

**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: 2021/62/90291/W

Site Address: 45, Hightown Lane, Holmfirth, HD9 3HY

Description: Erection of single storey extension to rear and partial demolition of boundary wall

Recommending Officer: Lucy Taylor

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 30-Mar-2021

Officer Report.

Reference: 2021/90291

Location: 45, Hightown Lane, Holmfirth, HD9 3HY

Proposal: Erection of single storey extension to rear and demolition of section of boundary wall.

Site Description.

45 Hightown Lane is a two-storey detached property located in Holmfirth. The property is constructed from stone and has a hipped roof, infilled with slate tiles. At present, a small timber shed projects from the rear elevation of the dwelling, together with a stone boundary wall with saddleback coping.

The property is located within a residential area, where there is a variety of houses types and styles in the streetscene. However, a lot of the dwellings along Hightown Lane share a similar traditional appearance, constructed from stone. The house adjoins Wood Lane to the north. Wood Lane is the route of public footpath HOL/100/10.

The application site is located within the Holmfirth Conservation Area and classified Green Belt is located to the rear boundary of curtilage.

Description of Proposal.

Permission is sought for the erection of a single storey rear extension and the demolition of a section of boundary wall.

Single Storey Rear Extension:

The proposed single-storey rear extension will be erected in place of an existing timber shed and a section of boundary wall at the property and will infill the space currently set forward from the rear extent of the dwelling. The extension will therefore project, 2.65 metres from the existing wall to which it will be erected, have a width of 4.10 metres and a maximum height of 5.5m to the ridge and 3.45 to the eaves. The extension will be constructed from natural stone and will have a lean-to roof infilled with blue slate tiles.

With regard to fenestration, windows are proposed in the rear and side elevation and roof lighting is proposed in the form of two velux windows.

Within the interior of the dwelling, the extension will function as a utility room.

Boundary wall

A section of boundary wall between the rear wall of the house and the gatepost to the pedestrian access is to be removed to facilitate the extension.

History of Negotiations.

The agent was contacted to confirm that the gatepost to be removed with the wall would be re-instated and that a handrail attached to this wall would also be re-instated. Written confirmation was received and the wording of conditions agreed with the agent.

Relevant Planning History.

No relevant planning history.

Representations.

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters, a site notice and within the newspaper, collectively expiring on 22nd March 2021 – no representations were received.

Consultation Responses.

Holme Valley Parish Council – support the application.

Policy/Legislation.

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 site is not specifically allocated in the Kirklees Local Plan however, it is located in the Holmfirth Conservation Area.

Kirklees Local Plan:

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP24** - Design
- **LP35** – Historic environment

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.

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF)

published February 2019, together with Circulars, Parliamentary Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 12** – Achieving well-designed places
- **Chapter 15** – Protecting and enhancing the natural environment
- **Chapter 16** - Protecting and enhancing the historic environment

Assessment.

The Following matters that will be considered as part of the assessment of the proposal are set below. These considerations will be looked at in detail individually:

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations

1. Principle of Development:

The site is located within the Holmfirth Conservation Area. Therefore, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities pay special attention to preserving or enhancing the character and appearance/setting of buildings or land within a Conservation Area. This relates to Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

Furthermore, LP35 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, if any is deemed to occur, will be assessed and discussed later in the report.

Alongside this, LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy LP24 of the KLP is also relevant and states that “good design should be at the core of all proposals in the district”.

1. Impact on Visual Amenity

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan and Chapter 12 of the NPPF, which seeks to secure

good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.

The proposed single-storey extension at 45 Hightown Lane will be subservient when viewed in conjunction with the two-storey host dwelling, further emphasised through the harmonisation of the proposed materials with the dominant dwellinghouse. In addition, the lean-to roofing style will further mitigate any potential of excessive bulking and massing from the proposed development. Due to the 'infill' style of the extension, it will not result in overdevelopment to the rear of the dwelling.

The fenestration on the rear and side elevations is of a simple form, previously established on the dwellinghouse. The velux windows are small in size and scale and are considered an appropriate contemporary addition to the dwellinghouse.

It should also be acknowledged, that the appearance of the proposed development is more suitable than the existing timber structure in which it will replace, in terms of harmonisation with the host dwelling and streetscene.

The loss of a section of boundary wall, this is not shown to be retained on the plans and the extension would be built just off the side wall of the dwelling, is regrettable. However, as previously stated the replacement extension would provide a visual improvement to the site, removing a poor quality wooden structure with a felt roof. The gatepost would be re-used and the handrail attached to the wall – which provides support for the public using the very steeply rising public footpath adjacent – would also be re-instated. This is a public benefit which outweighs the less than substantial harm accruing from the demolition of the wall.

For these reasons, it can be concluded that the extension will harmonise with the dwellinghouse and existing features within its curtilage and be of a simple form that will not compete with the principle dwelling. The demolition of the wall, subject to conditions, would not cause undue harm and would provide public benefit through the re-instatement of the handrail. Therefore, the proposed works at 45 Hightown Lane would adhere to the aesthetic appearance of the surrounding area both spatially and visually and resultantly, adhere to the appearance of the Holmfirth Conservation Area. In turn, appropriately according with Policies LP35 and LP24 of the Local Plan and Chapter 16 of the NPPF.

2. Impact on Residential Amenity

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to *“provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.”*

The impact of the development on each of the surrounding properties will be assessed in turn.

- *43 Springfield Bank* – This property is located to the south of the application site. The proposed extension at 45 Hightown Lane will have no impact upon this neighbouring property in terms of overbearing, overshadowing or neighbouring privacy. This is because, the extension is to be constructed on to the furthest side of the dwelling away from this neighbouring property and the existing rear elevation will mitigate any impacts, blocking its presence entirely.

In summary, the application is considered to have an acceptable impact on residential amenity and therefore complies with Policy LP24 and the KP from this perspective.

3. Impact on Highway Safety

The proposed rear extension will not increase domestic use of the property, nor will it alter existing parking arrangements or access to and from the property in conjunction with the adjoining highway. The pedestrian access to the rear garden appears to be retained. Wood Lane, from which this pedestrian access is taken, is a very steep road which also forms the route of a public right of way. There is an existing handrail alongside the gable wall of the house and the boundary wall which provides a useful support for users of this footpath. Agreement has been reached with the applicants that the section of handrail to be dismantled when the boundary wall is demolished, will be re-instated. This would be beneficial to users of the footpath.

Subject to this the development would not directly or indirectly harm users of the footpath. For these reasons, the proposal is considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan.

4. Other Matters

Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

In this case, due to the nature of the proposal it is not considered reasonable to require the applicant to put forward any specific resilience measures. In addition, it should be acknowledged that the extension is to be constructed from stone, a natural material which is wholly recyclable.

Bats

The application site lies within the bat alert layer on the Council's GIS system. As such, careful attention has been paid when looking for evidence of bat roof potential.

In this instance, the property appeared well sealed around the eaves and roof area and the existing structure to be demolished – due to its height and roof form - was judged unlikely to contain roosting bats. However, it should also be acknowledged that no alterations to the existing main roof are proposed from the erection of the proposed rear extension. Even so, as a cautionary measure, a note will be added to the decision notice stating that if bats are found development shall cease and the advice of a licensed bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

5. Representations

No representations were received.

6. Conclusions

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: Approve

Decision Authorisation - Delegated Powers

Application Number: 2021/90291
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.

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, in the interests of the significance of the Holmfirth Conservation Area and to accord Policies LP24 and LP35 of the Kirklees Local Plan.

3. The external wall and roof construction materials of the rear extension hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and in the interests of the significance of the Holmfirth Conservation Area and to accord Policies LP24 and LP35 of the Kirklees Local Plan.

4. The handrail, attached to the section of boundary wall to be taken down to accommodate the extension, shall be re-instated on completion of the roof of the extension and before the extension is first brought into use. The handrail shall be re-instated at the same height as existing and adjoined to the remaining handrail which runs along the gable wall of the dwelling.

Reason: In the interests of highway and pedestrian safety as the handrail provides support for the users public footpath HOL/100/10 which runs adjacent to the site. This would comply with Policy LP21 of the Kirklees Local Plan.

5. The stone gatepost, from the section of boundary wall to be taken down to accommodate the extension, shall be re-used as a gatepost to the pedestrian entrance to the rear garden. The gatepost shall be re-instated before the extension is first brought into use and thereafter retained.

Reason: In the interests of visual amenity and in the interests of the significance of the Holmfirth Conservation Area and to accord Policies LP24 and LP35 of the Kirklees Local Plan.

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 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 application site is located in a low coal risk area.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans – Block plan	Block plan proposed	-	3.2.21
Plans – Block plan	Block plan existing	-	3.2.21
Plans – Grouped Plans and Elevations	Dwg no. 04 proposed	-	3.2.21
Plans – Grouped Plans and Elevations	Dwg no. 03 existing	-	3.2.21
Plans – Location Plan	Location plan	-	3.2.21
Supp Info – Conservation/Heritage Assessment	Heritage Statement	-	3.2.21

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments were sought but the agent was requested to confirm that the gatepost and handrail would be re-instated.

Report Dated: 30.3.21

