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:	**2023/62/91513/W**
Site Address:	25, Bishops Way, Meltham, Holmfirth, HD9 4BW
Description:	Erection of two storey side extension
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.

John Holmes

AUTHORISED OFFICER

Date: 18-Aug-2023

Officer Report

Site Description

2023/91513 – 25, Bishops Way, Meltham, Holmfirth, HD9 4BW

The application site relates to a two-storey, detached residential property. It is constructed of natural stone with some timber cladding to a gable frontage and has a tiled side gable roof. It has a large driveway bounded by timber fencing and a link attached, double garage adjoining its neighbour's garage forward of its host constructed with similar materials to host. There is a large garden area to the rear.

Of particular relevance to the site, to its northeast flank elevation, it borders a tract of woodland with significant mature trees separated by ~2.3m and which is adjacent to some protected under TPOs (ref: 50/95/w2, 50/95/T50) and designed as a Kirklees Wildlife Habitat Network (KWHN). Surrounding the site are other TPOs.

The local character of the streetscene is of detached dwellings with significant tree growth providing a very attractive and verdant streetscene.

Description of Proposal

Erection of two storey side extension

It is proposed to have a two-storey side extension off its northeast flank elevation set back 2.6m from the primary elevation and have matching eaves height to the host's own with set down roof ridge height 0.7m below the host.

It would have the dimensions of:

1.3m projection from the side x 3.495m depth

At front elevation, it would have no windows, one first floor side elevation window and at rear a ground floor window overlapping with the host. It would be faced in natural stone and tile to match the host. It would serve as a dining room extension to ground and an ensuite at first floor.

Officer Note: This is a reduced scheme to the previously refused two-storey side extension.

History of negotiations/amendments received

None. Following previous refusal, an updated Justification Statement was submitted.

Relevant Planning History

2017/93848 – Erection of fence to front. Conditional Full Permission.

2019/93047 – Non material amendment to previous permission 2017/93848 for erection of fence to front. Approved.

2019/94032 – Non material amendment on previous application 2017/93848 for erection of fence to front. Approved.

2023/90378 – Erection of two storey side extension. Refused.

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: 10/07/2023.

No representations have been received.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- Trees – Support. Further details discussed in 'Other Matters'.

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 on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place shaping
- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 30 – Biodiversity & Geodiversity
- LP 33 – Trees

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 4 – Decision-making
- 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 –

1) Principle of development
2) Impact on visual amenity
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters
6) Representations
7) 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. This has been demonstrated through the provision of a pre application service and detailed design guidance in the House Extensions and Alterations SPD setting out expectations.
Policy LP2 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 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:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 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."
Policy LP24 of the Kirklees Local Plan 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 Principle 1 of the Kirklees House Extensions and Alterations SPD states 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. In addition, Key Design Principle 2 of this SPD states 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.
Section 5 of the House Extension and Alterations SPD provides guidance on specific extensions and alterations, with Section 5.3 relating to side extensions. This sets out the following:
"Side extensions should be located and designed to minimise the impact on the local character of the area. The design should reflect the design of the original building in terms of roof style, pitch materials and detailing.
Two-storey side extensions can have a significant effect on the character of the original house and the street. Adequate space between buildings should be retained to provide a sense of space which is important to the character of an area.
Two-storey side extensions should:

- *not take up all or most of the space to the side of a house;*
- *maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property; and*
- *be set back at least 500mm from the front wall of the house."*

The proposed side extension would take up some of the space to the side of the property, would have a 1m gap to the side boundary and is set back adequately to the host primary elevation. This would have an extension that would appear visually smaller and subservient to the host. The design would avoid terracing by being adjacent to trees of significant amenity of which those trees would aid in partially screening the proposed extension's impact on the streetscene. It is proposed that the salvaged materials and mortar would be carefully colour matched and toothed to the existing façade so that the extension would blend seamlessly to the host; this would aid in the design to be harmonised with the host. Whilst fenestration is to match the host at side

and rear with stone cill and lintels, it would have an incongruous design at the front elevation with no windows proposed. The set back position of the minor extension to the host and its set back from the highway would mean that this incongruity could be adequately screened and be of low visual impact. The proposed ground floor window to the rear would overlap the host however this would be positioned to the rear and of limited visual impact to the host's character and design.
Considering the footprints of the nearby estate properties, it remains that the proposed increased footprint, bulk and massing of the property would be moderately larger than the neighbouring residential properties but this would be mitigated by the subservient design; residential properties are irregularly set at angles away from each other with a broken building line, varied set backs to the highway and inconsistent property gaps to flank boundaries which would sufficiently assist in the design's integration within the streetscene.
To conclude, it would appear that the proposal's limited increase in footprint, matching materials and the estate design may aid in the proposal to integrate within the streetscene and be in accordance with KDP 1 and 2 of the SPD, LP2 and LP24 of the Kirklees Local Plan and Government guidance contained within Chapters 12 of the NPPF.
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.

Key Design Principle 3 of the Kirklees Householder Extensions and Alterations SPD sets out that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours. In addition, Key Design Principle 4 notes 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. Furthermore, Key Design Principle 5 states that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property, and recommends that a horizontal 45 degree line from a neighbouring habitable room window is not breached. Key Design Principle 6 states extensions and alterations should not unduly reduce the outlook from a neighbouring property.

It is considered that the proposed development would be sited a sufficient distance away from any other neighbouring properties and screened by mature tree growth so as to prevent undue harm to the neighbouring properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

Future Occupiers

With reference to Key Design Principle 7 of the House Extensions and Alterations SPD, the proposal would still retain a substantial, 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 the Key Design Principles relating to residential amenity of the House Extensions and Alterations SPD.

4 – Impact on highway safety:

The Highways Design Guide advises that proposals should have sufficient off street parking spaces to meet need and to ensure on street parking impact is limited. Bin arrangements have not been disclosed but likely to remain as existing with a significant front amenity space unaffected and supported by additional storage space to the extension at ground floor. The proposal would not intensify use, nor affect existing parking spaces within the site and therefore would not cause additional harm to highway safety under Policies LP21 and 22 of the Local Plan and Key Design Principles 15 –16 of the House Extensions and Alterations SPD, the KC Highway Design Guide SPD and Chapter 9 of the NPPF.

5 – Other matters:

Climate Change
On 12th November 2019, the Council adopted a target for, with an accompanying carbon budget set by the Tyndall When determining planning applications the Council will use the relevant Local Plan policies, the NPPF and guidance documents/SPD to embed the climate change agenda to achieve 'net zero' carbon emissions by 2038.
Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.
A Climate Change Statement was supplied stating that it would have LED lighting, reuse of the original stone materials with local contractors/tradespeople carrying out the works, use of electric power tools in its construction and water saving toilet/shower to the ensuite.
Given the improved Building Regulations setting out high requirements for insulation and energy efficiency, the proposal would be of limited benefit to the original building's energy efficiency and would contribute positively towards carbon reduction.
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 therefore this would have no conflict with Policy LP27 and LP28 of the Kirklees Local Plan and Key Design Principle 14 of the House Extensions and Alterations SPD.
Trees

Whilst considering Trees, Key Design Principles 12 – 13 of the House Extensions and Alterations SPD in conjunction with LP24(i), and LP 33 of the Kirklees Local Plan is relevant.
LP33 of the Kirklees Local Plan states that: *"The Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.*
Proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment, including the Wildlife Habitat Network and green infrastructure networks."
KC Trees Officer was formally consulted on the previous similar application 2023/90378 and had raised an objection as the larger proposal directly conflicted with LP24(i) and LP33.
They were consulted on this application and considered that the reduction of the proposed two storey extension with fewer openings to put additional pressure on pruning could be supported. They concluded the revised scheme would consequently have less impact on the adjacent tree line.
To conclude, the development would comply with Policies LP24(i) and LP33 of the Kirklees Local Plan, policy within Chapters 12 and 15 of the National Planning Policy Framework and Key Design Principles 12 and 13 of the House Extensions and Alterations SPD.
Biodiversity
Whilst the proposal is within a Bat alert layer and adjacent to suitable habitats for bats, the limited scale of the proposed development would not require biodiversity gains as part of the proposal to comply with LP30 of the KLP and Chapter 15 of the NPPF.
An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

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: 2023/91513

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, LP30 and LP33 of the Kirklees Local Plan, Key Design Principles 1-17 of the Council's House Extensions & Alterations Supplementary Planning Document, and Policies within Chapters 2, 12, 14 and 15 of the National Planning Policy Framework

3. The external walls and roofing materials of the extension 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 adopted House Extensions & Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

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**
Location Plan.	No. (00) 001.	Unamended	23/05/2023
Proposed Site Plan.	No. (00) 002.	A	23/05/2023
Existing Elevation Plans (front and side).	No. (00) 004.	Unamended	23/05/2023
Existing Elevation Plans (side and rear).	No. (00) 005.	Unamended	23/05/2023
Existing Floor Plans.	No. (00) 003.	Unamended	23/05/2023

Plan Type	Reference	Version	Date Received
Proposed Elevation Plan (front and side).	No. (00) 008.	A	23/05/2023
Proposed Elevation Plans (side and rear).	No. (00) 009.	A.	23/05/2023
Proposed Floor Plan (Ground).	No. (00) 006.	A.	23/05/2023
Proposed Floor Plan (First).	No. (00) 007.	A.	01/06/2023
Climate Change Statement	-	Unamended	31/05/2023
Justification Statement	Justification Statement by Urban Box Architects.	1	23/05/2023

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. Following Trees Officer input, no negotiations were necessary.

Report Dated: 18/08/2023