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:	**2024/62/91548/W**
Site Address:	38, Birmingham Lane, Meltham, Holmfirth, HD9 5LH
Description:	Erection of front door canopy, rear dormer and hip to gable roof enlargement
Recommending Officer:	Joanna Rednall

DECISION - FULL CONDITIONAL 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.

Kevin Walton

AUTHORISED OFFICER

Date: 25-Jul-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/91548
Location	38, Birmingham Lane, Meltham, Holmfirth, HD9 5LH
Proposal	Erection of front door canopy, rear dormer and hip to gable roof enlargement
Publicity end date	15th July 2024
Number of representations received	None received
Kirklees Local Plan Allocation/Designation	Unallocated
Extension to Time (EoT)	Not required
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	No	
Meltham Town Council	Yes	Noted, but please review the appropriateness of a non-hipped roof.

Planning History	Yes	2016/90294 - Erection of single storey and two storey rear extension *Conditional full permission* 2024/91331 - Certificate of lawfulness for proposed erection of detached garden room and garage conversion. *Pending*
Consultations required	No	

<u>Assessment</u>

Permission is sought for erection of front door canopy and rear dormer.

The measurements of the front door canopy are as follows:

- ~4.9m width
- ~1.1m projection
- ~2.5m eave height
- ~3.2m ridge height

The canopy would be constructed from oak on stone saddles.

The measurements of the rear dormer are as follows:

- ~7.8m width
- ~3.5m projection
- ~2.3m height

The dormer would be flat roof in grey clad. Three windows are proposed to the rear elevation that would serve a master bedroom and ensuite.

The existing roof form would be altered from hipped to gable in design. The hip to gable will be built up stone to match the existing walls and concrete roof tiles.

The Kirklees SPD sets out that front extensions and rear dormer extensons should comply with certain parameters set out at paragraphs 5.4 & 5.14 on pages 27, 31 & 32 (and listed below) and if they do not, they need to be justified:

Single storey front extensions permitted where:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
The house is set well back from the	The house is set well back (~11m) from the pavement and would	

pavement or is well screened	not appear overly prominent from public vantage points.	
The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area	Whilst it is acknowledged that front canopies are not a common feature within the street scene, it is noted that the structure would have a modest scale and would appear subservient to the original build.	
The materials and design match the existing features of the original house	No – the canopy frame would be constructed from oak.	Although the canopy frame would be constructed from oak, the addition is modest and would not significantly impact the appearance of the property within the street scene. The roof materials would match the host.
The extension would not unreasonably affect the neighbouring properties	The height and projection of the canopy is minimal and not considered to unreasonably affect any neighbouring properties	
Dormer extensions should:		
relate to the appearance of the house and existing roof	Yes – the dormer is set within the confines of the existing roof.	
be designed in style and materials similar to the appearance of the existing house and roof	Yes – grey cladding, colour can be conditioned to be dark grey to match colour of the existing roof.	
not dominate the roof or project above the ridge of the house	No – the dormer is large within the rear roof slope.	The dormer would be set within the confines of the existing rear roof which can still be read. In this case weight is awarded to the likely PD fallback that development of a

		similar design and scale could be undertaken using PD rights. Flat roof design ensures the dormer does not project above the ridge of the host.
be set below the ridgeline of the existing roof and within the roof plane	Yes – the dormer cheeks would be set in 500mm from gable and 450mm from party wall. The dormer would not project above the ridge of the roof, and the dormer face would be set back 300mm from the eaves.	
be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant	No – no other dormer extensions within rear elevation street scene.	Likely a PD fallback for development of a similar size.

Design and Visual Amenity: Are the considerations in the following table acceptable?

<u>Summary of local street scene/character:</u>

38, Birmingham Road is a two-storey semidetached property constructed from stone. The property benefits from an integral garage and driveway to the front with private amenity space to the rear. Adjacent to the property are similar semi-detached properties constructed along the same building line. The predominant construction materials are stone for the walls with concrete tile roofs, hipped in design. Opposite the site is a primary school.

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	*Front canopy* The property is set well back from the street and	✓

	• Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	would not appear a prominent addition. *Rear dormer* Located to the rear of the property with limited views from public vantage points. The rear dormer would not appear incongruous within the street and it is noted that works of a similar scale could be undertaken utilising PD rights in any event. *Hip to gable* The hip to gable alteration would appear to unbalance the pair of semi-detached properties, both of which currently feature a hipped roof. In this case, the property benefits from full PD rights where such an alteration could be granted as a fall-back position.	
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	*Front canopy* The scale of the canopy is small and subservient in relation to the original house. *Rear dormer* Original roof form would be clearly visible and the dormer would not dominate the rear roof slope.	✓
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	*Front canopy* Limited height and width, appears proportionate to the host. *Rear dormer*	✓

		Acceptable – set in from eaves, below the ridge and above the eaves.	
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	*Front canopy* Oak frame on stone saddles considered acceptable. *Rear dormer* Dark grey cladding can be secured by condition to ensure that the cladding would match 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	*Front canopy* Lean-to in design. *Rear dormer* Flat roof design considered acceptable for a rear dormer extension.	✓
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	*Front canopy* None proposed. *Rear dormer* Three windows within rear/east facing elevation considered proportionate to the host.	✓
Accessibility for all users	• KDP 17of 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: Are the considerations in the following table acceptable?

<u>The main properties affected are:</u>

- 40, Birmingham Lane – adjoining the application property from the north-facing elevation

- 36, Birmingham Lane – located to the south of the application site
- 101 & 99, Slaithwaite Road – located to the rear of the application site.

There are no properties to the front of the site that would be impacted by the development.

	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)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	The front porch is not considered to impact the privacy of any neighbours. The rear dormer would provide three additional openings facing No 101 & 99 Slaithwaite Road, one being obscurely glazed. A separation distance of 30+ metres is achieved between the application property and the rear elevation of these properties. This is considered sufficient in mitigating undue harm to the privacy of these neighbours.	✓
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 front porch is not considered to impact the outlook/loss of light of any neighbours. The rear dormer is not considered to cause undue harm to outlook/level of natural light at any neighbouring properties.	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c)	The development would not reduce any existing amenity space to the rear. The property benefits from a small	✓

	• Chapter 12 of the NPPF	lawned garden to the front and this would be retained as part of the proposal.	

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	No alterations to highway access. Due to the set back of the property from the highway, the front canopy would enable sufficient parking space to the front of the property.	✓
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	The number of bedrooms would decrease from 4 to 3 as a result of the development (although it's noted that rooms on the first floor are annotated as a study and office). The existing garage does not meet the minimum requirements for modern cars and its removal would not be viewed as the loss of significant parking space. As indicated above, due to the property being set back, sufficient space would be retained to park two vehicles on the existing driveway.	✓
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv)	None shown on plans, however there is sufficient space within the site boundary to	✓

	• Chapter 12 of the NPPF	accommodate bin storage.	

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 • Chapter 12 of the NPPF	N/A	N/A
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	N/A	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 Council - Noted, but please review the appropriateness of a non-hipped roof.	This application is not seeking permission to change the roof form from hipped to gable (Ref: 2024/91331 Certificate of lawfulness for proposed erection of detached garden room, garage conversion and hip to gable roof)	✓

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: 2024/91548
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.

1. 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

2. The hereby approved dormer windows shall be either vertically slate hung with slates that in all respects match those used on the existing roof or be clad in dark grey cladding. The materials of construction shall thereafter be retained.
   Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			06/06/2024
Climate change statement			06/06/2024
Location Plan	24/1001/01		06/06/2024
Existing Block Plan	24/1001/02		06/06/2024
General Arrangements as Existing	24/1001/03		06/06/2024
General Arrangements as Proposed	24/1001/06a		06/06/2024
Proposed Block Plan	24/1001/08a		06/06/2024

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.

Following discussions with the applicant's agent, the description of the development has been amended to include the hip to gable alteration.

Report Dated: 25/07/2024