

**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: 2021/62/92223/W

Site Address: Moss View, Cinder Hills Road, Holmfirth, HD9 1EE

Description: Erection of first floor front extension with balcony, two front dormer windows and enlargement of dormer window to the rear (Within a Conservation Area)

Recommending Officer: Katie Chew

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: 06-Aug-2021

Officer Report

Site Description

Moss View, Cinder Hills Road, Holmfirth, HD9 1EE

The application site relates to a 1960's stone built detached dormer bungalow which benefits from an integral garage and driveway to the front. The property also has garden/amenity areas to the front, side and rear. The property is accessed from Slack Lane and the site is partially located within a Conservation Area.

The host dwelling is constructed from natural stone, concrete pan roof tiles and white UPVC doors and windows.

Description of Proposal

The application seeks planning permission for the erection of first floor front extension with balcony, two front dormer windows and enlargement of dormer window to rear (within a Conservation Area).

The proposed first floor front extension is to measure approximately 2.1m x 6.2m, with a ridge height of 4.8m. The extension will create a sitting area and shower room at first floor level. The extension will also provide a balcony area which will measure approximately 1.2m x 4.5m, enclosed by a glass balustrade measuring 1.1m in height. The balcony will be raised above the ground floor level by approximately 2.7m.

The proposed 2 dormers to the front are both to measure approximately 1.4m in width, 2.1m in depth, and 1.5m in height.

To the rear the gable stonework to the existing dormer window is to be extended by approximately 2.6m x 6m, the height of the dormer window will remain the same at 4.4m. This extension will allow both existing bedrooms on the first floor to be slightly extended in size.

Materials to be used within the proposed extensions and alterations include natural stone, imitation slate roof tiles, and white UPVC windows and doors.

History of negotiations/amendments received

No amendments have been sought in this instance.

Relevant Planning History

There is no relevant planning history at the application site or at adjacent sites.

Representations

Final publicity date expires:

Neighbour Letters – Expired 14th July 2021.

Press Notice – Expired 16th July 2021.

Site Notice – Expired 4th August 2021.

No representations have been received to date.

Consultation Responses

KC Ecology Unit – No comments received within statutory timescales.

KC PROW – No comments received within statutory timescales.

KC Conservation and Design – Comments received 22nd July 2021. No objections.

Parish/Town Council

Holme Valley Parish Council – 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 a Bat Alert Area, Strategic Green Infrastructure Network, and Holme Valley Neighbourhood Plan Area. It is also important to note that the site is

partly within a Conservation Area to the west, there is a Listed Building located to the north west, and a PROW runs along the site to the north.

Kirklees Local Plan (LP):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highways and Access
- LP22 - Parking
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP35 – Historic Environment

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- House Extensions and Alterations Supplementary Planning Document (2021)

Neighbourhood Development Plans

The Holme Valley Neighbourhood Development Plan has reached an advanced stage of preparation and the independent Examiner's Report has been received. Although the plan has yet to be subject to a referendum in the affected area, it is a material planning consideration in decision making and weight has been attributed in accordance with NPPF (July 2021) paragraph 48.

The emerging policies relevant to this application, following receipt of the independent Examiners Report which are to be put forward to referendum, including key considerations from these policies are:

Policy 1: Protecting and Enhancing the Landscape Character of Holme Valley.

“Overall, proposals should aim to make a positive contribution to the quality of the natural environment”.

Policy 2: Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design.

“Proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings” and [proposals] “should protect and enhance local built character and distinctiveness and avoid any harm to heritage assets...”.

Policy 11: Improving Transport, Accessibility and Local Infrastructure.

“New development...should provide off-road parking provision in line with Kirklees Local Plan Policy LP22 (Parking) and the Council’s latest guidance on highways design”.

Policy 12: Promoting Sustainability.

“All new buildings should aim to meet a high level of sustainable, design and construction and be optimised for energy efficiency, targeting zero carbon emissions”.

Policy 13: Protecting Wildlife and Securing Biodiversity Net Gain.

“All development proposals should demonstrate how biodiversity will be protected and enhanced”.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th July 2021, 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 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- 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) Scale, design and visual impact of the proposed development
- 3) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 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.

In this instance, it can be stated that the principle of development of this application is acceptable; and as a result, is subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise.

2 - Impact on Visual Amenity and Heritage Assets:

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. The Council's recently adopted (June 2021) House Extensions and Alterations SPD should also be taken into consideration. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24 states that all proposals should promote good design by ensuring the following:

'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape' and that 'extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers'.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area. This development falls partly within Underbank Conservation Area, the impact on this area will be assessed below.

Furthermore, this relates to Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

LP35 states that:

‘Development proposals affecting a designated heritage asset...should preserve or enhance the significance of this asset. In cases likely to result in substantial harm of loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm’.

Moss View is a detached dwelling constructed in the 1960's and is located partially within the Underbank Conservation Area. The conservation area boundary follows a previous field boundary which is no longer in existence and the construction of the house pre-dated its designation. Moss View is late 20th century in design and does not contribute to the significance of the conservation area, although it has been constructed in natural stone which blends in with the local character. Throughout the area there are a number of residential dwellings which all vary in scale, size and design. A number of these properties have also been extended or altered in some way over the years. It is therefore considered that dependent on design, scale and detailing it may be acceptable to extend the host property.

The proposed extension and alterations to the front of the dwellinghouse will be openly visible from the public domain however, given that the dwelling is stepped back from the highway and set at a significantly higher ground level than Slack Lane the alterations are not considered to dominate the streetscene or appear as alien features in this location. To the rear the existing dormer is to be extended, this change would not be openly visible to the public and would be minor in scale and size. The residential curtilage is considered to be of a sufficient size to ensure that the proposals would not amount to overdevelopment of the site, and a reasonably sized amenity area would be retained. Materials to be used within the proposed extensions and alterations include natural stone, imitation slate roof tiles, and white UPVC windows and doors.

In terms of the impact on Underbank Conservation Area, the proposed alterations are considered to be simple in design and small in scale and size. The Council's Conservation & Design officer was consulted on the proposals and considered the scheme to not have any impact on the character of the Conservation Area. The Parish Council support the application. The proposal would therefore accord with Planning Policy LP35 and LP24 of the Kirklees Local Plan, Chapters 12 & 16 of the National Planning Policy, and the Council's recently adopted SPD 'house extensions and alterations'. The proposals are also in accordance with Policies 2 and 12 of the Holme Valley Neighbourhood Plan.

3 – Impact on Residential Amenity:

The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is echoed within sections B&C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should: -

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

Furthermore, the Council’s adopted SPD for house extensions and alterations provides additional details under key design principles 3: privacy, 4: habitable rooms and side windows, 5: overshadowing/loss of light, 6: preventing overbearing impact and 7: outdoor space. These will be discussed in more detail within the below assessments.

Neighbouring properties with the most potential to be impacted by the proposals are discussed below.

Impact on Green Mount

This neighbouring dwelling is located to the east of the application site, although the garden/amenity area to this dwelling does also wrap around to the rear of Moss View (to the south). This dwelling is most likely to be impacted upon by the proposed first floor front extensions and rear extension to the existing dormer window. As no windows are proposed within the eastern elevations of the proposed front extension or the enlargement to the existing rear dormer window, there are no concerns in respect to overlooking. In addition to this whilst a balcony is proposed to the front of the host dwelling Moss View is located at an angle pointing away from Green Mount, this coupled with the extensive planting which currently exists between both of the dwellings, there are no concerns in respect to the loss of privacy in this instance. Furthermore, the extensive planting, angle and location of the host dwelling and the separation distance of approximately 25m also ensure that the proposals will not appear overbearing or significantly overshadow any habitable room windows or garden/amenity areas.

In conclusion, taking the above into account it is considered that the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and paragraph 130 of the National Planning Policy Framework. The proposals are also considered to be in accordance with the Council’s adopted house extensions and alterations SPD and Policy 2 of the emerging HVNP.

4 – Impact on Highway Safety:

Paragraph 111 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.

As no changes are proposed to the existing access or car parking arrangements, and no additional bedrooms are to be created by the proposals, it is in officer’s opinion that the scheme would not represent any additional harm in terms of highway safety and as such the proposals comply with Local Plan Policies LP21 and LP22 of the Kirklees Local Plan, the

guidance contained within the National Planning Policy Framework and Policy 11 of the Holme Valley Neighbourhood Plan.

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 eaves appear to be well-sealed, it is unlikely that bats would be roosting within the host dwelling and therefore it is considered that the addition of an informative in this instance would be sufficient to ensure that roosting bats are not disturbed if found during construction works.

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.

The proposal is for a small-scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards. The proposed development is therefore considered to comply with Policy LP51 of the Kirklees Local Plan, Chapter 14 of the National Planning Policy Framework and Policy 12 of the Holme Valley Neighbourhood Plan.

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 that the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation:

Approve.

Decision Authorisation – Delegated Powers

Application Number: 2021/92223

Officer Recommendation: Approve.

Conditions & Reasons:

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
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 Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and with the Council's adopted SPD 'house extensions and alterations'.

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	Version	Date Received
Location Plan	-	-	7 th June 2021
Existing Elevations	MV/2021/01	-	28 th May 2021
Existing Floor Plans	MV/2021/02	-	28 th May 2021
Proposed Elevations	MV/2021/03	A	28 th May 2021
Proposed First Floor Plan & Roof Plan	MV/2021/04	B	28 th May 2021
Heritage Statement – Supporting Information	-	-	7 th June 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. No amendments were sought in this instance as the proposals were deemed to be acceptable upon submission.

Report Dated:

05/08/2021