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**Report of the Head of Strategic Investment**

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 20-Jul-2017**

**Subject: Planning Application 2017/90642 Erection of rear and side extensions  
46, Meltham Road, Honley, Holmfirth, HD9 6HL**

**APPLICANT**

Mr & Mrs K McGowan

**DATE VALID**

23-Feb-2017

**TARGET DATE**

20-Apr-2017

**EXTENSION EXPIRY DATE**

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Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

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**Electoral Wards Affected: Holme Valley North**

No

Ward Members consulted

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### **RECOMMENDATION**

**DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report.**

#### **1.0 INTRODUCTION**

- 1.1 This application was originally brought to Sub-Committee for determination on 22<sup>nd</sup> June 2017 at the request of officers with the agreement of the Chair in accordance with the delegation agreement.
- 1.2 The reason officers requested a Sub-Committee determination was because the original scheme was amended to overcome objections on the grounds of residential amenity at the request of officers. The amended proposal was initially considered to be, on balance, acceptable. However, for the reasons set out in the original report it could not be supported.
- 1.3 Members undertook a site visit on 21<sup>st</sup> June and debated the application at the committee meeting on 22<sup>nd</sup> June. Members resolved to defer the application asking that it be re-considered and amended to mitigate the harm to the neighbouring dwelling (no 44). An amended plan was received on 3<sup>rd</sup> July and a further period of publicity has been undertaken, although this had not expired at the time of writing.
- 1.4 The report below has been updated to refer to the amended plans with reference made to the original scheme reported to committee.

## **2.0 SITE AND SURROUNDINGS**

- 2.1 No.46 is a two storey semi-detached dwelling faced in stone with blue slates on the hipped roof. The dwelling has off-road parking to the front, accessed directly from Meltham Road, and a private garden space to the rear. The dwelling has a single storey side section.
- 2.2 The semi-detached properties along this section of Meltham Road were built at the same time and share a common design. However many benefit from rear extensions. This includes nos. 48, 50 and 52 to the west of the site which have two-storey and single storey extensions to the rear. To the east of the site no 44 has a single storey rear conservatory extension. Further east nos.42 and 40 Meltham Road are set at an angle to other properties and face the junction of Meltham Road with Grasscroft Road.
- 2.3 Land around the application site rises east to west. Whilst nos.46 and the attached 44 are on the same ground level as the land level rises from east to west nos.48/50 are on a higher ground level.

## **3.0 PROPOSAL**

- 3.1 The extension, as amended, is to be two storeys in height and would project 3.0m from the rear elevation. It would be set in from the shared boundary with no.44 by 0.4m. It would also project 1.25m beyond the side elevation, towards no. 48, and includes a first floor extension over the existing single storey side extension. The roof is to be hipped. Changes to the original roof would be required to accommodate and align the roof of the two storey extension.
- 3.2 Habitable room windows are proposed on the rear elevation of the extension only. Three rooflights are proposed within the original roof. The rooflights would provide light to a bathroom and bedroom which otherwise have no natural means of light. Other proposed windows, to serve non-habitable rooms, include a corridor on the first floor front elevation and a toilet in the ground floor side elevation.
- 3.3 All materials are to match those of the host building. The extension would provide a 'living kitchen' on the ground floor and a master bedroom with en-suite to the first floor.

## **4.0 RELEVANT PLANNING HISTORY**

### **4.1 48, Meltham Road (built concurrently with No. 50)**

2007/91075: Erection of two storey extension (modified proposal) – Conditional Full Permission (Implemented)

2014/91903: Erection of single storey rear extension – Conditional Full Permission (Implemented)

4.2 50, Meltham Road (built concurrently with No. 48)

2007/90079: Erection of two storey and single storey extension and installation of solar panels – Conditional Full Permission (Implemented)

2014/91902: Erection of single storey rear extension – Conditional Full Permission (Implemented)

4.3 52, Meltham Road

2014/93696: Erection of single and two storey extensions and demolition of conservatory and outbuildings – Conditional Full Permission (Implemented)

**5.0 HISTORY OF NEGOTIATIONS**

5.1 The proposal, as originally submitted, sought a two storey rear extension to project 4.3m, with the single storey projecting a further 1.7m for a cumulative 6.0m. There was no set in from the boundary with no.44. The case officer had concerns to the proposal on grounds of overdevelopment and a harmful impact upon no.44.

5.2 Discussions were held between the case officer and the applicant's agent. The case officer requested the two storey extension be limited to having a 3.0m projection, and that the single storey extension be set in from the boundary by 1.5m. This arrangement would match the rear extensions approved at nos.48 and 50. It was envisaged this would overcome the perceived overbearing harm upon no.44.

5.3 These amended plans received were re-advertised by neighbour letter. Two further objections were received. While the case officer had requested amendments that may have overcome the neighbours' concerns, this could not be achieved. Taking into account of the perceived harm to the residential amenity of the occupiers of no. 44 and the representations received, officers determined that they were unable to support the proposal.

5.4 The application was presented to members at the committee meeting on the 22nd June. Members resolved to defer the application, as they were unable to support the proposal in its submitted form. The reason given was to allow the applicant and agent to re-consider and amended the proposal to mitigate the harm to the neighbouring dwelling (no 44).

5.5 Following the meeting discussions were held between the case officer and the application's agent, taking into account members debate at the meeting. Further amended plans were received on the 3<sup>rd</sup> of July and another round of publicity undertaken. The revised scheme has deleted the single storey element of the rear extension. This means that the rear extension has been reduced from 6m to 3 m in overall projection and comprises a two-storey extension.

## 6.0 PLANNING POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25<sup>th</sup> April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

6.2 The site is Unallocated on the UDP Proposals Map.

6.3 Kirklees Unitary Development Plan (UDP) Saved Policies 2007

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)
- **T10** – Highways accessibility considerations in new development

6.4 Kirklees Publication Draft Local Plan: Submitted for examination April 2017

The site is without allocation or designation in the publication draft local plan.

### POLICIES

- PLP21 – Highways and access
- PLP24 – Design

6.5 National Planning Guidance

- **Paragraph 17** – Core planning principles
- **Chapter 7** – Requiring good design

## 7.0 PUBLIC/LOCAL RESPONSE

7.1 The application was original advertised by a site notice and letters to neighbouring dwellings. Subsequent amended plans were advertised by neighbour notification letter. This is in line with the Councils adopted Statement of Community Involvement.

7.2 The latest amendment plans have been advertised by neighbour notification letter. Furthermore interested parties who previously made representation on the proposal were directly emailed. The end date for publicity is 18<sup>th</sup> of July, 2017. Representations received following the publication of the agenda will be reported to members in the update.

7.3 At the time of writing no further representations have been received in objection to the amended proposal. No representations have been received in support.

#### 7.4 Objections

Three representations in objection to the proposal have been received from local residents during the course of the application (these objections do not relate to the latest set of plans). One representation was received to the original plans and two further to the first set of amended plans. Below is a summary of the concerns raised;

- Personal upset caused to the occupier of no.44.
- The proposed extension is too large and would have a detrimental impact upon the amenity value provided by no.44's garden through overbearing and overshadowing.
- No.44's conservatory would be overshadowed, making it useless.
- Loss of value and saleability of no.44.
- Impact upon visual amenity within the area.

7.5 Ward Councillor Charles Greaves contacted the case officer regarding the application. In respect of the original submission he stated: "I think a double 3m and a single 6m at this location is too much. One or the other maybe, but both would be too much in my view - perhaps setting it in would reduce some of the impact". Following the receipt of amended plans Cllr Greaves contacted the case officer and asked that the application be brought to sub-committee with a site visit if minded to approve. The planning reason for this was so that members could consider the size of the extension and the impact it would have on the garden of the neighbouring property. Notwithstanding Cllr Greaves' request, the reason this application is brought to committee is as set out in Paragraph 1.2.

#### 7.6 Support

No representations in support of the proposal were received.

### 8.0 **CONSULTATION RESPONSES**

8.1 No consultations were required.

## 9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Other matters
- Representations

## 10.0 APPRAISAL

### Principle of development

- 10.1 The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states;

*Planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]'*

- 10.2 All these considerations are addressed later in this assessment.

### Urban Design issues

- 10.3 The extension would be faced and roofed in materials matching the host building, which is acceptable in principle. To ensure suitable matching materials are used, it is considered necessary to condition samples are submitted to the Local Planning Authority.
- 10.4 The rear extension is considered to have a design and appearance which reflects and harmonises with the design of the host building. Regarding scale and massing, by projecting 3.0m the two storey rear extension is in keeping with the guidance of Policy BE14, in terms of impact on visual amenity. In this context it is not considered that the rear extension would appear either incongruous within the setting of, or be visually detrimental to, the appearance of the host building. Furthermore the extension would not be particularly visible in the wider streetscene, given its location to the rear.
- 10.5 The side extension is small in scale and set well back. It will not be prominent within the area and would have limited impact upon the streetscene. While being of an alternative design to other two storey side extensions in the street, it is considered subservient to the host building and is deemed to harmonise well with the host building.
- 10.6 Regarding the changes to the roofline, it would retain the overall design of the existing roof. While it would result in no.46's roof varying from no.44's roof, changing the balance of the semi-detached pair, this is not without precedence on the street. As noted various other dwellings benefit from two storey rear extensions, which have differing impacts on the original roofs

between pairs of semi-detached properties. In this context it is considered that no.46 would not appear incongruous in its setting or be visually detrimental to the semi-detached properties of which it forms part.

- 10.7 Given the above considerations it is concluded that the proposal's design, as a whole, complies with Policies D2, BE1, BE2, BE13 and BE14 of the UDP, Chapter 7 of the NPPF and Policy PLP24 of the emerging local plan.

#### Residential Amenity

- 10.8 The proposed two storey extension would be built close to the shared boundary with no.44. In addition to rear windows, no.44 has a conservatory extension adjacent to this boundary. The conservatory projects 2.6m, 0.4m less than the proposed extension. Because of its location along the common boundary the proposal has the potential to cause overbearing impact and overshadowing upon no.44.
- 10.9 In regards to overbearing, at a projection of 3.0m it is not considered that the proposal would unduly harm the amenity of no.44's occupiers. It is noted that 3.0m complies with Policy BE14's guidelines for domestic extensions – provided this retains a good level of amenity for the adjacent property. Furthermore the hipped roof design reduces the massing of the extension, as does the deletion of the previously proposed single storey extension which would have projected a further 3m into the garden area. It is noted that the conservatory window facing towards no.46 is obscurely glazed, with only a minimal view of the extension from the conservatory's principal outlook: the proposal will not therefore result in a significant loss of outlook or sense of enclosure to users of the conservatory.
- 10.10 When considering overshadowing, as the extension is located to the conservatory's west, with the host building being to the south, there will be overshadowing, in particular to the side windows of the conservatory but limited to late evening in summer. There clearly would be a loss of light as the glazed windows would be blocked by the wall of the new structure but this would occur with any new development along the boundary. Taking into account the reduction to the rear projection of the proposed extension, the orientation of the properties and the design of the extension it is not considered that the impact of this would be materially harmful to no.44's occupiers.
- 10.11 Notwithstanding the above consideration must also be given to the impact on no.44's external amenity space. When compared to other dwellings on Meltham Road, no.44's garden is small in scale and therefore potentially more susceptible to neighbouring extensions. The revised proposal projects 3 metres from the original rear elevation, reduced from the previously proposed 6 metres. It is considered that this would not be unduly invasive or overly prominent when viewed from no.44's amenity area. It is however considered necessary to remove permitted development rights for outbuildings, to prevent cumulative massing of development impacting on no.44's amenity. Further rear extensions to the dwelling cannot be achieved via permitted development.



- 10.12 No windows are proposed that would permit an invasive overlooking of no.44's private amenity space or habitable room windows.
- 10.13 To no.46's west is the detached no.48. No.48 benefits from a two storey rear extension, projecting 3.0m, and a single storey extension projecting a further 3.0m for a cumulative projection of 6.0m. As a result no.46's proposed extension will not be visible from any of no.48's habitable room windows, preventing a harmful overbearing or overshadowing impact. This includes no.48's rear garden area.
- 10.14 Considering the above it is concluded that the proposal would not result in material harm to neighbouring residents. The proposal is therefore deemed to comply with Policies D2 and BE14 of the UDP, Paragraph 17 of the NPPF and Policy PLP24 of the emerging local plan.

#### Highway issues

- 10.15 The proposal will retain one off-road parking space on site and will not change the access arrangement. One parking space is considered substandard, with two parking spaces being sought for a both a two and three bedroom dwelling.
- 10.16 Conversely, while the proposal will change the dwelling from a two bed to three beds, it is not considered that there will be a material increase in demand for parking given the overall scale of the proposed extensions and rooms provided.
- 10.17 It is noted that Meltham Road is capable of hosting on-street parking. It is concluded that the proposal will not result in material harm to the safe and efficient operation and is deemed to comply with policy T10 of the UDP.

#### Other issues

- 10.20 There are no other material planning considerations for the proposal.

#### Representations

- 10.21 Three letters of objection have been received to date although the latest round of publicity on the amended plans had not expired at the time of writing. Below are the issues which have been raised that have not been addressed within this assessment.

- Loss of value and saleability of no.44
- Personal upset caused to the occupier of no.44

**Response:** The loss of value of a dwelling is not a material planning consideration. While the case officer sympathised with the impact on feelings, personal upset does not form a material planning consideration. The impact on the residential amenity has been assessed in the appraisal.

10.22 Consideration has been given to the representations received to the previous versions of the proposal. It is considered that the amended proposal has overcome all material planning considerations that were previously raised, relating to harm to residential and visual amenity.

## **11.0 CONCLUSION**

11.1 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.

11.2 This application has been assessed against relevant policies in the development plan and other material considerations and it is considered that the development would constitute sustainable development and is therefore recommended for approval.

## **12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)**

1. 3 year time limit to commence development
2. Development carried out in accordance of approved plans
3. Materials to match existing dwelling
4. Removal of PD rights for outbuildings
5. Side facing WC window to be obscurely glazed

## **Background Papers**

Application and history files can be accessed at:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f90642>

Certificate of Ownership: Certificate A signed