

**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: 2021/62/90350/W

Site Address: 153, West End, Netherthong, Holmfirth, HD9 3EJ

Description: Erection of single storey side extension to dwelling and extension to detached garage to form garden room (within a Conservation Area)

Recommending Officer: Tom Hunt

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: 12-Apr-2021

Officer Report

Site Description

2021/90350 – 153, West End, Netherthong, Holmfirth, HD9 3EJ

153 West End is an unlisted two storey originally detached house which appears to date to the 19th century and is located within the Netherthong/Deanhouse Conservation Area. The garage at the southern end of the site is partially outside the conservation area boundary. It is constructed of stone and slate tile roof. Access to the site is off a private road from Towngate and the secluded site enjoys a substantial garden plot. To the south boundary, No. 153 benefits from a double garage with pitched roof constructed of similar materials to the host dwelling. Adjacent to the boundary of this site are the Grade II listed 149 Town Gate, 155 Town Gate and All Saints Church.

Description of Proposal

Erection of single storey side extension to dwelling and extension to detached garage to form garden room (within a Conservation Area)

The one storey garage extension would project from the northeast/side elevation by 3.2mm and be 6.42m width while being constructed over changing ground levels. The roof would be lean-to and from the host building ground level would be 2.75m roof ridge height and eaves at 1.1m approximately. From the lower ground level, the roof ridge height would be 4m and 2.2m approximately. The extension would be lower than its garage host due to the ground level change. There would be windows and glazed doors facing northeast towards the Church and no other openings to the side elevations. It would serve as a garden room. The proposed materials of the garage extension are natural stone and artificial stone tiles to match the existing, uPVC windows and glazed timber door.

The one storey side extension would project forward of the primary elevation by 1.5m and its southeast elevation would be a width of 4.8m then extend 6.9m in depth to finish with the rear elevation of the extension measured at 4.5m. The rear elevation of the proposed extension would be stepped in 0.4m from the rear elevation of the host dwelling. This would serve a dining room to the fore and rear a study and wash room. The proposed materials of the house extension are natural stone to match the existing, a flat roof with parapet walls, a lantern roof light and timber framed windows.

History of negotiations/amendments received

The case officer considered the application on review and sought to have more detail concerning the parapet after the Conservation and Design

Officer's response to consultation and clarification on the house extension placement.

Relevant Planning History

2007/92915 – Proposal: ERECTION OF A DETACHED GARAGE (DWELLING WITHIN A CONSERVATION AREA). Decision: FC - CONDITIONAL FULL PERMISSION. Decision date: 24/09/2007.

Officer Note: Permitted development rights were removed in 2007/92915, specifically Condition 3:

“Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and any Order revoking or superseding it with or without modification, no window or other openings other than those shown on the approved plans shall be formed in the external walls or roof of the garage without the prior written approval of the Local Planning Authority.”

Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. Given the scale and size of the proposals in a secluded residential area viewed against existing built form, it was deemed that a site notice and a press notice were not required in this instance and therefore we have publicised this application via neighbour notification letters only which expired 05/04/2021.

No representations were received.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- Conservation & Design– No objections.
- Holme Valley Parish Council – Support subject to Conservation & design being satisfied with plans

Policy

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 within the Netherthong/Deanhouse Conservation Area on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 30 – Biodiversity
- LP 33 – Trees
- 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 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.

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

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity (including any heritage considerations)
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology (e.g. bats)
- 5) Representations
- 6) Conclusion

1 – Principle of development:

The site is located within the Netherthong/Deanhouse Conservation Area on the Kirklees Local Plan. 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. Given that the site is unallocated Policy LP1 of the KLP is relevant which 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. The principle of developing the site is considered to be acceptable subject to an assessed of visual amenity and heritage, residential amenity, highway safety and all other material planning considerations.

2 –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. With respect to heritage Policy LP35 of the Local Plan and Chapter 16 of the NPPF are relevant. Policy 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”.

The Conservation Officer requested detailed plans on the parapet and received them to assess that the proposal had sufficient regard for the Conservation Area's special character and quality. The proposal has been assessed by the Conservation Officer and is not considered to harm the character or significance of the conservation area or the setting of the listed buildings. Therefore no public benefits are required to mitigate the scheme. Regarding the proposal for the host dwelling's side extension, the front elevation would be forward of the principal elevation and normally this would not be regarded as subservient. The site has some limitations with the extension unable to be built on the boundary in order to avoid Party Wall issues which restricts its layout and so is set back from the rear boundary. On balance, weighing up the site restrictions with the limited height of the single storey extension, flat roof with parapet walls and use of matching materials would be considered to be sufficiently subservient to meet LP24. In addition, it is set some distance from the surrounding listed buildings and would be of no harm to the character of the Conservation Area.

The existing detached garage which in turn is located at the southern boundary of the site's substantial garden and is proposed to have a modest 3.2m extension projecting from the side elevation set lower than the garage minimising its impact and scale, the proposed materials match the existing and would be considered a subservient extension in scale.

The proposal would also retain sufficient garden space to ensure that the scheme does not represent an overdevelopment of the site.

The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and protect

the character and appearance of the conservation. The proposal would therefore accord with Policies LP24 and LP35 of the Local Plan and Chapters 12 and 16 of the NPPF.

3 – 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 proposed extension and alterations are assessed upon whether they would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking. The closest properties to be affected by the development are 153A (northwest), All Saints Church (northeast), 48 Netherlea Drive (southeast), No. 54 (south west) and 155 West End (west).

Turning to All Saints Church, it would be over 45m from the house and 60m from the garage separation distance and is set within large grounds. In addition, the Conservation Officer considered that there was no harm to its setting as a Listed Building. Bearing in mind the single storey extensions would be small in scale and would be separated considerable distance it is considered that there would be no detrimental overbearing, overshadowing or overlooking impact.

With regard to No. 48 and 54 (south), the single storey extension for the host dwelling would have increased glazing outlook compared to existing however it is considered that at 26-28m separation distance set at angles to each other, that this would not lead to any detrimental overbearing, overshadowing or direct overlooking impact. In relation to the garage extension and No. 48, the extension is located on the opposite side of the building and mainly to the east side of the detached garage, this would ensure that there would be no detrimental overbearing, overshadowing or overlooking impact. The garage extension and No. 54 would have a separation distance of approximately 13m and bifold doors facing northwest from sunroom (a habitable room) directly out to No. 153's garden. There would not be any direct overlooking into their rooms and there would be a boundary treatment of hedging which would screen views between the two buildings. It would be situated northeast of the garage and set down so it would not add any detrimental impact to overshadowing to its neighbours being limited to winter months over No. 153's garden area. Bearing in mind the single storey extensions would be small in scale, set down into the lower ground and would be separated 13m with screening, it is considered that there would be no detrimental overbearing, overshadowing or overlooking impact.

With regard to no. 155, the proposed extensions would be located on the opposite side of the building and mainly to the side of no. 153 being mainly

blocked from view, the garage extension would be visible but set at 49m separation distance would not intrude on No.155 being of matching materials and small scale which would ensure that there would be no detrimental overbearing, overshadowing or overlooking impact.

4 – Impact on highway safety:

Turning to highway safety, Policies LP21 and 22 of the Local Plan have been considered along with the KC Highway Design guide. The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking.

The proposed development would not adversely affect or remove the existing parking spaces within the site and therefore would not cause additional harm to highway safety.

5 – 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 pre-dates 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.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

Biodiversity

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

6 – Representations:

No representations had been received.

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

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

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2020/93795

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, and to accord Policy LP24 of the Kirklees Local Plan.

3. The external roofing materials of the garage 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 to accord with Policy LP24 of the Kirklees Local Plan.

4. The external roofing parapet detail of the host dwelling's side extension hereby approved shall in all respects match those detailed in 'Proposed Parapet detail and sample photos. Drawing No: PL-05. Project no: 20-726. Dated: April 2021'.

Reason: In the interests of visual amenity to preserve and enhance the Conservation Area's historic interest as desirable and to accord with Policy LP24 and LP35 of the Kirklees Local Plan.

5. The external walls of the hereby approved extensions shall be constructed of natural stone and laid in courses to match the existing.

Reason: In the interests of visual amenity to preserve and enhance the Conservation Area's historic interest as desirable and to accord with Policy LP24 and LP35 of the Kirklees Local Plan.

NOTE: Due to its 'Bat Alert' location, a bat roost may be present on site. Bats are a European protected species under section 43 of the Conservation of Habitats and Species Regulations 2017. 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 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 found Natural England should be contacted.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans - Existing Elevations	Existing Elevations. Drawing No. EX-03. Project No. 20-726. Dated: 01/21.		01/02/2021
Plans – Existing Floor Plans	Existing Floor Plans. Drawing No. EX-02. Project No. 20-726. Dated: 01/21.		01/02/2021
Plans - Grouped Plans and Elevations	Proposed Garage Plans and Elevations. Drawing No. PL-04. Project No. 20-726. Dated: 01/21.		01/02/2021
Plans - Grouped Plans and Elevations	Existing Garage Plans and Elevations. Drawing No. EX-04. Project No. 20-726. Dated: 01/21.		01/02/2021
Plans – Location Plan	Site Location Plan and Existing Site/Roof Plan. Drawing No. EX-01. Revision: A. Project No. 20-726. Dated 01/21.	Rev: A	15/02/2021
Plans – Proposed Elevations	Proposed Elevations. Drawing No. PL-03. Project No. 20-726. Dated 01/21.		01/02/2021
Plans – Proposed Floor Plans	Proposed Ground Floor and Roof Plan. Drawing No. PL-02. Project No. 20-726. Dated 01/21.		01/02/2021
Plans – Proposed Site/Block Layout	Proposed Site/Roof Plan. Drawing No. PL-01. Project No. 20-726. Dated 01/21.		01/02/2021
Supp Info – Conservation/Heritage Assessment			15/02/2021
Plans – Grouped Plans and Elevations	Proposed Parapet detail and sample photos. Drawing No: PL-05. Project no: 20-726. Dated: April 2021		07/04/2021

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 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. The case requested the applicant submit a detailed plan of the parapet detail to ensure the scheme upheld the special

character of the Conservation Area in response to the Conservation and Design Officer's request.
Dated 9-4-21