

**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:	<b>2024/62/93114/W</b>
Site Address:	21, Darnley Close, Meltham, Holmfirth, HD9 4BT
Description:	Demolition of existing garage and link structure and erection of two storey side extension with external alterations
Recommending Officer:	Joshua Merriman

**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: 20-Dec-2024**

## HOUSEHOLDER DELEGATED REPORT

<b>Application Number</b>	2024/93114
<b>Location</b>	21, Darnley Close, Meltham, Holmfirth, HD9 4BT.
<b>Proposal</b>	Demolition of existing garage and link structure and erection of two storey side extension with external alterations.
<b>Publicity end date</b>	12/12/2024
<b>Number of representations received</b>	3 Meltham parish council has stated they support the proposal.
<b>Kirklees Local Plan Allocation/Designation</b>	No allocation in the Kirklees Local Plan.
<b>Extension to Time (EoT)</b>	No
<b>Recommendation</b>	Conditional Full Permission

	<b>NO</b>	<b>YES</b>
<b>Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)</b>	✓	
<b>Contrary to previous decision</b>	✓	
<b>Called in by Ward Member</b>	✓	
<b>Significant number of representations received</b>	✓	

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 2024  
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
- NPPF Chapter 15 – Conserving and enhancing the natural environment

### **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 30** – Biodiversity and Geodiversity
- **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 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

	<b>YES / NO</b>	<b>SUMMARY</b>
Negotiations/Amendments during course of application	No	
Parish/Town Council comments sought	Yes	Meltham Town Council have expressed their support of the application.
Planning History	No	
Consultations required	No	

### **Assessment**

The application seeks permission for a two storey side extension. The proposed extension will project 3.74m from the side elevation of the existing building, the same distance as the current projection of the existing garage which is to be demolished as part of the proposal. The maximum height of the extension will be 6.89m, with an eaves height of 5m, and a depth of 6.94m.

The Kirklees SPD sets out that two storey side extensions should comply with certain parameters set out at paragraphs 5.16 and 5.20 on pages 28 and 29 (and listed below) and if they do not, they need to be justified. In addition, the proposal site lies within a corner plot and therefore paragraph 5.23 of the SPD is also of relevance:

<b>Side extensions should:</b>	<b><u>Yes - COMPLY</u></b>	<b><u>No - JUSTIFY</u></b>
Ensure reasonable levels of natural light to	Due to the positioning 21 Darnley Close and	

<p>the habitable rooms in neighbouring properties</p>	<p>the neighbouring property 19 Darnley Close, and the placement of openings within the properties, it is considered that there will be no significant impact on the natural light to habitable rooms in neighbouring properties.</p>	
<p>Positioning windows to minimise or avoid any potential overlook into neighbouring gardens</p>	<p>The only window proposed in the rear of the extension at the first floor level serves a bathroom window. A condition to secure this window is obscured to ensure no overlooking will occur is recommended. The first floor opening at the front would serve a bedroom, given the siting is back from the front of the host property and distance in relation to neighbouring occupiers opposite it is considered no significant increase in overlooking would occur as a result of this opening. At the ground floor level openings serve a garage, which is a non habitable room, as such it is considered the development would not significantly increase overlooking at the ground floor level particularly taking account of existing screening in place and the distance this element of the scheme is sited from neighbouring occupiers.</p>	

<b>Two storey side extensions should:</b>		
Not take up all or most of the space to the side of a house	The proposed extension will leave the same space as is currently at the side of the property, therefore, no amenity space is lost as a result of the plans, and this is deemed acceptable.	
maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property		No gap is retained to the side boundary at the South of the property, however, external access to the garden is retained to the north of the dwelling, and there is still adequate space between the application property and neighbouring house for the extension to be acceptable.
be set back at least 500mm from the front wall of the house	The extension is set back 2.98m from the front wall of the original house.	

**Design and Visual Amenity:**

*Summary of local street scene/character:*

21 Darnley Close is a two-storey detached property constructed from natural stone, concrete roof tiles, and uPVC windows and doors. The property is surrounded by houses of a similar style, size, age, and character, benefitting from a garage and hard-standing parking area to the North of the property, as well as a garden area to the West.

Consideration has been given here in terms of the proposals impact on the local character and street scene, including subservience, terracing and building line.

	<b>Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF</b>	<b>Further comments</b>	<b>✓ / X / N/A</b>

Impact on the Local character and street scene	<ul style="list-style-type: none"> <li>• KDP1 of the SPD</li> <li>• Policy LP24 Design (a) and (c) of the KLP</li> <li>• Chapter 12 NPPF</li> </ul>	The materials proposed to construct the extension are all to match the existing building, and the proposed extension is therefore concluded to be subservient to the original building, therefore, it is considered that there will be no significant impact on the local character and street scene.	✓
Impact on original house	<ul style="list-style-type: none"> <li>• KDP2 of the SPD</li> <li>• Policy LP24 Design (c) and (d) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	Due to the subservience of the proposed extension, and materials to match the existing house, there will be no significant impact on the original house.	✓
Height, scale and massing	<ul style="list-style-type: none"> <li>• KDP 1 and 2 of the SPD</li> <li>• Policy LP24 Design (a), (c) and (d) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	The proposed side extension is subservient to the original house in terms of height, scale, and massing.	✓
Facing materials and detailing	<ul style="list-style-type: none"> <li>• KDP 9 of the SPD</li> <li>• Policy LP24 Design (d) (iii) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	The wall material will be natural stone, and all windows and doors uPVC. All of this will match the original building.	✓
Roof style	<ul style="list-style-type: none"> <li>• KDP 1 and 2 of the SPD</li> <li>• Policy LP24 Design (a), (c) and (d) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	The roof is proposed to be constructed using concrete tiles to match the existing house.	✓
Window proportions	<ul style="list-style-type: none"> <li>• KDP 1 and 2 of the SPD</li> <li>• Policy LP24 Design (a), (c)</li> </ul>	All proposed windows are proportionate to those existing in the	✓

	<ul style="list-style-type: none"> <li>and (d) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	property in terms of size and positioning.	
Accessibility for all users	<ul style="list-style-type: none"> <li>• KDP 17 of the SPD</li> <li>• Policy LP24 Design (f)</li> <li>• Chapter 12 of the NPPF</li> </ul>	Private domestic extension – no alternate access arrangements required.	✓

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:

- 19, Darnley Close, Meltham, Holmfirth, HD9 4BT – Neighbour to the South West.

	<b>Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF</b>	<b>Further comments</b>	<b>✓ / X / N/A</b>
Impact on privacy of neighbours (to sides, rear and front)	<ul style="list-style-type: none"> <li>• KDP 3 &amp; 4 of the SPD</li> <li>• Policy LP24 Design (d) (iv)</li> <li>• Chapter 12 of the NPPF</li> </ul>	The impact as a result of overlooking is set out in the first table of the Assessment section of this report, in particular the consideration in relation to side extensions 'positioning windows to minimise or avoid any potential overlook into neighbouring gardens'.	✓
Impact on light and outlook of neighbours (to sides, rear and front)	<ul style="list-style-type: none"> <li>• KDP 4, 5, 6 of the SPD</li> <li>• Policy LP24 Design (b)</li> <li>• Chapter 12 of the NPPF</li> </ul>	The only potential impact on light on the neighbouring property would be to 19 Darnley Avenue. Given the openings in no.19 and the scale of the proposal the development is considered acceptable in	✓

		terms of light and outlook to no.19 and is therefore concluded acceptable in this regard.	
Impact on overbearing or overshadowing	<ul style="list-style-type: none"> <li>• KDP 5, 6 of the SPD</li> <li>• Policy LP24 Design (b)</li> <li>• Chapter 12 of the NPPF</li> </ul>	The extension will not have a significant overbearing or overshadowing impact given the openings in no.19 and the scale of the proposal. As such the proposal is considered to be acceptable in this regard.	✓
Remaining garden space of application property	<ul style="list-style-type: none"> <li>• KDP 7 of the SPD</li> <li>• Policy LP24 Design (b) and (c)</li> <li>• Chapter 12 of the NPPF</li> </ul>	The application property will retain a suitably sized amount of private amenity space.	✓

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:

	<b>Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF</b>	<b>Further comments</b>	<b>✓ / X / N/A</b>
Impact on highway safety	<ul style="list-style-type: none"> <li>• KDP 15 of the SPD</li> <li>• Policy LP22 Parking (f) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	The proposal is on a quiet road of only three dwelling; therefore, it is considered that it will have no significant impact on highway safety.	✓
Parking provision	<ul style="list-style-type: none"> <li>• KDP 15 of the SPD</li> <li>• Policy LP22 Parking (f) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	The proposal would lead to additional space in the dwelling such that it is realistically able to be used as a 4 bed dwelling. The space standard for this being 3 off street spaces.	✓

		The proposal would see a garage at ground floor and has demonstrated the reconfiguration of the front amenity space such that it is considered possible for the accommodation of three vehicles within the curtilage of the dwelling. As such it is considered the parking provision set out as part of this application is suitable in this case.	
Provision for waste storage	<ul style="list-style-type: none"> <li>• KDP 16 of the SPD</li> <li>• Policy LP24 Design (d) (iv)</li> <li>• Chapter 12 of the NPPF</li> </ul>	Although nothing specific is detailed in the submitted plans, the property will retain its existing space for waste storage.	✓

To ensure acceptable parking provision is undertaken, conditions shall be included relating to use of the garage for vehicular parking only and also that any surfacing works are satisfactorily drained.

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:**

	<b>Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF</b>	<b>Further comments</b>	<b>✓ / X / N/A</b>
Impact on trees	<ul style="list-style-type: none"> <li>• KDP 13 of the SPD</li> <li>• Policy LP24 Design (d) (i) (iv) Policy LP33 Trees</li> <li>• Chapter 12 of the NPPF</li> </ul>	The application site is close to some surrounding TPO's; however, the proposal is not considered to be in such proximity as to have a significant impact upon these trees.	✓
Impact on ecology	<ul style="list-style-type: none"> <li>• KDP 12 of the SPD</li> <li>• Policy LP30</li> </ul>	While the site is within a bat alert and twice buffer layer, the scale / nature of the proposal is not	✓

	<ul style="list-style-type: none"> <li>Chapter 15 of the NPPF</li> </ul>	considered to have significant impacts to roosting potential. It is recommended that in this case an appropriate approach of the LPA is the inclusion of an informative note upon and grant of permission which alerts the applicant of their private responsibilities if any signs of bats or twites, or potential to disturb those protected species are found.	
Carbon Budget / Climate change statement	<ul style="list-style-type: none"> <li>KDP 8, 9, 10 &amp; 11 of the SPD</li> <li>Policy LP51</li> <li>Chapter 14 of the NPPF</li> </ul>	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"> <li>KDP 14 of the SPD</li> <li>Policy LP24 (d) (vii), LP27 and LP34 of the KLP</li> </ul>	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
Meltham Town Council have expressed their support of the application.	Noted.
The position of the third proposed parking space at the property would prevent other	New plans were submitted by the applicant moving this space to directly in front of the application property, with the car at a different orientation.

vehicles from easily manoeuvring into their own spaces via the shared driveway.	
The extensions frontage being extended forwards would potentially obstruct footpath access to the neighbouring property No.19.	The impact of the development upon a right of access across the site by a third party is a consideration which is afforded minimal weight in the determination of this application. This would constitute a civil matter between the respective land owners, and suitable legal agreement(s) entered into. An informative note advising that any grant of permission does not override existing legal covenants / rights of access is recommended to be included upon any grant of permission.
Overlooking of neighbours	An assessment of the impact of the development upon overlooking is set out in the 'Residential Amenity' section of this report.
The practicalities of the building works could result in damages to the front garden of No.19.	Potential damages as a result of the construction process is a matter which can be afforded little weight given it would relate to a matter which can be controlled by separate legislation should such an occurrence take place.
location of skips and work vehicles throughout the proposals construction should be demonstrated as part of the application.	It is considered that, given the scale of the development, it would be unreasonable of the LPA to insist upon a construction management plan to be submitted as part of this application.
The proposal does not set out widening of the drive	The assessment of this application is undertaken on the basis of the submitted detail and access arrangements remaining as exists already.
Easement protects right of access over the access to the dwellings	Any grant of planning permission would not over-ride existing legal covenants and an informative note to this effect would be included upon grant of permission.
proposal would obstruct the private drive	The submitted detail has been concluded to demonstrate that satisfactory parking arrangements would remain as a result of the development / would be possible to be undertaken within the curtilage of the application site.
Scope to provide a third space horizontally	The amended plans the subject of this application demonstrate such a parking arrangement.
Deeds have a clause relating to amendments to the facade of the building and requirement for permission from the original developers	It is considered this is a legal matter to which little weight can be afforded by the LPA in the determination of this application.
Concerns would be alleviated if the proposal was for a first floor extension above the existing garage	This application is assessed on the basis of its own merits.



**Reason:** In the interests of residential amenity and to accord with Policy LP24 of the Kirklees Local Plan, principles 3 and 4 of the House Extensions and Alterations SPD and policies contained within Chapter 12 of the NPPF.

4. Notwithstanding the plans submitted the external walls and roofing materials of the development 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.

5. Any new surfacing for vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

**Reason:** In the interests of highway safety and to achieve a satisfactory layout to accord with Policies LP21 and LP22 of the Kirklees Local Plan, the Council's adopted Highways Design Guide and the policies within Chapter 9 of the National Planning Policy Framework

6. 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) the detached garage hereby approved shall not be used for any purpose other than for the parking of a vehicle incidental to no 21 Darnley Close, Meltham, Holmfirth, HD9 4BT.

**Reason:** To ensure suitable off street vehicular parking is provided to accord with policies LP21 & LP22 of the Kirklees Local Plan, principle 15 of the adopted SPD on House Extensions and Alterations and Policies within Chapter 9 of the National Planning Policy Framework.

**NOTE:** Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 42 of the The Conservation of Habitats and Species Regulations 2017. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

**NOTE:** The applicant is advised that the granting of planning permission does not over-ride any existing legal covenants / rights of access and easements.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Date Received</b>
Application Forms	-	06/11/2024
Climate Change Statement	-	06/11/2024
Location Plan	278-24-PL03_A	06/11/2024
Existing Floor Plans Elevations and Site Layout	278-24-PL01_A	06/11/2024
Proposed Floor Plans Elevations and Site Layout	278-24-PL02RevD	10/12/2024

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. It was not considered necessary to seek any amendments/further information during the course of this application.

**Report Dated:**