

**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:	2023/62/90313/W
Site Address:	369, Meltham Road, Netherton, Huddersfield, HD4 7EL
Description:	Erection of raised rear terrace
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: 23-Mar-2023

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/90313
Location	369, Meltham Road, Netherton, Huddersfield, HD4 7EL
Proposal	Erection of raised rear terrace
Publicity end date	13/03/2023
Number of representations received	1
Kirklees Local Plan Allocation/Designation	Unallocated land. Partially within Green Belt but not for the proposed development. Within Bat Alert layer.
Extension to Time (EoT)	Not required EoT Date:
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) July 2021
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

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 30** – Biodiversity and geodiversity

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 8: Energy efficiency
- 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 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

	YES / NO	SUMMARY
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Negotiations/Amendments during course of application	No	No amendments were sought but a 'mood board' was submitted to clarify the proposed materials
Parish/Town Council comments sought	N/A	
Planning History	No	
Consultations required	No	

Assessment

The Kirklees SPD sets out that balconies should comply with certain parameters set out at paragraph 5.28 on page 32 (and listed below) and if they do not, they need to be justified:

Balconies should be:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Positioned, and screened if required, so that they do not overlook neighbouring homes or gardens.	Yes, 2.4m height privacy screen would be installed to the northeast flank boundary of the balcony. To the southwest flank property boundary, there is green screening of sufficient height and density to provide screening. In addition, there is separation to the boundary and no. 371 and a change in levels	
Sited away from locations that are sensitive to additional noise levels or disruption.	Yes, it is sited to the rear of the property overlooking a hill with land falling from northwest to southeast	

Design and Visual Amenity: Are the considerations in the following table acceptable?

Summary of local street scene/character: Properties are of varied design and heights with outbuildings and extensions to their side. Some have balconies to the rear.

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	<ul style="list-style-type: none"> • KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF 	None, the proposed development is to the rear and is of low impact on the streetscene. The local character of the area includes properties with balconies overlooking the valley.	✓
Impact on original house	<ul style="list-style-type: none"> • KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF 	Minimal, the proposed development is to the rear and erected of timber balcony, pergola style roof sections and metal/wire railings with an external stair which would appear permeable, of slender profile and of low visual impact. The changes to fenestration could be undertaken using permitted development rights.	✓
Height, scale and massing	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	The height, scale and massing of the balcony would be proportionate with a lightweight appearance reducing its impact. There would be two limited sections of timber open slatted pergola style roofing centred within the balcony and to its southwest at an adequate distance from the flank boundaries; this would be visually	✓

		permeable to reduce visual impacts.	
Facing materials and detailing	<ul style="list-style-type: none"> • KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF 	Materials would be of a residential nature and with slim supports and thinly profiled pergola style timber roof sections ensuring that the original elevation of the host will remain revealed and visible.	✓
Roof style	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	Flat roofed pergola style roofs would be in timber and of sufficiently minimal profile and permeable so as to avoid visual intrusion on the original elevation of the host	N/A
Window proportions	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	Two existing windows will be converted to patio doors for access and would retain a similar appearance to the existing with stone heads remaining	N/A
Accessibility for all users	<ul style="list-style-type: none"> • KDP 17 of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF 	Private domestic extension which would not change the existing access into / around the property at lower ground level. Accessibility to ground level at rear would be from new patio doors and not harmful to the current arrangement	✓

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: Are the considerations in the following table acceptable?

The main properties affected are:

- *367 Meltham Road (northeast). Two-storey property which has its rear elevation finishing forward of No. 369's rear elevation with two vertical side elevation windows overlooking the neighbouring property. A 2.4m*

height privacy screen to be installed adjacent to the neighbour and would have a separation distance of ~3.5m to the side elevation windows. There is a canted bay window in the rear elevation which would be ~5m from the balcony at the closest point. In addition, the section of the balcony area closest to this property would be utilised to access the rear garden/raised balcony and includes the external stairs rather than a seating area.

- *371 Meltham Road (southwest). A bungalow with understorey at the rear. Green screening to the shared flank property boundary and a separation distance of ~1.2m to the mutual boundary and ~6.5m to the side elevation of the dwelling. This dwelling has a large raised balcony and is at a higher ground level than the application site.*

	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)	<ul style="list-style-type: none"> • KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF 	A 2.4m height privacy screen will be installed to the northeast flank boundary of the balcony to preserve the privacy of occupiers of no. 367. To the southwest flank property boundary (no 371), there is green screening of sufficient height and density to provide screening. In addition, there is separation to the boundary and a change in levels	✓
Impact on light and outlook of neighbours (to sides, rear and front)	<ul style="list-style-type: none"> • KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF 	The 2.4 height privacy screen to the northeast flank boundary and the balcony would extend a modest 2m from the rear elevation thus the privacy screen would reduce outlook from the ground floor side elevation window, and a section of the canted bay of No. 367. The height would partially affect the outlook from the first floor side elevation window to	✓

		<p>No. 367. The side facing windows provide secondary openings to the rooms they serve. The first floor rear facing window and the majority of the canted bay in the rear elevation would not be impacted by the proposal. An open outlook would be retained from the principal windows with a modest impact on light. The scale and appearance of the balcony and roof sections is considered not to result in an overbearing impact to no. 367. Given the separation, scale and topography between the application site and no. 371 it is concluded that the proposal would not adversely impact on light or outlook.</p>	
Remaining garden space of application property	<ul style="list-style-type: none"> • KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF 	This would be within an area of hardstanding and leave sufficient remaining garden space	✓

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	<ul style="list-style-type: none"> • KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF 	Unaltered with no intensification of use proposed.	N/A
Parking provision	<ul style="list-style-type: none"> • KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF 	No intensification of use	N/A
Provision for waste storage	<ul style="list-style-type: none"> • KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF 	Unaltered with no intensification of use	N/A

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: 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 trees	<ul style="list-style-type: none"> • KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF 		N/A
Impact on ecology	<ul style="list-style-type: none"> • KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF 	While this would be within a bat alter layer, the proposed development would not affect the eaves of the property. A Bat informative has been attached.	✓

Carbon Budget / Climate change statement	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP 	The rear garden and landscaping would be retained to allow for run-off. The site is not located within an identified Flood Risk Zone 2 or 3 area.	✓

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
Overlooking and loss of privacy	The privacy screen would be conditioned to ensure that no overlooking or loss of privacy result	✓

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: 2023/90313

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, LP02, LP21, LP22, LP24 and LP30 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 4, 12, 14 and 15 of the National Planning Policy Framework

3. The 2.4m high privacy screen to the northeast flank elevation shown annotated on drawing no. 23_ 890 100 shall be installed with obscure glass (minimum grade 4 obscuration) or alternative solid material prior to the balcony area to the rear being first brought into use and once installed shall be retained thereafter.

Reason: In the interests of residential amenity and to accord with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Key Design Principle 3 and 4 of the Council's adopted House Extensions and Alterations Supplementary Planning Document.

FOOTNOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and

Countryside Act 1981 (as amended). It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site, development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Site and Location Plan (as proposed).	Drawing No. 23_890 102	Unamended	30/01/2023
Existing Elevation and Floor Plans	Drawing No. 23_890 100	Unamended	30/01/2023
Proposed Elevation and Floor Plans	Drawing No. 23_890 100	Unamended	30/01/2023
Visual Mood Board of proposed development.	Drawing No. 23_890 102.	Original	22/03/2023

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. It was not considered necessary to seek any amendments/further information during the course of this application.

Report Dated: 22/03/2023