

**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: 2021/62/90219/W

Site Address: 5, Park Riding, Northgate, Honley, Holmfirth, HD9 6QL

Description: Erection of extensions and alterations to garage create dwelling forming annex accommodation associated with 5, Park Riding, Northgate, Honley, Holmfirth, HD9 6QL

Recommending Officer: Katie Chew

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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 02-Jun-2021

Officer Report

Site Description

5, Park Riding, Northgate, Honley, Holmfirth, HD9 6QL

The application site relates to a two-storey semi-detached dwelling located off North Gate to the north west. The application site benefits from a detached garage and shared driveway, with garden/amenity areas to the front and rear.

The adjoining property no. 3 Park Riding is a Grade II Listed Building, the Historic England listing description is as follows –

‘SE 11 SW NORTH GATE 1/228 (Honley)

16.1.67 Park Riding (formerly listed as No 3 under Park Riding)

II

Detached house. Late C18 with alterations and additions. Hammer dressed stone with ashlar quoins. Stone slate roof with gable copings on large, built-up kneelers. Two storeys and attic. Entrance front (south-east gable); 3 bays. Sashes with glazing bars. Central doors with segmental fan. Single light in pediment with segmental false arch. Sashes to side elevations. Interior said to have doors with 6-fielded panels and sunk-panelled window shutters. Dower-house of Armitage family. ‘The History of Honley’, M A Jagger, 1914’.

Description of Proposal

The application seeks planning consent for the erection of extensions and alterations to garage to create dwelling forming annex accommodation associated with 5, Park Riding, Northgate, Honley, Holmfirth, HD9 6QL

The proposals seek to convert the existing garage and kitchen into a 2 bedroomed annex complete with living room and bathroom facilities. The existing kitchen is to be demolished and replaced with a single storey side extension measuring approximately 9.3m x 4m, with a ridge height of 3.7m.

The proposals seek to install several new windows and doors into the building.

History of negotiations/amendments received

Amendments have been sought to amend the red line boundary of the application site due to concerns over land ownership. Additional alterations were also requested to the submitted plans to reduce the overall scale and size of the proposed annex and remove some of the proposed hardstanding to the side of the building in the interests of visual amenity and the impact on the openness of the Green Belt.

Relevant Planning History

97/93102 – Listed Building consent for erection of detached garage. Consent not required 13th November 1997.

97/92957 – Listed Building Consent for internal alterations. Approved 13th November 1997.

90/06440 – Erection of extension to form kitchen (Listed Building). Approved 30th January 1991.

90/06441 – Listed Building Consent for demolition of timber lean-to, erection of kitchen extension, re-roof existing entrance, internal alterations. Approved 18th January 1991.

88/01939 – Listed Building Consent for restoration and extension to cottage. Approved 28th June 1988.

88/01938 – Erection of extension to existing cottage and erection of detached garage (Listed Building). Approved 28th June 1988.

Representations

Final publicity date expires:

Press Notice – Expired 12th March 2021.

Neighbour Letters – Expired 15th March 2021.

Site Notice – Expired 9th March 2021.

1 representation has been received in objection to the proposals, details are summarised below.

- The development proposed if approved should be restricted to the original footprint of the existing garage and kitchen extension and to internal alterations only given its location in the green belt/conservation area;

Officer note: Noted, proposed impact on the green belt is discussed in more detail further into the report.

- Concerns over the proposals impact on the setting and significance of the adjacent Grade 2 Listed Building;

Officer note: Noted, this is discussed in more detail under the heritage impact assessment of this report.

- The proposed annex would have a footprint nearly as large as that of the applicant's main house. This would alter the scale, character, and balance of building within the whole of the Park Riding curtilage and would impact on the visual amenity of the area;

Officer note: Noted, this is discussed in more detail within the principle of development section of this report.

- The applicant would only need to install a kitchen for this development to be classed as a separate dwelling;

Officer note: Noted, a condition has been attached to the decision to ensure that the annex is used as ancillary accommodation and will not be sold or leased as a separate residential dwelling.

- The design and materials proposed are not in keeping with the character of the adjacent listed building in a conservation area;

Officer note: Noted, materials are discussed in more detail under the visual amenity section of this report.

- There is insufficient space within the curtilage of the applicant's property for the parking of 4 cars. With the loss of the garage and the proposed rear bedroom the applicant will have reduced space for parking and bin storage;

Officer note: Noted. However, the Council's Highways officers have assessed the proposals and deemed there to be sufficient car parking proposed for the site, even if parking had to be reduced to just 3 cars.

- The boundaries of the applicant's property have been inaccurately shown on these plans as they include part of the driveway owned by no. 3 Park Riding. The applicant merely has a right to pass and repass over that part of the drive outside of their ownership subject to the applicant paying one half of the cost of repairing and maintaining the drive. Any increased user of this right of way would be inconsistent with this right which was determined at the date of conveyance in 1997;

Officer note: Noted. Amended plans have been provided to rectify any concerns over landownership.

- The access from Northgate to Park Riding is sited on a dangerous bend on a narrow road, an increase in users at the application site could result in highway safety issues;

Officer note: Noted. However, the Council's highways officers have assessed the proposals and raised no objections subject to conditions.

- Part of the extension and path may extend into the adjoining field of which is in the ownership of no. 3 Park Riding. If this were to be the case then such encroachment would be in breach of a covenant which restricts and building on this adjoining land, and obstruct the existing right of way which provides access for the owners of the adjoining land;

Officer note: Following on from numerous discussions with the applicants agent and submitted land registry details it is confirmed that the proposals would not encroach into the adjacent field.

- Concerns that the annex could be used for commercial purposes in the future such as holiday lets, bed and breakfast or air bnb;

Officer note: Noted, a condition has been included which restricts the use of the annex strictly for private ancillary accommodation. Therefore, planning permission would need to be sought if the applicant wishes to alter its use to holiday let etc.

- Due to a number of thefts in the area security gates were installed at the end of the driveway. If there were to be increased visitors the security provided by the gate would be markedly reduced;

Officer note: Noted. However, this would fall outside of the planning remit.

- There are concerns that if the annex is approved, there could in time be a gradual erosion of the green belt and conservation area from future development;

Officer note: Noted, although each application is assessed on its own merits.

- Concerns over unauthorised parking, restricting access to no. 3's garage.

Officer note: Noted. However, the Council's Highways team have assessed the proposals and raise no objections to the proposal subject to conditions.

- The boundary wall shown on the plans is not in the ownership of the applicant;

Officer note: Unfortunately, this would be a legal matter that would need to be resolved outside of the planning application.

Officer note: Amended plans were received given the concerns raised by the adjacent neighbouring property in respect to land ownership. Informal consultation was undertaken with the adjacent neighbours whereby it was confirmed via email on the 19th April 2021 that the neighbours now had no

objections to the red line boundary, subject to observations made to the ownership of a boundary wall and right of access shown on the submitted Parking and Bin Location Comparison Plan drawing no. 210408_ASK001 Rev 01. However, this would be a civil matter and it was confirmed by the Council's Highways team that should a fourth parking space not be able to be utilised due to this boundary wall/access, 3 car parking spaces would be sufficient provision at this site and therefore would be acceptable. In addition to this, the neighbours raised concerns over the accuracy of the proposed blue line boundaries shown on the submitted plans, as this is not specifically relevant to the location in which the application is proposed, this would be a civil matter that would fall outside the remit of this planning application.

Further amendments were made to reduce the overall scale and size of the annex; however, re-consultation was not undertaken on this issue as it bore no relationship with landownership or car parking issues, it also sought a reduction in massing which in turn reduced concerns for visual and residential amenity. It is in officer's opinion that no third party would be negatively impacted by the decision not to re-consult in this instance.

Consultation Responses

KC Ecology Unit – No comments have been received within statutory timescales.

KC Highways Development Management – Comments received 18th May 2021. Highways consider that there is sufficient parking provided for both the existing dwelling and the new annex, the application is therefore considered to be acceptable subject to conditions.

Parish/Town Council Comments

Holme Valley Parish Council – Comments received 18th March 2021. Support.

Local Ward Members

N/A.

Planning Policy Background

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The application site is unallocated in the Kirklees Local Plan but is located within the Green Belt, a Bat Alert Area, Strategic Green Infrastructure Network and Holme Valley Neighbourhood Plan Area. It is also important to note that there is a Grade II Listed Building to the south of the application site.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP21 – Highway Safety**
- **LP22 – Parking Provision**
- **LP24 – Design**
- **LP30 – Biodiversity & Geodiversity**
- **LP31 – Strategic Green Infrastructure Network**
- **LP35 – Historic Environment**
- **LP51 – Protection and Improvement of Local Air Quality**
- **LP52 – Protection and Improvement of Environmental Quality**
- **LP57 – The Extension, Alteration or Replacement of Existing Buildings**

Neighbourhood Development Plans

Holme Valley Neighbourhood Development Plan has been formally submitted to Kirklees Council and Peak District National Park Authority. It covers the whole of the Holme Valley Parish Area. The plan has not been subject to publicity (Regulation 16, The Neighbourhood Planning (General) Regulations 2012) at this time. There are unresolved objections between the Kirklees Council and the neighbourhood plan body therefore the plan has no weight at this stage.

Supplementary Planning Guidance:

Kirklees Council is currently in the process of producing its supplementary planning guidance on House extensions. Although this is at the draft stage, it does need to be considered in the assessment of planning applications with some weight attached. The general thrust of the advice is aligned with both the Kirklees Local Plan and the National Planning Policy Framework, requiring development to be considerate in terms of the character the host property and the wider street scene.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 19th February 2019, 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving Sustainable Development
- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving well-designed places

- Chapter 13 – Protecting Green Belt Land
- Chapter 14 – Meeting the challenge of climate change, coastal change and flooding
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Summary of Principal Planning Issues

The following matters are considered in the assessment below -

- 1) Principle of development
- 2) Impact on heritage assets
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Conclusion

1 - Principle of Development:

1.1 – Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

1.2 – Land Allocation (Green Belt)

The site is allocated as Green Belt on the Kirklees Local Plan.

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt. Paragraph 143 of the NPPF states that inappropriate development should not be approved except in 'very special circumstances'.

Paragraphs 145 and 146 of the NPPF set out that certain forms of development are exceptions to 'inappropriate development'. Paragraph 145 sets out that the extension or alteration of a building could be appropriate provided it does not result in disproportionate additions over and above the size of the original building. Policy LP57 of the Kirklees Local Plan is consistent with advice within the NPPF.

Policy LP57 of the Local Plan relates to the extension, alteration and replacement of existing buildings in the Green Belt. In the case of extensions,

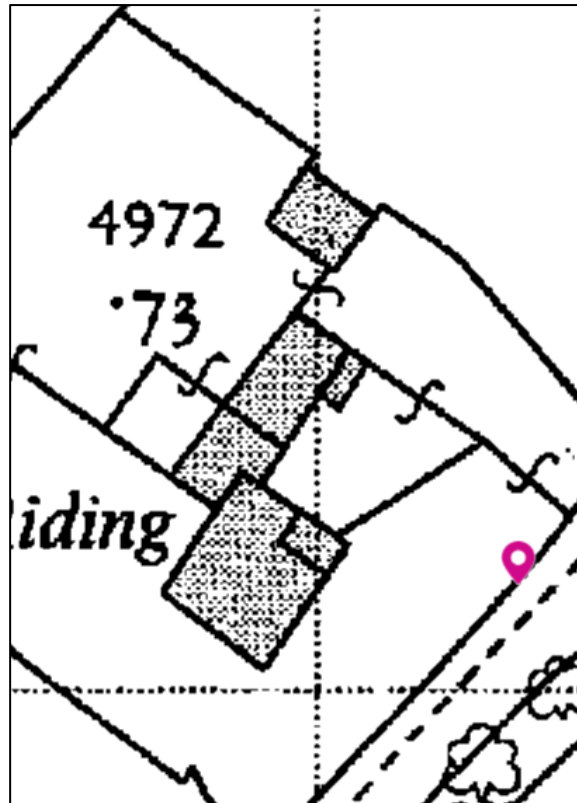
it notes that these will be acceptable provided that the original building remains the dominant element both in terms of size and overall appearance. Policy LP57 also outlines that such development should not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standing, curtilages and enclosures and means of access. Further to this, Policy LP57 states that with such development, the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.

Whether the proposal is inappropriate development in the Green Belt

Officers consider that the proposed extensions and conversion to the garage/kitchen would be adjunct to the host dwelling and could therefore be considered as an 'extension' to the host building. An assessment is therefore required as to whether the proposed single storey extension to the garage/kitchen would constitute a disproportionate addition over and above the size of the original dwelling.

As a starting point it is important to understand what constitutes the 'original building'. The glossary within the NPPF defines 'original building' as: *"A building as it existed on 1st July 1948 or, if constructed after 1st July 1948, as it was built originally"*.

From reviewing the available information it would appear that the host dwelling and outbuildings in its current form follows results from applications approved in 1988, 1990 and 1997. By utilising historic OS maps it appears that the site subject to the application pre-dates 1948 and possibly formed 2 cottages originally, with a large outbuilding to the north, with the clearest map available being from 1955 (as shown below). It is in officer's opinion that this is how the building was originally built and shall be assessed as such within this report. It is not known if the building to the north now forms the garage or if this has been rebuilt, however it is considered that weight can be attached to the presence of the building to the north that could be considered original.



The footprint of the original building is approximately 96.3sqm, with the garage to the north being classified as original at 35.3 square metres, in total 131.6 square metres. A kitchen extension has been constructed to the side and rear with a floor space of 28 square metres. With respect to the extension to the garage this is 38.5 square metres. When this is combined with the extensions to the dwelling it takes additions at the property to 66.5 square metres or a 50% increase in floor area. Whilst cubic volume would typically be used as the best indicator of the scale of additions to a building, plans of the original building are not available. It is considered that an increase in floor area of 50% combined with the single storey nature of the extensions and the two storey scale of the original dwelling would lead to the cubic volume increase being significantly less than a 50% increase.

The scale of additions to the property, combined with the design of the extension which is single storey in scale, has a ridge height set down from the main body of the garage and the fact that it replaces a former addition to the garage is considered to sufficiently demonstrate that the building would not represent a disproportionate addition to the property. Furthermore, it is noted that a greenhouse that was previously attached to the garage until very recently and evident on the site photographs has been removed to facilitate the extension, further reducing built form at the site. Turning specifically to the design of the proposal, it would lead to the garage have a generally contemporary feel with large sections of glazing. Such an approach is not opposed subject to an assessment on its impact on the adjacent listed building which is undertaken below. The addition to the garage is considered to be clearly read as a subservient addition to the original building given the

ridge height is set down and the slight set back from the front elevation. The use of matching materials would help it to harmonise with the existing building. The design of the extension is therefore considered to be acceptable.

However, it is noted that the site still benefits from permitted development rights, given the scale of additions and the potential ability to erect further outbuildings which may be disproportionate in scale and to protect the openness of the Green Belt it is considered appropriate to withdraw permitted development rights for the property.

In conclusion the principle of development in the Green Belt is considered to be acceptable.

2 - Impact on Heritage Assets:

The site is within close proximity to a Grade II Listed Building (no. 3 Park Riding), which is located to the south of the application site.

Section 66 of the Planning (Listed Building & Conservation Areas) Act (1990) states that for development which affects a Listed Building or its setting, the local planning authority shall have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP25 states: *“Development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm”*. This harm will be assessed and discussed later in the report.

The proposed extension and alterations would be approximately 23.5m away from the listed building and would be largely visually separated from this heritage asset by the existing host dwelling (no. 5). Given the above factors and the relatively modest scale of the extensions proposed, it is considered that the proposals would not cause harm to the significance of this nearby listed building or its setting.

3 – Impact on Residential Amenity

Sections B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers”.

Further to this, paragraph 127 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Whilst residential dwelling no. 3 Park Riding is located to the south of the application site and shares the driveway with no. 5. Given the separation distances between the proposed annex and this neighbouring property, there are no concerns in respect to overlooking, overshadowing, or the proposals appearing overbearing in nature on this dwelling.

Given that an annex is proposed there is no objection to the use, however given that the curtilage has not been designated it is considered appropriate to restrict the use to an annex only.

It is considered that the proposed development would not cause undue harm to the residential amenity. It is therefore considered that the proposed development complies with Local Plan Policy LP24 and Chapter 12 of the National Planning Policy Framework.

4 – Highways Safety

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposals will lose one car parking space within the single garage and will create an additional 2 bedrooms within the proposed annex. It was considered reasonable to consult the Council's Highways Development Management Team who raised no objections to the proposals subject to a condition outlining that the annex shall solely be used as private ancillary accommodation. The host dwelling comprises of 2 bedrooms and therefore 2 parking spaces are deemed to be sufficient, an additional parking space is proposed to the front of the property, with a potential fourth space being provided adjacent to the proposed bin store. In addition, highways confirm that there is a sufficient gap between the 3 parking spaces and the single space to allow for turning within the site to allow cars to exit in forward gear. Given that the parking areas is already surfaced it is not considered necessary to attach any specific to provide these.

For the aforementioned reasons it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, and the guidance contained within the National Planning Policy Framework.

5 – Other Matters:

Biodiversity

Whilst it is acknowledged that the application site is located within a bat alert area, given the nature of the proposals and that the existing garage appears to be well sealed at the roof and eaves, it is unlikely that roosting bats would be found during construction works. However, an informative is recommended in case roosting bats are found during works.

Climate Change

On 12th November 2019, the Council adopted a target for achieving a '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, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Considering the small-scale 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. The proposed development would therefore comply with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

There are no other matters for consideration.

6 - 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, on balance, the proposed development would constitute sustainable development is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation – Delegated Powers

Application Number – 2021/90219

Officer Recommendation – Approve

Conditions & 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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP21, LP22, LP24, LP30, LP35 and LP57 of the Kirklees Local Plan and Chapters 9, 12, 13, 14 and 15 of the National Planning Policy Framework.

3. The materials used for the external walls and roof of the extension hereby approved shall in all respects match those used in the construction of the existing buildings.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4. The annex hereby approved shall be used solely as ancillary accommodation to the existing dwelling house known as 5 Park Riding, Northgate and as such shall not be sold, leased, or used as an independent dwelling unit or let out as holiday accommodation.

Reason: The site is unsuitable to accommodate a separate dwelling without it being cramped or causing harm to the amenities of the occupants of the adjacent dwellings, in the interests of highway safety and in order to comply with Policies LP21, LP22 and LP24 of the Kirklees Local Plan and Chapters 9 and 12 of the National Planning Policy Framework.

5. 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) no development included within Classes A, AA, B, D or E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority within the site outlined in red on the hereby approved site plan Dwg No. P000 Rev 01.

Reason: To prevent the further development of the site which would be cumulatively disproportionate in scale to the original host building, in the interest of preserving the character of the Green Belt, in accordance with Policy LP57 of the Kirklees Local Plan and Chapter 13 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 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a license. 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 found then contact Natural England.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Site Location Plan	-	-	8 th April 2021
Site Plan	P000	01	25 th May 2021
Existing Plans	P001	-	21 st January 2021
Proposed Plans	P002	03	25 th May 2021
Proposed Drainage Plan	P003	02	25 th May 2021
Parking and Bin Location Comparison	210408_ASK001	01	25 th May 2021

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amendments have been sought to amend the red line boundary of the application site due to concerns over land ownership. Additional alterations were also requested to the submitted plans to reduce the overall scale and size of the proposed annex and remove some of the proposed hardstanding to the side of the building in the interests of visual amenity and the impact on the openness of the Green Belt.

Report Dated:

26/05/2021

