

**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:	2023/62/91716/W
Site Address:	14a, Mill Moor Road, Meltham, Holmfirth, HD9 5JY
Description:	Erection of porch and alterations to convert garage to habitable room including associated external alterations
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.

John Holmes

AUTHORISED OFFICER

Date: 02-Aug-2023

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/91716
Location	14a, Mill Moor Road, Meltham, Holmfirth, HD9 5JY
Proposal	Erection of porch and alterations to convert garage to habitable room including associated external alterations
Publicity end date	Monday 24 th July 2023
Number of representations received	None
Kirklees Local Plan Allocation/Designation	Unallocated land
Extension to Time (EoT)	N/A 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	✓	

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
- NPPF Chapter 15 – Conserving and enhancing the natural environment
- NPPF Chapter 16 – Conserving and enhancing the historic environment

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
- **LP 35** – Historic environment
- **LP 51** – Protection and improvement of air quality

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 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

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	No	
Meltham Town Council comments sought	Yes	Application supported
Planning History	No	2004/95545 – outline application for one dwelling – approved

		2005/92522 – erection of detached dwelling with integral garage – approved
Consultations required	None	

Assessment

The application seeks permission for the erection of a porch to the front elevation of the building and also alterations to convert the lower ground floor garage to habitable accommodation including associated external alterations.

Porch – located adjacent to the shared boundary with the attached neighbouring property projecting from the front elevation by 1.55 metres and being a width of 2.7 metres. The eaves height would be 2.7 metres with the overall height being 3.5 metres. Construction materials would be natural stone for the walls and stone slates for the roof with timber windows and doors.

The Kirklees SPD sets out that front extensions should comply with certain parameters set out at paragraph 5.14 on page 27 (and listed below) and if they do not, they need to be justified:

Single storey front extensions permitted where:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
The house is set well back from the pavement or is well screened		No – close to the roadside and not screened however not considered intrusive within the street scene
The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area	Yes – single storey in height and part-width – would be in keeping the modern style of the property as approved under 2005 application	
The materials and design match the existing features of the original house	Yes – materials to match	
The extension would not unreasonably affect the neighbouring properties	Yes – the porch is located adjacent to the entrance door of the neighbouring property.	

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Garage conversion

As part of the previous application condition 8 stated that:

(8) The garage or parking space intended to serve the dwelling(s) shall be provided and the parking spaces shall be drained, sealed and surfaced in accordance with details to be approved by the Local Planning Authority before the dwelling(s) is/are occupied and shall not thereafter be used for any purpose other than parking and turning of vehicles.

Reason:

(8) In the interests of the safe and free use of the highway and to accord with Policy T10 of the Unitary Development Plan.

As such, the conversion of the garage requires planning permission and shall be assessed within the highways section of this report.

Design and Visual Amenity:

The dwelling is an end-terraced property which is two storeys to the front and three storeys to the rear. Access to the rear is via private driveway to the side of the property. A driveway is located which links the access to the lower ground floor garage. The property is constructed from stone with a stone slate roof and hosts a side elevation orangery structure which was constructed as part of the design of the dwelling. Amenity space is limited to the property being to the front and side.

Permitted development rights have been removed from the property under condition 9 which states:

(9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 no buildings or extensions shall be erected in the area hatched on the approved plan without the prior written approval of the Local Planning Authority.

The reason for imposing the condition was:

(9) To ensure that unsatisfactory extensions do not result in close overlooking of adjoining property and to accord with Policy D2 of the Unitary Development Plan.

Whilst permitted development rights have been removed for extensions to this property, the other dwellings within the row have full permitted development rights and can therefore also construct porches to the front elevation of the properties without the requirement of planning permission (subject to criteria).

The properties on the northern side of Mill Moor Road are uniform in character and have linear frontages. The facing properties are also residential.

The facing properties are listed buildings and therefore Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) is relevant and states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Policy LP35 of the Kirklees Local Plan sets out that development proposals affecting a designated heritage asset should conserve those elements which contribute to its significance. Harm to such elements will be permitted only where this is outweighed by public benefits in the proposal. This is mirrored within Chapter 16 of the NPPF.

It is considered that due to the overall size and scale of the proposed porch which is separated from the listed building by the busy Mill Moor Road, it is not considered that the works would cause harm to the listed buildings therefore the works would be acceptable and compliant with Policy LP35 of the Kirklees Local Plan and advice within Chapter 16 of the NPPF.

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 	Would introduce a front extension to the street scene within terraced row – however is small in scale and subservient – other properties within terraced row have full permitted development rights and could construct porches without permission (subject to criteria)	✓
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 	Limited impact – relatively modern property and porch would be a modern addition	✓

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 	Single storey and part width, therefore subservient	✓
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 	Construction materials to match	✓
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 	Simple lean-to roof	✓
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 	Windows for garage conversion would match those on upper floors in terms of dimensions – openings within the porch are typical of those within a porch construction	✓
Accessibility for all users	<ul style="list-style-type: none"> • KDP 17 of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF 	Access to the property would be via the proposed porch within the internal door retained in the same location as existing	

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:

The main properties affected are:

- 14 Mill Moor Road – attached neighbour – porch has a limited projection of 1.55 metres close to the shared boundary where the neighbouring door is located – 45 degree line from window opening would not be cut

- 25 & 27 Mill Moor Road – listed buildings constructed on the roadside – as porch is single storey with limited projection, limited impact on amenity

	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 	Openings within porch limited to front and side elevations with accommodation being non habitable and therefore limited impact. Garage conversion – no properties directly facing rear elevation therefore limited impact	✓
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 	Porch is small in scale with a limited projection that would not cut the 45 degree line with the attached neighbouring property – facing properties separated by road therefore minimal harm	✓
Impact on overbearing or overshadowing	<ul style="list-style-type: none"> • KDP 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF 	N/A see above	✓
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 	The porch would be located within the amenity space to the front of the property. Properties characterised with little amenity space and therefore remaining space is acceptable	✓

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:

	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 	N/A	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 	Condition 8 of previous permission requires garage provision to be retained. However, the property is a three bedroom dwelling and 2 no. spaces can be retained within the red line boundary which accords with SPD parking standards.	✓
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 	Not shown on plan however adequate space to provide storage for bins	✓

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:

	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 	N/A	N/A

	<ul style="list-style-type: none"> • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF 		
Impact on ecology	<ul style="list-style-type: none"> • KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF 	Within bat alert layer however dwelling relatively modern and no interference with roof – note to be attached to decision notice in the event that bats are discovered during construction works	✓
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. A Climate Change Statement has been submitted with this application.	✓
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 parking area 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
N/A	N/A	N/A

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: 2023/91716

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, LP35 and LP51 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 15, 16 and 17 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 12, 14, 15 and 16 of the National Planning Policy Framework

3. The external walls and roofing materials of the extension and the walling to the garage conversion hereby approved shall in all respects match those used in the construction of the existing building and be retained thereafter.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1, 2 and 9 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 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	2869971		12 th June 2023
Block plan	2869971		12 th June 2023
Existing elevations and floor plans	2266 – 01		12 th June 2023
Proposed elevations and floor plans	2266 – 02		12 th June 2023
Climate Change Statement	Appendix A		12 th June 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: 1st August 2023