

**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:	2024/62/90150/W
Site Address:	7, Briar Avenue, Meltham, Holmfirth, HD9 5LQ
Description:	Erection of single storey rear extension
Recommending Officer:	Joanna Rednall

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: 07-Mar-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/90150
Location	7, Briar Avenue, Meltham, Holmfirth, HD9 5LQ
Proposal	Erection of single storey rear extension
Publicity end date	28 th February 2024
Number of representations received	None received
Kirklees Local Plan Allocation/Designation	Unallocated in Local Plan
Extension to Time (EoT)	No
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	✓	

If 'No' to all above, proceed with a fast track report

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) December 2023
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed and beautiful 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	Yes	Negotiations were made with the applicant’s agent regarding treatment on the south-facing boundary. Amended plans were received 19 February 2024.
Meltham Town Council comments sought	Yes	No comments received

Planning History	Yes	2017/93910 – erection of first floor extension and conversion to garage to form living space
Consultations required	No	

Assessment

Permission is sought for the erection of single storey rear extension. The extension would project ~4.2 metres from the rear elevation of the application property with a width of ~3.6 metres. The height of the eaves would be ~2.7 metres with a total height of ~3.7 metres to the ridge of the gable roof.

The exterior walls would be constructed from coursed brickwork with double Roman concrete tiles for the roof. Internally, the rear extension would provide a garden room.

In terms of boundary treatments, the south-facing boundary would be replaced with a 1.5 metre close boarded fence with 0.3 metre trellis over.

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:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
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 rear garden would be retained.	
Be set behind the original building, and not projecting beyond the sides	The extension would not project beyond either side of the original dwelling.	
Maintain external access to the rear garden	External access to the rear garden would be retained.	
Single storey rear extensions should:		
be in keeping with the scale and style of the original house	The exterior materials would be coursed brickwork to match the host dwelling.	
not normally cover more than half the total area	The extension would not cover more than	

around the original house (including previous extensions and outbuildings)	half the total area around the original house.	
Not exceed 4 metres in height	The extension 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 by 4 metres for detached properties		the extension would project ~4.2 metres from the rear wall of the original dwellinghouse. Although against SPD guidance, the extension would lie flush with the existing rear elevation of adjoined neighbouring dwelling 9, Briar Avenue, and is therefore acceptable in this case.
where they exceed 3m in length the eaves height should generally not exceed 2.5 meters		The eaves would be ~2.6 metres in height. Given that the rear projection would be in line with 9, Briar Avenue, in this case there would be no visual benefit of reducing the eaves height by ~0.1 metres.
retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge		A ~0.2m gap would be retained on the north-facing boundary. As the projection would be the same as No 9, it would not cause detrimental harm to visual or residential amenity in this case.

Design and Visual Amenity:

The application site is located within a wider residential area in Meltham, Holmfirth.

Surrounding development consists of two storey semi-detached dwellings with roofs hipped in design. The predominant construction material is stone on the front elevation with red brick to the side and rear. Boundary treatments consist of picket fences.

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 	The extension would not cause detrimental harm to the local character and street scene as it is located on the rear elevation, and would not be visible from the wider street scene.	✓
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 	Constructed from matching materials to the host dwelling. Single storey in height with a gable roof therefore subservient to original dwelling. Condition to ensure material match is therefore recommended.	✓
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 	While the extension would exceed the parameters in the SPD regarding the projection, the proposed would not cause detrimental harm to visual amenity due to being of identical projection to the rear extension at No. 9.	✓
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 	Coursed brickwork for external walls with double roman concrete tiles for roof.	✓
Roof style	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) 	Gable roof which is subservient.	✓

	<ul style="list-style-type: none"> and (d) of the KLP Chapter 12 of the NPPF 		
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 	Patio doors within south-facing side elevation considered acceptable. Proposed windows within west-facing elevation would overlook the main amenity space and are proportionate in size.	✓
Accessibility for all users	<ul style="list-style-type: none"> KDP 17 of the SPD Policy LP24 Design (f) Chapter 12 of the NPPF 	Private domestic extension – no alterations to access.	✓

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:

- 9, Briar Avenue – adjoined neighbour on north-facing elevation. The impact of the proposed development would be mitigated by the rear extension on the shared boundary as the proposed works would not project beyond the rear elevation of this neighbour. The proposed extension would be single storey in height and therefore would mitigate detrimental harm to overlooking, overbearing and overshadowing.
- 5, Briar Avenue – Neighbour on south-facing elevation. This neighbour is located on a slightly lower land level than the application property. Amended plans were sought with regard to boundary treatments and amended plans were received showing a 1.5 metre close boarded fence with 0.3 metre trellis over. It is considered that subject to condition this is provided the impact of the proposal would not significantly increase overlooking, having regard to the openings to the side of the extension which face this boundary. A condition to ensure this is in place before the development is occupied is therefore recommended.

	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 	Single storey in height with blank elevation on north-facing elevation. The proposed boundary treatment would screen the proposed openings on the south-facing elevation. This would mitigate detrimental harm to the privacy of 5, Briar Avenue.	✓
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 	Single storey in height with a gable roof design would not cause detrimental harm to light and outlook of neighbouring dwellings. Rear elevation would lie flush with 9, Briar Avenue.	✓
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 	Over half of the garden space would be retained.	✓

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 	No alterations to highway access.	✓
Parking provision	<ul style="list-style-type: none"> • KDP 15 of the SPD 	No additional bedrooms are proposed therefore	✓

	<ul style="list-style-type: none"> • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF 	the level of parking would remain unaffected.	
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 	None shown on plans however sufficient space within red line boundary.	✓

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 • Policy LP24 Design (d) (i) (iv) • Policy LP33 Trees • Chapter 12 of the NPPF 	N/A	N/A
Impact on ecology	<ul style="list-style-type: none"> • KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF 	The proposed works are of small scale and therefore no special measures required in terms of ecology.	✓
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 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.	✓
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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
None received.		

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: 2024/90150

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 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 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

4. The development shall not be brought into use until the 1.5m close boarded fence with 0.3m trellis over annotated upon submitted drawing 224-23-PL02RevC has been installed and completed. The fence shall be thereafter retained for the lifetime of the development.

Reason: In the interests of residential amenity to accord with policies LP1, LP2 and LP24 of the Kirklees Local Plan, Principle 3 of the 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
Application form			22/01/24
Existing floor plans, elevations & site layout	224-23-PL01	A	22/01/24
Proposed floor plans, elevations & site layout	224-23-PL02	C	19/02/24
Location Plan	224-23-PL03	A	22/01/24

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. Negotiations were made with the applicant's agent regarding treatment on the south-facing boundary. Amended plans were received 19 February 2024.

Report Dated: 05/03/24

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