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:	**2023/62/91850/W**
Site Address:	70, Pavilion Way, Meltham, Holmfirth, HD9 5QW
Description:	Demolition of existing conservatory and erection of single storey extension with associated alterations
Recommending Officer:	Luke Walstow

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: 21-Aug-2023

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/91850
Location	70, Pavilion Way, Meltham, Holmfirth, HD9 5QW
Proposal	Demolition of existing conservatory and erection of single storey extension with associated alterations
Publicity end date	18 August 2023
Number of representations received	0
Kirklees Local Plan Allocation/Designation	N/A
Extension to Time (EoT)	No **EoT Date:** N/A
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

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 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 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

	YES / NO	**SUMMARY**
Negotiations/Amendments during course of application	No	N/A

Parish/Town Council comments sought	Yes	Meltham Town Council – Noted
Planning History	Yes	87/04415. Outline application for residential development. Refused – 24/11/1987. 88/00274. Outline application for residential development. Granted Conditionally – 08/03/1988. 90/03973. Erection of 70 Dwellings. Refused – 12/09/1990. 91/04465. Erection of 69 no. dwellings with garages, site layout and road construction. Conditional Full Permission – 13/12/1991. 98/92861. Erection of 83 no. dwelling and associated garages. Conditional Full permission – 30/03/1999. 2016/93863. Compliance of conditions on previous permission 98/92861 for erection of 83. no dwellings and associated garages. Compliance with Conditions – 30/11/2016.
Consultations required	No	N/A

Assessment

Description of development:

The application seeks permission for the demolition of the existing Conservatory and the erection of a single storey rear extension.

Projection: 3.6 metres
Width: 9.3 metres
Height: 2.8 metres to the eaves, 3.75 metres in total height.

The Kirklees SPD sets out that single storey rear extensions should comply with certain parameters set out at paragraphs 5.1 and 5.6 on pages 23 and 24 (and listed below) and if they do not, they need to be justified:

Rear extensions should:	**Yes - COMPLY**	**No - JUSTIFY**
Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained	At least half of the original garden would be maintained.	N/A
Be set behind the original building, and not projecting beyond the sides	The extension would be to the rear of the host building and not project beyond the side walls.	N/A
Maintain external access to the rear garden	Access to the rear garden would remain as existing and would also be achieved through rear doors within the rear elevation of the extension.	N/A
Single storey rear extensions should:		
be in keeping with the scale and style of the original house	The proposed extension would be constructed from stone and concrete roof tiles which match the original dwelling and do not alter the overall appearance of the building.	N/A
not normally cover more than half the total area around the original house (including previous extensions and outbuildings)	The proposal would not cover more than half the total area of the original house.	
not exceed 4 metres in height	The proposal would not exceed 4 metres in height.	
not project out more than 3 metres from the rear wall of the original house for semidetached and terraces houses or	The extension would have a projection of 3.6 metres.	

by 4 metres for detached properties		
where they exceed 3m in length the eaves height should generally not exceed 2.5 meters	N/A	The proposal exceeds 3 metres in length and the eaves height is 2.8 metres. The eaves height exceeds the recommended height by 0.3 metres, which is considered to be acceptable due to the height only being slightly over and the distance of the proposal from neighbouring properties.
retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge		The extension would leave a 0.75 metre separation distance from the neighbouring boundary. Although within 1 metre, the neighbour has an outbuilding constructed directly on the boundary. This limits the impact of the extension being within close proximity of the boundary. Officers conducted a site visit which confirmed the extension would not harm the neighbouring dwellings with its close relationship to the site boundary.

Design and Visual Amenity:

The street scene consists of dwellings, mainly of semi-detached and detached house types. These dwellings have been constructed from similar materials are similar in design and scale. Dwellings benefit from off-street parking and private outdoor space located to the rear of the buildings.

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	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	The proposed extension is located to the rear of the site and would not be visible from large portions of the street. The extension would be visible from Pavilion Way but due to the extension being largely SPD compliant in relation to its height, it would not have a detrimental impact upon the street scene or its characteristics.	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	The proposal is subservient in is projection, width and height and would not dominate the original dwelling. Due to the use of similar materials as the host dwelling in the construction of the extension, there wouldn't be a negative impact on the original house.	✓
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	The proposal is broadly SPD compliant in terms of height scale and massing and is therefore considered to be acceptable.	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	The proposed external walls of the extension would be constructed from stone to match the host dwelling. In similar fashion, the roof of the extension would be constructed from the same concrete roof tiles used on the existing roof.	✓

Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	The proposed roof would be a learn to roof against the host dwelling. The roof would have 3 rooflights within the rear roof elevation. This element of the proposal is considered acceptable.	✓
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	The proposed extension would have a glazed sliding door located centrally on the rear wall. Additionally, there would be a window to the left and right of the sliding doors. The windows are deemed to be an acceptable size	✓
Accessibility for all users	• KDP 17of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Accessibility to the proposed extension can be gained through the host dwelling and through glazed sliding doors within the extension. Accessibility to the rear garden would remain 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:

- 68 Pavilion Way – Detached dwelling located to the south of the application site
- 72 Pavilion Way – Detached dwelling located to the east of the application site.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	**Further comments**	**✓ / X / N/A**
Impact on privacy of neighbours (to	• KDP 3 & 4 of the SPD	The neighbour to the east (72 Pavilion Way) has a separation distance of 8	✓

sides, rear and front)	• Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	metres with the side of no.72 being largely blank save for a 1st floor opening. As such the proposal is not considered to have a significant impact to this property. A window facing no.68 is proposed, although this is high level and is not considered to lead to a detrimental level of overlooking.	
Impact on light and outlook of neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	The proposed extension is largely SPD compliant in height and would have limited impact on neighbouring dwellings in relation to height. Neighbouring windows are not adjacent to the proposed development. The proposal is therefore considered acceptable in this regard.	✓
Impact on overbearing or overshadowing	• KDP 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	Due to the proposal being largely SPD compliant in height, width and scale, it is considered the proposal would be acceptable with regard to overshadowing and would not be unduly overbearing	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	Whilst the proposed extension would use space located in the rear garden, there would be adequate outdoor space retained to be used by current and future occupants, therefore, the proposal is considered acceptable in this regard.	✓

The proposal is therefore acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Highways and Parking: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on highway safety	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	There are no proposed changes to highway access with the proposal. The development is considered to acceptable in relation to highway safety.	✓
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	The proposed extension would not serve as an additional bedroom, meaning the presumed potential occupants is to remain as existing. This results in existing car parking arrangements to be acceptable.	✓
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	Waste collection and storage is considered to be as existing.	✓

The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Other matters: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on trees	• KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees	N/A	✓

	• Chapter 12 of the NPPF		
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	N/A	✓
Carbon Budget / Climate change statement	• 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	• KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP	The rear garden and landscaping would be retained to allow for run-off. The site is not located within an identified Flood Risk Zone 2 or 3 area.	✓

The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

Representations, including Parish/Town Council comments:

Summary of Representation	**Officer response**	**Addressed ✓ / X / N/A**
Meltham Town Council - Noted	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: 2023/91850

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 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 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 and retained thereafter.
Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan			30 June 2023
Existing Floor Plan	001	01	21 June 2023
Existing Elevations	002	01	21 June 2023
Existing Elevations Back Wall Shown	003	01	21 June 2023
Existing Topo Survey	004	01	21 June 2023
Proposed Floor Plan	005	01	21 June 2023
Proposed Elevations	006	01	21 June 2023

Plan Type	Reference	Version	Date Received
Proposed Elevations Back Wall Shown	007	01	21 June 2023
Proposed External Footprint	008	01	21 June 2023
Climate Change Statement			30 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: 18/08/2023

Coal – Low