fallback or larger house extension scheme, in this isolated case the development is considered acceptable.

Given that the most of the original elevations of the host will be exposed with matching materials to harmonise with the host, subject to residential amenity impacts being assessed, the overall cumulative impact on the host may be, on balance, acceptable.

Alterations to the existing windows at the flank elevation would appear of minor scale and would not substantially change the design enough to be detrimental to the streetscene.

The proposal would also retain sufficient garden space with a patio to extend the useful living floor space from the kitchen/dining room to ensure that the scheme does not represent an overdevelopment of the site or negative impacts on amenity.

The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policy LP24 of the Local Plan and Principles 1 and 2 of the 'House Extensions and Alterations SPD', with isolated justification in this case for the scale of the rear elevation.

3 – Impact on residential amenity:

Section B and C of Policy LP24 of the Kirklees Local Plan 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 2021 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Of relevance in the House Extensions and Alterations SPD, KDP 3, 4, 5, 6 and 7 with design guidance supports Officers in assessing impacts to residential amenity to No.s 60, 61 and 65 Sunny Heys Road

No. 60

The side and rear extension would be blocked from view of this neighbouring property to the front by the host bulk and massing. The porch extension would be set on elevated ground at an oblique angle to the front elevation of No. 60 separated ~20.4m by the highway and closely aligned with minimum recommended separation distances to achieve good privacy under paragraph 4.10 of the SPD. In addition, No. 60 has small front elevation windows which considering these factors would additionally restrict visibility within ensuring that there would be no harmful overlooking or loss of privacy to this neighbour. The bulk and massing of the single-storey front extension would

be to the northwest of the neighbour and would be separated at a distance sufficiently to ensure no harmful overbearing or overshadowing impacts.

No. 61

As covered previously, No. 61 has an existing rear extension (or structure it is unclear whether this is used for habitable purposes) with no windows to be affected by the proposed 4m projection of the rear extension. Additionally, the proposed would be to the north of the property and would have a pitch roof ensuring that the roof's bulk would be away from the boundary with harmful impacts on loss of light or overshadowing and overbearing is avoided. This would be a benefit over the previous permission at the site. The side extension would be blocked from view by the host. The current porch extension is mostly glazed at all sides and the replacement would have no windows facing this property. The porch/lounge extension to the front would be to the northwest of the property's front elevation, be of limited dimension with a lean-to roof minimising shadowing and still have enough set back from the shared boundary to achieve the recommended 45° field of view to the front window under paragraph 4.17 of the SPD ensuring no overlooking, overshadowing and overbearing effects would take place.

No. 65

No. 65 is on higher ground to the host and is angled away from the host with existing oblique views and small windows to its flank elevation. The proposed enlargement of two existing windows to the flank elevation would only have an increased vertical field of view and would not significantly change the existing relationship with regard to overlooking/loss of privacy to the neighbour's obliquely angled windows. The introduction of a partially glazed door and a small window serving a porch at lower ground and set at an angle to No. 65 would not face directly into the central ground floor window which is small enough and on raised ground to deter casual loss of privacy despite the increased proximity. The rear extension would have no windows facing. The introduction of the additional bulk and massing of the front, side and rear extensions would benefit from a separation distance of 1m-1.5m at its closest ensuring that the single-storey extensions with lean-to roofs and the rear extension would not appear unduly dominant while set on lower ground. In consideration of the above reasons, there would be no overlooking, overshadowing and overbearing impacts for No.65.

Other Residential Properties

It is considered that the proposed development would be sited a sufficient distance away from any other neighbouring properties not referred to above so as to prevent undue harm to these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

Future Occupiers

With reference to KDP 7 of the House Extensions and Alterations SPD, the proposal would still retain an adequate outdoor private amenity space available to future and present occupiers for excellent standards of privacy.

The proposal would therefore be in general conformance with LP24b and KDP 3-7 of the House Extensions and Alterations SPD.

4 – Impact on highway safety:

Turning to highway safety, Policies LP21 and 22 of the Local Plan and KDP 15-16 of the 'House Extensions and Alterations SPD' have been considered along with the KC Highway Design Guide SPD and Chapter 9 of the NPPF.

The proposed development would not change parking or bin arrangements. The front amenity space will remain aiding in the scheme to have a retained beneficial effect on visual amenity to avoid hard surfacing dominating the streetscene. The proposal would not materially intensify use and therefore the proposal would not cause additional harm to highway safety in accordance with the above Policies LP21 and LP22 of the Kirklees Local Plan, Key Design Principles 15-16 of the House Extensions and Alterations SPD and Chapter 9 of the NPPF.

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. When determining planning applications the Council will use the relevant National Planning Policy, Local Plan policies and guidance documents to embed the climate change agenda, this includes Key Design Principles 8-11 of the SPD.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development. Given the improved Building Regulations setting out high requirements for insulation and energy efficiency to the original building, and the increased daylighting through rooflights at the rear, the proposal would be of benefit to the original building's energy efficiency and would contribute positively towards carbon reduction.

Yorkshire Water

Yorkshire Water were consulted regarding the sewer to the rear of the property. On the Statutory Sewer Map, there is a 150 mm diameter public combined sewer recorded to cross the proposed building footprint to the rear. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. It may not be acceptable to raise or lower ground levels over the sewer and they will not accept any inspection chambers on the sewer to be built over.

In this instance, Yorkshire Water would look for this matter to be controlled (by Requirement H4 of the Building Regulations 2010). There is an extant planning permission on 2022/92778 which would also have to take into

consideration Building Regulations even as Planning Permission had been previously granted. An informative footnote has been attached.

Drainage

The site is within a low probability Flood Risk Zone and does not seek to extend its off street parking area with development limited to the rear within a substantial soft surfaced garden. Yorkshire Water advised that SUDS with water reduction strategies be incorporated into the design however, the modest scale of the extension with no intensification of use would not require this level of mitigation to be compliant with the relevant Policy LP27 and LP28 of the Kirklees Local Plan and Key Design Principle 14 of the House Extensions and Alterations SPD.

Biodiversity

Whilst considering Biodiversity, Key Design Principles 12 and 13 of the 'House Extensions and Alterations SPD' in conjunction with LP 30 of the Kirklees Local Plan is relevant.

The application site is within an area of low biodiversity value, and the extent of its proposed development would be of relatively minimal impact without disturbing the eaves of the host and would not have adverse impact on biodiversity. For these reasons it was not considered proportionate to require a net biodiversity gain for the scale of the proposed development under Key Design Principles 12-13 of the SPD and LP30 of the Kirklees Local Plan.

6 – Representations:

No representations had been 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 development would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated

Application Number: 2023/90225

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 LP01, LP21, LP22, LP24, LP28 and LP30 of the Kirklees Local Plan, Key Design Principles 1-17 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 12 and 14 of the National Planning Policy Framework

3. The external walls and roofing materials of the extensions hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Council's House Extensions & Alterations Supplementary Planning Document and Policies within Chapter 12 of the National Planning Policy Framework.

FOOTNOTE: Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected and that that the works carried out is lawful.

FOOTNOTE: The applicant is advised to ensure that the private water sewer to the rear garden is taken into account regarding the design of the single-storey rear extension which is controlled by Requirement H4 of the Building Regulations 2010.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan, Elevations and Views as Existing and Proposed.	No. 2219-01.	A	06/02/2023

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. No alterations were required.

Report Dated: 20/03/2023

