

**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:	2023/62/91332/W
Site Address:	7, Lower Greave Road, Meltham, Holmfirth, HD9 4DY
Description:	Erection of single storey rear extension (within a Conservation Area)
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.

Julia Steadman

AUTHORISED OFFICER

Date: 30-Aug-2023

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f91332>

Site Description

7 Lower Greave Road is a three storey end-terraced property located within the Green Belt and also the Wilshaw Conservation Area. The property is constructed from stone with a stone slate roof. The property is accessed off Lower Greave Road via a private shared driveway. Due to topography the garden area to the rear is split level and to the rear on the shared boundary with the attached neighbouring property having a garden level which is set higher than the garden of the application site.

The properties within the tight cluster of development are constructed from stone being mainly attached/terraced/back to back properties. Beyond the confines of the hamlet are open fields.

Description of Proposal

The application is for the erection of a single storey rear extension.

The measurements of the proposal are as follows:

- 5.5m in width
- 4.5m in projection
- 2.6m in height to the eaves; 3.8m in overall height

The proposed extension would be a Green Oaked framed structure set upon a stone dwarf wall and white uPVC openings and a stone slate roof. It is proposed that the east side elevation openings would be finished with 'frosted' glass.

History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format. However, the Agent provided written confirmation that the timber frame would be Green Oak and the 2 rooflights would be white Velux.

Relevant Planning History

2020/93357 Certificate of Lawfulness for proposed change of use of two dwellings to one dwelling (within a Conservation Area)
Granted

2021/90263 Alterations to No. 1, 3 and 9 Lower Greave Road to form two dwellings (within a Conservation Area)
Conditional Full Permission

Representations

We are currently undertaking the legal 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, site notice and newspaper advertisement.

Final publicity date expired: 11th August 2023 – one letter of representation received with the following being a summary of comments:

- The application includes a notification of ownership of Lower Greave Road and the owner is unknown – the land to the West of Lower Greave Road including the spur off Lower Greave Road to the west onto Wilshaw Road is land that is currently in the ownership of the occupants of Wilshaw Villa

Meltham Town Council - support the application.

Consultation Responses

None required

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 within the Green Belt and within the Wilshaw Conservation Area within the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** - Biodiversity and geodiversity
- **LP 35** – Historic environment
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 57** - The extension, alteration or replacement of existing buildings

Supplementary Planning Documents:

- Highways Design Guide SPD
- House Extensions and Alterations SPD

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 21st 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 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Legislation

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).

Assessment

Principle of development:

Policy LP1 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. 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 Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

The site is located within the Wishaw Conservation Area. Section 72 of the Listed Buildings and 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. This is mirrored in Chapter 16 of the National Planning Policy Framework and Policy LP35 of the Kirklees Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – that “extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene.”
- Principle 2 – that “extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.”

With specific regard to the House Extensions and Alterations SPD the other key designs principles for consideration are:

- 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 12: Natural environment
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

With specific regard to the proposed development the SPD states that in terms of rear extensions, the SPD states:

Section 5.1 followed by 5.2 of the SPD refers to the general rules, where a rear extension should:

- Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Be set behind the original building, and not projecting beyond the sides;
- Maintain external access to the rear garden;
- 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.

Section 5.6 of the SPD specifically refers to single storey rear extension which 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

Green Belt

The property is located within the Green Belt and therefore Policy LP57 of the Kirklees Local Plan is of consideration, alongside Chapter 13 of the NPPF.

Specifically, the NPPF outlines the following:

Paragraph 137 of the NPPF states that:

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 138 specifies the five purposes of including land within the Green Belt are:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

Paragraph 145 states that:

Local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

Paragraph 147 notes *that 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'*

Paragraph 149 states that the construction of new buildings are inappropriate within the Green Belt however, there are a number of exceptions, one being:

'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building'.

Policy LP57 of the Kirklees Local Plan sets out that proposals for extensions, alterations or for the replacement of buildings in the Green Belt will normally be acceptable providing that, in the case of extensions, the original building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings that have already been extended should have regard to the scale and character of the original part of the building.

Notwithstanding Policy LP57, the NPPF sets out that inappropriate development within the Green Belt should not be approved unless very special circumstances exist, and these should clearly outweigh the harm caused to the Green Belt by inappropriate development.

In this instance, the configuration of the property has been altered by the two recent applications to change two dwellings into one via application numbers 2020/93357 and 2021/90263. It appears that what is now known as No. 7 was formerly known as No's 1 and 3. Notwithstanding this, the footprint of the building in its entirety appears to correspond with the 1955 details held on the Council's GIS system.

Taking into account the overall size of the property and insofar as the footprint does not seem to have increased, it is not considered that the works, being a single storey extension, does not result in a disproportionate addition to the property, with the original building being retained as the dominant element of the site.

It is therefore considered that the development would comply with Policy LP57 of the Kirklees Local Plan and advice within Chapter 13 of the NPPF.

Impact on visual amenity and Conservation Area:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design with Policy LP35 focussing on the historic environment.

The proposed extension would be located to the rear of the property projecting from the rear elevation by 4.5 metres being a total width of 5.5 metres. The proposed extension would be located on the shared boundary however would be set in from the retaining wall with the adjacent property.

Whilst the projection would exceed the limitations set out within the SPD, it is not considered that the proposed projection would be harmful to visual amenity. The extension would be in an isolated position to the rear of the property, single storey in height, set below the habitable accommodation within the attached property and therefore subservient. Due to the contrasting style of development and by adding an oak framed structure, the extension would be clearly read as an extension to the dwelling.

The proposed construction materials have been updated by the Agent. The plans indicate that the extension would sit on a stone dwarf wall and the updated information confirms that the extension would be a timber framed structure in Green Oak. The application form also confirms that the roof would be stone slate to match the existing. These proposed materials are considered to be acceptable and would comply with Key Design Principles 1, 2 and 9 of the SPD, Policy LP24 and LP35 of the Kirklees Local Plan and advice within the NPPF.

In addition, Policy LP57(c) of the Kirklees Local Plan requires development not to have a greater impact on the openness of the treatment of outdoor areas. In this instance, the proposed works do not include any additional hardstanding areas to be created and therefore is acceptable in this regard.

Within the NPPF, paragraph 202 states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of the proposal. In this instance due to the reasons noted above, it is not considered that the proposal would prejudice the identified heritage value of the Conservation Area and it is considered that the proposal would have no harm to the Conservation Area.

Key Design Principle 7 relates to outdoor space and states that extensions and alterations should ensure appropriately sized and usable areas of private outdoor space is retained. The application has been submitted with a proposed site layout which clearly demonstrates that an acceptable level of amenity space would be retained.

Given the modest structure that would occupy the site it is not considered that the development would be visually harmful and would respect the wider Conservation Area and would not have a detrimental impact on visual amenity and would therefore comply with Chapters 12, 13 and 16 of the NPPF, Policies LP24, LP35 and LP57 of the Kirklees Local Plan and Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD.

Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring

occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

In terms of residential amenity and compliance with the SPD whilst noting that the extension would be set in from the retaining wall to the attached neighbouring retaining wall, as shown on the submitted plan, the extension would be on the boundary line and retains access to the lower ground floor door to No. 9. Whilst this element of the scheme would not be set in by at least 1 metre as prescribed within the SPD, due to the difference in levels, the extension would be set adjacent to a retaining wall whereby the roof of the extension would be the only part of the extension which could impact on the habitable accommodation and garden area for the attached neighbouring property. As the roof would be approximately 1 metre in height above the retaining wall, it is not considered that there would be significant harm from overlooking, overshadowing or by being overbearing to this attached neighbouring property.

Key design principle 5 of the SPD recommends that the 45-degree rule should be treated as a starting point in assessing impact for all extensions, i.e. a line drawn from the midpoint in the nearest adjacent habitable room window at an angle of 45 degrees should preferably not intersect the extension. In this instance, the submitted plans indicate that the extension would have a comparable projection to the retaining wall and therefore, as the proposed extension would be at lower ground floor level to the adjacent property, it is not considered that a 45 degree line would be obscured.

Therefore, it is considered that the proposed extension is acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within chapter 12 of the National Planning Policy Framework.

Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan 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 adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

In this case it is not proposed that the bedroom accommodation for the dwelling would be increased and therefore there is no increased demand for off-street parking. Notwithstanding this, parking is available to the front of the property and also along Lower Greave Road in addition to a parking space shown on the submitted site layout plan.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

Other matters:

Climate Change - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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.

The application has been submitted with a Climate Change Statement which identifies that the windows would be double glazed and the floor and roof insulation would achieve more than the recommendations under building regulations. This is considered to be acceptable to accord with Key Design Principle 8 of the SPD.

Biodiversity – Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees 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.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is extension not connecting to the existing roof of the property.

However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

Land ownership – Certificate D has been signed by the Agent that indicates that Land Registry have confirmed that there is no registered owner of the access to the property. As such, the proposal was advertised within the local press prior to the validation of the planning application. Whilst a representation has been received who declares that owner of the land, for the purposes of the planning application, the ownership certificates are acceptable and the application valid. To clarify, the granting of planning permission does not override any private matters, such as land ownership.

Representations:

One representation has been received with the following being a summary of comments and LPA response:

- The application includes a notification of ownership of Lower Greave Road and the owner is unknown – the land to the West of Lower Greave Road including the spur off Lower Greave Road to the west onto Wilshaw Road is land that is currently in the ownership of the occupants of Wilshaw Villa

Response: This has been addressed above within the 'Other Matters' section of this report.

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 Powers

Application Number: 2023/91332

Officer Recommendation: 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 51 of the Planning and Compulsory Purchase Act 2004.

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP35, LP51 and LP57 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 9, 12, 15, 16 and 17 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapters 2, 4, 12, 13 14, 15 and 16 of the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to 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
Location plan			16 th May 2023
Existing site plan (with blue line)			12 th May 2023
Proposed site layout plan			12 th May 2023
Existing elevations and floor plan	Dwg SL1		12 th May 2023
Proposed elevations and floor plan	Dwg SL2		12 th May 2023
Heritage Statement			3 rd July 2023

Plan Type	Reference	Version	Date Received
Climate Change Statement	Appendix A		12 th May 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.

The Case Officer did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Report Dated: 29th August 2023

Coal – none