

**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:	2024/62/90240/W
Site Address:	36, Scholes Moor Road, Scholes, Holmfirth, HD9 1SJ
Description:	Erection of single and two story rear extension
Recommending Officer:	Molly Storer

DECISION - REFUSE

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Sarah Longbottom

AUTHORISED OFFICER

Date: 19-Jul-2024

OFFICER REPORT

THE SITE

The application site relates to a semi-detached property located in a predominantly residential setting in the area of Holmfirth. The site hosts a front garden and a driveway which runs along the side of the property. To the east of the site are properties of a mix of single and two storey and of varying design / styles being a mix of detached and semidetached.

To the north and south of the site are semi-detached properties in a variety of styles and mix of ages.

The host property and properties to the north and south benefit from long back gardens, with terraced residential properties beyond. The main construction material is natural stone.

THE PROPOSAL

The applicant is seeking planning permission for the erection of single and two storey rear extension.

Two-Storey Rear Extension:

Projection: 4 metres

Width: 7 metres (1.5m beyond the side elevation)

Height: 5.3 metres to the eaves, 8.1 metres in total height

Single Storey Rear Extension:

Projection: 1 metre from Two-Storey Extension (5 metres overall).

Width: 7 metres (1.5m beyond the side elevation)

Height: 2.5 metres to eaves, 3.3 metres in total height.

The proposed two storey extension would be constructed from stone, which would match the existing appearance. The single storey extension would also be built from the same materials. The extension would serve as a living/dining on the ground floor and an enlarged bedroom and ensuite on the first floor. The proposal would not increase the number of bedrooms on site.

History of negotiations/amendments sought

No amendments were sought as upon submission the proposal did not comply with the Council's adopted House Extensions and Alterations SPD. The agent was made aware of this.

PLANNING HISTORY

Relevant planning history for this site is summarised as follows:-

2007/91933 – Erection of a two storey rear extension – REFUSED.

Relevant planning history for neighbouring sites:

2003/91484, 2003/91485 – 38 & 40 Scholes Moor Road – Erection of two storey extension – Conditional Full Permission – This planning permission is noted as it is similar to that of the proposal. However due to this joint application the impact on residential amenity was relieved. Neither of the 2003 proposals developed beyond the side boundary.

PUBLICITY & REPRESENTATIONS

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters. Final publicity date expired 8th March 2024 – one representation was received. This laid out concerns regarding-

- Obstruction to natural light to the neighbouring property
- Overshadowing and overbearing impact
- The development not being set within a 45 degree line drawn from the nearest edge of the neighbouring window
- Loss of privacy
- Lack of separation distance

Holme Valley Parish Council – No comment

CONSULTATIONS

No consultations were requested for this application.

ALLOCATION & POLICIES

The site is unallocated in the Kirklees Local Plan. The site falls within the Holme Valley Neighbourhood Development Plan area, with associated landscape character area (LCA3)

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application: -

Kirklees Local Plan

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway Safety
- LP22 Parking Provision
- LP24 Design

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2023, 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. Considered to be of relevance to the consideration of this application are policies within the following chapters:

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- Chapter 2 – Achieving sustainable development
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change
- Chapter 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance -

House Extensions and Alterations SPD (June 2021)

Holme Valley Neighbourhood Development Plan –

The site is within the Hade Edge Upland Pastures Landscape Character Area (LCA3)

Legislation

The Town & Country Planning Act 1990 (as amended).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

ASSESSMENT

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area
2. Impact upon residential amenity
3. Impact upon 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 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case, the principle of extending the existing dwelling is acceptable and shall be assessed against the applicable material planning considerations within the following report.

2 – Impact on character and appearance of the area

Policy LP24 (Design) of the Council’s adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Paragraph 130 of the NPPF is also of relevance to the consideration of this application.

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.

Policy 1 of the Holme Valley Neighbourhood Plan HVNP sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA).

Policy 2 of the HVNP 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. Furthermore this policy sets out that development should sit in with and neither dominate or have a detrimental; impact on its surroundings and neighbouring properties.

The site is within Landscape Character Area 3 (LCA3) of the Holme Valley Neighbourhood Development Plan, which relates to hade Edge Upland Pastures and sets out the key landscape characteristics are open landscape with long distance views of the settled corridor of River Holme and Kirklees district, stone walls are a common feature and there is a network of public rights of way.

In terms of built form characteristics LCA3 sets out that there area is characterised by dispersed settlements characterised by former manufacturing, mill buildings and agricultural heritage with millstone grit used in the boundary walls and vernacular building materials.

Section 5 of the House Extensions and Alterations SPD provides advice for specific extensions and alterations. Section 5.6 provides specific guidance on single storey rear extensions, whereas section 5.8 of the SPD relates to two-storey rear extensions:

5.6 Single storey extensions 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 semidetached 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.

5.8 Two-storey rear extensions will be considered based on the extent of over shadowing, loss of privacy and outlook. Generally, two-storey rear extensions should:

- be proportionate to the size of the original house and garden.
- not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings).
- not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties.
- not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary.
- be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre; and
- not adversely affect habitable room windows where they adjoin a neighbour's boundary

The proposed extensions would use similar materials within their construction, thus keeping in character with the local area. The proposed development would not exceed 50% of the total area of land around the original house. The total projection of the single and two storey extension together would measure 5 metres in length out from the rear wall. This is not SPD compliant for this type of dwelling which is semi-detached and the SPD recommends extension projection of 3 metres as a maximum.

Single storey extensions are recommended to have a set off from the boundary of 1 metre and two storey extensions 1.5 metres. The extension would be built up to the shared boundary with the neighbouring dwelling (34 Scholes Moor Road).

The visual impact of the proposal is not considered to be acceptable, as while it would be to the rear and would be constructed from materials to match the host property, it would project 1.5m beyond the south side elevation. This would be visible from public viewpoints and would not be in keeping with the wider street scene.

It is therefore considered that in terms of visual amenity, the proposed extensions are not considered to be acceptable given that it does not comply with Section 5 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework.

The agent was made aware via email and telephone correspondence that the application would be refused on this basis. They consequently enquired about whether a joint application with the adjacent neighbour would strengthen the application however they were informed that it would still be concluded that the scale and design of the extensions would be at significant odds to the parameters set out in the SPD. No further plans were submitted.

3 – Impact on residential amenity:

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. Principle 7 of the House Extensions and Alterations SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Policy 2 of the Holme Valley Neighbourhood Development Plan 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.

Impact on 38 Scholes Moor Road

38 Scholes Moor Road is a semi-detached dwelling located to the south of the application site. The proposed extension would not introduce any additional windows which would face onto this dwelling, and therefore is not considered to impact privacy to this property. The extensions would be located 1 metre from the boundary to this neighbour. Given a distance of 3.5 metres from the extension to this neighbour, it is considered that the neighbour would not be significantly impacted upon in terms of overlooking, overbearing, overshadowing or have their outlook detrimentally impaired.

Impact on 34 Scholes Moor Road

34 Scholes Moor Road is the semi-detached dwelling which is adjoined to the dwelling within the application site, located to the north. With the extension being located on the shared boundary and having a projection over the recommended projections set out in the SPD, the impact of the proposal would be significant given openings to the rear of no.34 which would be close to the proposal, and the size and scale of the proposal in close proximity to these openings.

It is considered that the proposal would cause significant harm to the residential amenity currently enjoyed by the occupiers of this property with the proposal leading to an unacceptable loss of light due to overshadowing. In addition, the proposal would be unacceptable overbearing and oppressive and would have a harmful impact upon the outlook from the rear of this property.

It is considered that the development would lead to overshadowing and be unduly oppressive to the occupiers of this property to such a degree that is unacceptable in this case and for which no mitigation could be secured by condition such that it would overcome the harmful impact of the development in this regard.

It is therefore recommended that, due to the impact of the development upon the residential amenities of the occupiers of this property, the proposed development be refused.

Impact on 14 & 12 Windmill View

14 & 12 Windmill View are dwellings located to the rear of the application site to the west. Due to a significant separation distance of 60 metres from the proposed extensions, it is considered unlikely that the development would harm these neighbours' residential amenity.

In summary, the proposed single and two storey extension, by reason of its scale, massing and its proximity with the dwellings to the east, would result in a development that would be overbearing to the occupants of no. 34 Scholes Moor Road.

The development would be contrary to Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, Policy 2 of the Holme Valley Neighbourhood Development Plan and policies within Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and Policies within Chapter 9 of the NPPF 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 Council's adopted House Extensions and Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

Given the nature of the proposals single storey and two storey extension which would not result in an increase of in bedrooms on site and that there are no changes proposed to the existing access or parking arrangements, it is considered that the proposal would have a neutral impact upon highways safety.

It is considered that waste storage and collection arrangements would remain as existing, and that the proposal would also be in accordance with Principle 16 of the House Extensions and Alterations SPD too.

It is therefore considered that in terms of access and highway safety / parking the proposal would comply with Policies LP21 and LP22 of the Kirklees Local Plan, Principles 15 and 16 of the House Extensions and Alterations SPD and Chapter 9 of the National Planning Policy Framework.

5 – Impact upon Climate Change:

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 predates 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.

Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency.

6 Representations:

One neighbour objection was received stating concerns over the extension impacting residential amenity these have been discussed in section 3 of the report.

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 proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF taken as a whole.

The proposal is therefore considered to be contrary to Policy LP2 which seeks to ensure all development proposals build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places.

For the reason set out in this report, refusal is therefore recommended.

Recommendation

Refuse

Decision Authorisation – Delegated Powers

Application Number: 2024/90240

Officer Recommendation: Refuse

Reason:

1. The proposed development by reason of its scale and massing, would result in a detrimental impact on the appearance of the host dwelling and wider street scene. Furthermore, the proximity to the adjoining dwelling (No.34) to the north would lead to an unacceptable loss of light, causing a significant level of overshadowing, and would be unduly overbearing and oppressive, having a harmful impact upon the outlook of this property. This would be contrary to Kirklees Local Plan Policy LP24b, Key Design Principles 4, 5 and 6 of the Council's adopted House Extensions and Alterations SPD and Policies contained within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan / Document Type	Reference	Version	Date Received
Climate change statement	-	-	31/01/2024
Application form	-	-	30/01/2024
Location Plan	PP-9545065v1	-	31/01/2024
Proposed elevations	-	-	01/02/2024
Proposed floor plans	-	-	20/02/2024
Proposed site/block layout	-	-	31/01/2024

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. No amendments were sought as it was considered that the proposal was unacceptable as submitted, however the agent was made aware of Officers' concerns.

Report Dated: 19/07/2024

Coal – low