

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:	2023/62/91790/W
Site Address:	46, Station Road, Honley, Holmfirth, HD9 6LL
Description:	Erection of single storey rear and side extensions and loft conversion with rear dormer and part construction of new roof including associated external alterations to the dwelling.
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: 12-Oct-2023

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f91790>

Site Description

46 Station Road is a detached bungalow located within an area without notation on the Kirklees Local Plan. The property is constructed from natural stone and has a blue slate roof and sits within a large curtilage. There is a forecourt to the front of the building which provides an area for parking and turning and to the rear is a large lawned garden area.

Surrounding development consists of residential properties with the site facing Honley High School.

Description of Proposal

The application is for the erection of a single storey rear and side extension, loft conversion with rear dormer and part construction of a new roof including external alterations. The application has been submitted post approval of previous application 2020/93634 which is an extant permission for the erection of single storey side and rear extension and dormers to the front and rear which lapses on 4th February 2024.

Single storey side extension

The proposed single storey side extension to the existing void to the side of the property linking the front elevation to the existing side elevation of the kitchen projection (part of the original dwelling). The extension would be set back from the front elevation of the property by 0.8 metres, projecting to the side by 3.7 metres. The extension would span the depth of the dwelling lying flush with the side elevation of the kitchen projection. The eaves height would match the existing.

Single storey rear extension

The proposed single storey rear extension would sit behind the existing kitchen projection (part of the original building) projecting off the rear elevation by 4 metres. The extension would extend part of the width of the rear elevation being a total width of 8 metres. The extension would have a flat roof and would be a total height of 3.8 metres at its maximum.

Partial new roof

It is proposed that the area of roof which would re-roof the kitchen projection and the roof of the proposed side extension would be raised to lie flush and mirror the hipped roof on the south-west facing side elevation roof form.

Rear dormer

It is proposed that a small dormer extension would be located in the rear, south-eastern facing roof slope. The dormer would be set up from the fascia by 0.8 metres and would be a width of 2.3 metres and an overall height of 2.1 metres lying flush with the ridge of the roof.

It is proposed that the side and rear extensions would be constructed from natural coursed stone with cut stone quoins, heads and cills with blue slate for the roof extension and off-white render for the dormer extension.

History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format. Due to the previous application being extant, it was not considered reasonable or necessary to request an updated Ecological Report as the condition imposed on the extant permission can be reimposed.

Relevant Planning History

2020/93634 Erection of single storey side and rear extensions and dormer windows to front and rear
Conditional Full Permission

COMP/20/0580 Formation of new access and siting of a caravan
Live investigation

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

Final publicity date expired 2nd August 2023

Holme Valley Parish Council – no comment

As a result of the public consultation period one representation has been received with the summary of comments set out below:

Supporting comments

- Proposed design of the house itself is good
- Large extension on the whole represents good design in accordance with the Policy LP24
- No reason not to grant the permission in this respect and which is proposed is an improvement on the previous application

Objection comments

- New driveway entrance formed and walling removed with no dropped crossing which is wrong from a planning and highways perspective and appears on the plans as a lawful and permanent feature, in breach of planning or highways control
- Loss of off-road parking due to new driveway
- Beyond wooden boards restricting parking is an engineered driveway to the side of the property running down the garden to the bottom driveway
- Nothing in application refers to change to existing parking arrangements
- Temporary caravan at bottom of the garden remains three years later and doesn't appear to constitute a temporary arrangement
- No dropped kerb applied for and is a negative intrusion in the overall street scene as well as having a negative effect on the next door property both visually and physically
- Engineered driveway is not part of the application and the feature should be removed from the plans and Planning Enforcement should be investigating
- Large caravan/building intended for living accommodation still exists at the end of the unpermitted driveway shown on plans as a permanent building which is unacceptable and clearly in breach of planning control and looks unsightly
- Caravan has effect of overlooking app properties to the east, west and south not only at ground floor but also upper floor levels of properties impeding on privacy, amenity and general liveability and enjoyment
- Regular vehicular movement along the new driveway unloading and unloading building materials which is nuisance and not the hallmarks of or conducive to a standard residential property
- Plans should be changed to reflect unauthorised works

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) and Holme Valley Neighbourhood Development Plan.

The site is without notation on the Kirklees Local Plan however is located within the Strategic Green Infrastructure Network, Bat Alert Area and Holme Valley Neighbourhood Plan Area.

The site also falls within the Holme Valley Neighbourhood Development Plan and is within an associated landscape character area LCA7 River Holme Wooded Valley.

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 31** – Strategic Green Infrastructure Network

Neighbourhood Development Plans:

- Holme Valley Neighbourhood Development Plan (2020-2031)

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan.

- Policy 1 – Protecting and Enhancing the Landscape Character of Holme Valley
- Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- Policy 10: Protecting Local Green Space
- Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain

The application site is within Landscape Character Area 7, River Holme Wooded Valley.

The key landscape characteristics of the area are:

- Glimpsed views towards the wider landscape through gaps between built form.
- Views across the wooded valley floor from elevated vantage points such as from Christ Church New Mill and Holy Trinity Church Hepworth.
- Stone boundary walls are common features.
- A network of Public Rights of Way (PRoW) crosses the landscape including a section of the Barnsley Boundary Walk, the Kirklees Way and the Holme Valley Circular Walk

The key built characteristics of the area are:

- Settlements characterised by a close association between built form and landscape.
- Industrial heritage features such as weirs and mill buildings.
- Mounds and hollows, which are the remains of shallow tunnels created for coal mining, as well as piles of shale material and the remains of plateways (flat stones laid across fields to assist with vehicle movement), are also found across the moorland and fields.

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 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. 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.

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 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

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

Single storey side

In Section 5.17 of the SPD refers to the general rules, where single storey side extension should:

- not extend more than two thirds of the width of the original house;
- not exceed a height of 4 metres;
- and be set back at least 500mm from the original building line to allow for a visual break.

Single storey rear

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.

Dormers and roof extensions

Paragraphs 5.24, 5.25, 5.26 and 5.27 of the House Extension SPD relate to the provision of dormers and roof extensions. Given roofs are a very prominent and visible element of the majority of properties, development affecting the roof, such as dormer extensions need to be carefully considered in terms of their appearance and scale in order to be considered acceptable in terms of LP24 of the KLP, KDP 1 & KDP2 of the House Extension SPD and chapter 12 of the NPPF.

Dormer windows should:

- relate to the appearance of the house and existing roof;
- be designed in style and materials similar to the appearance of the existing house and roof;
- not dominate the roof or project above the ridge of the house;
- be set below the ridgeline of the existing roof and within the roof plane; and
- be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.

These principles and the relevant design guidance of the House Extensions and Alterations SPD is taken into account within sections 2 and 3 of this report.

On the basis the proposal is considered acceptable in relation to the considerations set out in the following report, the principle of development is concluded to be acceptable.

2 – Impact on visual amenity:

Policy 1 of the Holme Valley Neighbourhood Development Plan (HVNDP) sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA 7, detailed in the 'Policies' section of this report)

Policy 2 of the HVNDP states that new development should protect and enhance local built character and distinctiveness, strengthen the local sense of place by respecting the existing grain of development in the surrounding area, use local materials and detailing which add to the quality or character of the surrounding environment, respect the scale, mass, height and form of existing buildings in the locality and their setting.

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

The application site is surrounding by a number of other residential properties that vary in style, scale and design. The majority of the dwellings are two storey semi-detached and detached dwellings, some of which have been previously extended.

The application has been submitted following the granting of approval for a scheme to extend the property under application number 2020/93634. This application obtained approval for a scheme which is larger than proposed as part of this development. It is considered that in the event of any grant of permission there it would not be possible to implement both consents upon the site and as such the consideration of this application is on this basis.

Taking each element of the proposal in turn, the single storey side extension would not extend more than two thirds of the width of the original building and would be set back from the front elevation of the property by more than 500mm. The overall height of the extension would be more than 4 metres however this is due to the extended roof slope which visually, improves the overall appearance of the property by the roof extension creating a symmetrical roof

line without awkward roof slopes. It is therefore considered that this element of the scheme complies with the SPD.

In terms of the proposed single storey rear extension, this would project off the original parts of the dwelling by 4 metres and would not cover more than half the total area of land surrounding the building due to the extent of curtilage. The extension would not be more than 4 metres high due to the proposed flat roof and whilst the flat roof would exceed a height of 3 metres which is due to the changes in levels. Notwithstanding this, as the extension would be single storey in height and set in from the boundary of the property by more than 1 metre and is therefore considered compliant with the SPD.

With regards to the proposed dormer extension and alterations to the roof of the property, the roof alterations are considered to improve the visual impact of the property as referred to above. The dormer extension would be small in scale, would not dominate the roof and would not project above the ridge of the property. It is therefore considered that the works would comply with this section of the SPD.

Taking all the proposed works into consideration, the property is set back from the highway with the proposed extensions having less of a visual impact than those approved in this case. It is therefore considered that the works, when considered cumulatively would have an acceptable impact on the host dwelling and the street scene and would therefore comply with Key Design Principles 1 and 2 of the SPD.

The proposed construction materials would be to match the existing with the exception of the proposed dormer extension and part of the single storey extension to rear which would be finished in an off-white render. As these elements are to the rear of the property and are small in scale, it is not considered that the use of this material would be visually intrusive within the street scene and it is considered refusal on the basis of the use of this material could not be substantiated in this case. Therefore, the works are considered to comply with Key Design Principle 9 of the SPD.

The development is considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, having regard to principles 1, 2, 7 and 9 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Policy 2 of the HVNDP sets out that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings and prevent or reduce pollution as a result of noise, odour, light and other causes. Light pollution should be minimised and security lighting must be appropriate, unobtrusive and energy efficient.

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.

The main properties which would be affected by the proposal would be No's 44 and 48 Station Road which are the neighbouring properties to either side of the application and the properties beyond the rear boundary which are on Gynn Lane.

In terms of the impact of the property on No. 48, this is located to the east of the application site, where the proposed single storey extension is proposed to be located. No. 48 is set on a slightly higher ground level to the application site and is two storeys in height. As the proposed side extension and rear extensions are single storey in height and the roof of the side extension would be hipped away from this property, it is not considered that the proposed works would appear overbearing or would cause significant overshadowing and is therefore considered acceptable in this regard. In terms of overlooking, an additional door and window would be located within the side elevation for the utility room. As this space is considered to be non-habitable, there are minimal concerns regarding overlooking. Therefore, it is considered that the impact on the property is considered to be acceptable.

With regard to the impact on No. 44, this property is located to the south-west of the application site. As the proposed works would not reduce the established separation distances between the application site and the neighbouring property, it is not considered that there would be a significant impact on this property over and above the existing arrangements. The rear extension would be set in from the existing side elevation of the original property with the proposed dining room side elevation secondary window being separated from this neighbour by approximately 22 metres and therefore there would be limited overlooking. As the rear extension is single storey in height, it is not considered that the extension would cause significant harm from overbearing or from overshadowing.

The properties beyond the rear boundary of the site are located on Gynn Lane with the closest property being 39A. As this dwelling would be separated from the proposed rear extension by approximately 37 metres, it is not considered that there would be significant or undue harm to this 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, due to the separation of the property to its neighbours and the limited projection of the proposed rear extension, it is not considered that the 45 degree line would be cut, therefore compliant with this principle.

Therefore, it is considered that the proposed extensions are 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, Key Design 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.

4 – 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.

The Highways Design Guide SPD and the House Extensions and Alterations SPD indicates that 4 bedroom dwellings should provide 3 no. off-street parking spaces. Whilst no details have been submitted regarding the parking for this dwelling, it was evident at the time of the site visit and also as demonstrated on the previously approved plans that 3 off-street parking spaces could be achieved.

It is also noted from the site visit that a separate access and driveway has been created which is the subject of an ongoing enforcement investigation along with the siting of a static caravan. The existing and proposed plans include the line of this driveway on the site plans and therefore a note shall be attached to the decision notice stating that permission for these works have not been considered as part of this application. The description of development of this application suitably controls this matter given it relates to works to the dwelling and explicitly states what they are.

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.

As such the proposal is considered to be acceptable in this regard, in accordance with the aforementioned policies.

5 – 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.

A Climate Change Statement has been submitted as part of the application package which states that smart energy meter reading would be installed, glazing would be introduced to the roof aspect to allow for natural light to enter the property and that materials would be locally sourced. These are considered to be acceptable in terms of 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 due to a previous Preliminary Bat Survey forming part of the previous permission being conditioned and extant. The previous condition shall be reimposed onto this permission.

Strategic Green Infrastructure Network – The site is within the Strategic Green Infrastructure Network and therefore Policy LP31 is of relevance in this instance. The role of the Network is to safeguard and enhance green infrastructure networks, green infrastructure assets and the range of functions they provide. As the proposed works would be within the confines of the residential curtilage, it is not considered that the proposed works would be detrimental to the aims of Policy LP31 of the Local Plan.

Coal legacy – The site is located within the Coal Authority’s “Development Low Risk Area”. There is no statutory requirement to consult the Coal Authority regarding development within the “Development Low Risk Area”, instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority’s standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 174 and 183 of the National Planning Policy Framework.

Creation of access and siting of a caravan – It was evident from the site visit to the property, and from third party concerns raised, that a caravan was sited within the rear garden of the property. This is also indicated on the submitted location plan and existing plans. This matter is being dealt with as part of a live enforcement case. A note shall be attached to the permission stating that permission does not extend to the permanent siting of this structure.

In relation to the creation of the access, a section of walling has been removed to allow access from the highway. As the access is from a classified road, planning permission and highways consent is required for these works. Therefore, a note shall be attached to the decision notice stating that the permission does not extend to the creation of the access or the driveway. The description of development explicitly states that the development being considered as part of this application relates solely to works to the existing dwelling.

6 – Representations:

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

Supporting comments

- Proposed design of the house itself is good
- Large extension on the whole represents good design in accordance with the Policy LP24
- No reason not to grant the permission in this respect and which is proposed is an improvement on the previous application

Response: Noted

Objection comments

- New driveway entrance formed and walling removed with no dropped crossing which is wrong from a planning and highways perspective and

appears on the plans as a lawful and permanent feature, not in breach of planning or highways control

Response: This has been addressed in the above assessment and a note shall be added to the decision notice

- Loss of off-road parking due to new driveway

Response: The creation of the driveway has been addressed in the above assessment

- Beyond wooden boards restricting parking is an engineered driveway to the side of the property running down the garden to the bottom driveway

Response: This is a matter which is being investigated by Planning Enforcement

- Nothing in application refers to change to existing parking arrangements

Response: The parking for the property has been addressed in the above assessment

- Temporary caravan at bottom of the garden remains three years later and doesn't appear to constitute a temporary arrangement

Response: This is a matter which is being investigated by Planning Enforcement, and is addressed in the above assessment.

- No dropped kerb applied for and is a negative intrusion in the overall street scene as well as having a negative effect on the next door property both visually and physically.

Response: This has been addressed within the above assessment and a note shall be attached to the decision notice

- Engineered driveway is not part of the application and the feature should be removed from the plans and Planning Enforcement should be investigating.

Response: This has been addressed within the above assessment and a note shall be attached to the decision notice

- Large caravan/building intended for living accommodation still exists at the end of the unpermitted driveway shown on plans as a permanent building which is unacceptable and clearly in breach of planning control and looks unsightly

Response: This is a matter which is being investigated by Planning Enforcement, addressed in the above assessment.

- Caravan has effect of overlooking app properties to the east, west and south not only at ground floor but also upper floor levels of properties impeding on privacy, amenity and general liveability and enjoyment

Response: This is a matter which is being investigated by Planning Enforcement, addressed in the above assessment.

- Regular vehicular movement along the new driveway unloading and unloading building materials which is nuisance and not the hallmarks of or conducive to a standard residential property.

Response: This is a consideration which can be afforded little weight in the consideration of this application. Complaints regarding noise nuisance can be investigated via Environmental Health

- Plans should be changed to reflect unauthorised works

Response: This planning application is for works to the existing property and it is considered there is no reasonable reason the LPA could insist upon the application seeking works over and above that for which consent is being sought.

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 Powers

Application Number:

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 and LP31 of the Kirklees Local Plan, principles 1, 2, 3, 4, 5, 6, 7, 9, 12, 13, 14, 15 and 16 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies 1, 2, 10 and 13 of the Holme Valley Neighbourhood Development Plan and Chapters 2, 4, 12, 14 and 15 of the National Planning Policy Framework.

3. The external materials of construction of the development hereby approved shall be in accordance with those detailed upon submitted drawing 117-23-PL03 and retained thereafter.

Reason: In the interests of visual amenity and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and policies within Chapter 12 of the National Planning Policy Framework.

4. All works shall be carried out in accordance with the ecological measures cited as recommendations in Section 6 of the Bat Survey 46 Station Road, Honley, Holmfirth, HD9 6LL dated 14/01/2021, submitted as part of application 2020/93634 (dated 5th February 2021) and agreed in principle with the local planning authority prior to determination.

Reason: To prevent offences under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), and to accord with Policy LP30 of the Kirklees Local Plan, Policy 13 of the Holme Valley Neighbourhood Development Plan and the requirements of Section 15 of the National Planning Policy Framework.

5. The development shall not be brought into use until all areas indicated to be used for parking on the submitted plans have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 2009 as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the use specified on the submitted plans.

Reason: In the interests of amenity and traffic safety, to mitigate flood risk through the increase in surface water run-off, to ensure adequate space within the site for vehicle movements and parking and in accordance with Policies LP21 and LP24 of the Kirklees Local Plan, Key Design Principle 15 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework.

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be

carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists, or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: Please note that this application does not include the granting of planning permission for any new access, new driveway or the siting of a caravan notwithstanding the details as shown on drawing numbers 177-23-PL01, 177-23-PL02 and 177-23-PL03 the permission relates solely to those works set out in the description of development.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	177-23-PL01		16 th July 2023
Existing site plan, elevations and floor plans	177-23-PL02		16 th July 2023
Proposed site plan, elevations and floor plans	177-23-PL03		16 th July 2023
Bat Survey	Revised 14/01/2021		14 th January 2021
Climate Change Statement			16 th July 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: 12th October 2023

Coal – low