

**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: 2021/62/92455/W

Site Address: Rakes Bridge House, Main Gate, Hepworth, Holmfirth,
HD9 1TJ

Description: Erection of detached garage (within a Conservation
Area)

Recommending Officer: William Simcock

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: 28-Sep-2021

Officer Report 2021/92455

Rakes Bridge House, Hepworth

Site Description

Rakes Bridge House is a large modern detached two-storey dwelling situated within extensive grounds. The plot is on the north-eastern side of Main Gate and the house is set back about 30m from the access point. The dwelling and much of the front garden is set slightly below highway level although the land rises towards the western edge of the plot, near Main Gate House.

Description of Proposal

The proposal is for the erection of a semi-subterranean detached garage. It would be 11.5m in width and 13.0m in depth, oriented on a south-west to north-east axis parallel to the driveway with the entrance doorway facing north-east. The garage would be largely accommodated to the existing contours of the land so that the front elevation would be about 3.4m high (including the stone parapet) above ground but the rear elevation (i.e. that facing south-west, towards the highway) would be predominantly below ground, with only the uppermost 1.2m visible. It would have a gently sloping roof in zinc and a patent glazing ridged rooflight in the middle. All externally visible parts of the garage walls would be faced with drystone walling.

History of negotiations/amendments received

None.

Relevant Planning History

2011/92619 – Demolition of existing dwelling and erection of detached dwelling. Approved and implemented.

Representations

Final publicity date expires: 13-Aug-2021 (publicity by site notice and press advert in addition to neighbour letters on the grounds of the site being within a Conservation Area).

Holme Valley Parish Council comments – Support.

No representations received from any other third party.

Consultation Responses

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

KC Planning Conservation & Design – No objections

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 Hepworth Conservation Area on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 24** – Design
- **LP 35** – Historic environment

Supplementary Planning Documents:

- KC Highways Design Guide 2019

The following SPDs were adopted on 29th June 2021 can be viewed on the council's website at <https://www.kirklees.gov.uk/beta/planning-policy/adopted-supplementary-planning-documents.aspx>:

- House Extensions and Alterations Supplementary Planning Document
- Open Space Supplementary Planning Document

These are now a material consideration in the determination of planning applications.

The following two documents have also recently been approved by Cabinet and these can be viewed at: <https://www.kirklees.gov.uk/beta/planning-applications/guidance-and-advice-notes.aspx>

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 16 – Conserving and enhancing the historic environment.

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.)

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 in the Hepworth Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities shall pay special attention to the desirability of preserving or enhancing the appearance of buildings or land within a Conservation Area.

Chapter 16 of the NPPF states that harm to heritage assets (including Conservation Areas and buildings within them) should not be allowed without a proportionate justification based on public interest.

Turning to the Local Plan, LP35 states that development proposals must preserve or enhance the significance of designated heritage assets, maintain local distinctiveness whilst allowing innovative design where it would not harm heritage assets.

The Householder Extension and Alteration SPD and the Holme Valley NDP are also material considerations.

Any implications for highway safety will also be considered as required by Policies LP21-22.

2 –Impact on visual amenity: The Local Plan does not contain specific guidance on domestic outbuildings. However, part 5.6 of the Householder Extensions and Alterations SPD recommends that outbuildings should normally be subservient to the original building and its garden, be set back

behind the building line so as not to dominate the street scene, and preserve a reasonable amount of private amenity space.

Within the Holme Valley NDP, the site is deemed to fall within Landscape Character Area 7 (River Holme Wooded Valley). Under Policy 1, proposals should retain and respond positively to the distinct identity of the area. Policy 2 requires that development to protect local character, utilise existing assets, and that contemporary design and materials will be supported where the character of the area is enhanced or opportunities are identified for greater energy efficiency.

The existing dwelling is situated in a part of the Conservation Area that is characterised by diverse house types. Main Gate house is a brick and render property typical of the 1920s or 1930s, whilst opposite the site is a small modern development of three-storey houses which have in many respects been designed to reflect the local vernacular. Rakes Bridge House has many modern features, including the raised terrace and the use of bargeboards and fascias, but has been built using high quality materials and is considered to make a positive contribution to the character of the Conservation Area.

The proposed garage would largely be concealed from public view by the existing privet hedge, but it cannot be taken for granted that the hedge will be retained in perpetuity so any assessment must take into account how it would appear when viewed from the street with only the low dry stone wall providing a boundary.

The proposed garage would have quite a large footprint for a domestic outbuilding but this would still only be about half the footprint of the existing dwelling, and would be situated in a large garden plot. Owing to its relationship with the existing topography, its overall bulk and prominence would be limited. Its being sited at the front rather than the side or rear as is more normal is therefore not considered problematic in itself. It would be of modern design and appearance but would be seen in the context of modern, albeit high-quality development, and in this context both the design and the palette of materials are considered appropriate having regard to the relevant policies including Holme Valley NDP. A traditional design, with a pitched slate roof, would not be an appropriate design solution for such a substantial building as it would lead to the development being far more bulky and prominent. The proposed building would not affect distant views or the wider landscape.

In conclusion it is considered that the development would respect its surroundings and conserve the character and significance of the Hepworth Conservation Area.

It would therefore accord with the aims of Policies LP24(a) and LP35 of the Local Plan, Chapter 16 of the NPPF, the Householder Extensions and Alterations SPD, and Policies 1 and 2 of the Holme Valley NDP.

It is recommended it be conditioned that the stone used in any exterior work is of a type and colour to match the stone used on buildings within the vicinity of the site, in the interests of it respecting the Conservation Area and its surroundings, but it would not be appropriate to state that it must match in all respects since it is described as drystone.

3 – Impact on residential amenity: It is considered that the development, owing to its siting, design, orientation, and intended use, would have no negative impacts on any existing dwellings by reason of light, outlook, privacy or other factors. It is therefore considered that it would accord with the aims of Policy LP24(b).

4 – Impact on highway safety: The proposed garage would serve an existing dwelling and would not involve the formation of a new or existing access to the site. The arrangements shown on the site plan would provide sufficient space for parking and circulation. It is therefore considered that it would not represent a material intensification of the site and that it would comply with the aims of LP21-22

5 – Other matters:

Biodiversity:

The site is in the bat alert layer but on the basis of an external viewing the development would not appear to affect any structures with bat roost potential. The standard precautionary note will be added to the decision notice. Owing to the scale and nature of the development it is considered that there is unlikely to be any scope for biodiversity net gain.

Trees:

There is a belt of trees just outside the eastern boundary of the site which are covered by an Area Tree Preservation Order. From observations on site the proposed garage does not appear to be within the crown spread of any of these trees, and the plan indicates that the nearest one is about 9m away from the near corner of the garage. It is considered that the development would lead to no direct or indirect impacts upon the trees.

Flood risk:

There is a watercourse on the south-eastern boundary of the site. From the Council's mapping system, a narrow belt (about 8m) of land lying along the watercourse is within land deemed to be at risk of a 1 in 200 year flood, but this does not apply to the land on which the garage is proposed to be built and no part of the site is designated as being at risk of flooding either by the Environment Agency or by the Council's own Strategic Flood Risk Assessment. It is therefore considered that the development proposed would not be at significant risk of flooding or of contributing to flood risk.

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.

In this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. The proposal would however enhance the use of an existing dwelling and owing to its intended use for the garaging of cars it would probably not make a big contribution to carbon emissions. It is unlikely that artificial heating would be required (or lighting most of the time), and even if it were deemed necessary, the building is partly below ground level so would benefit from a high level of natural insulation. The use of dry stone would minimise the use of cement, resulting in lower embodied energy. It is considered that in the circumstances the applicant does not need to demonstrate further measures to combat climate change and the proposal is deemed to be in accordance with the aims set out above, and set out in NPPF Chapter 14.

6 – Representations: No representations have been made except by Holme Valley Parish Council, who are supportive.

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: 2021/92455

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 with the aims of Policies LP24 and LP35 of the Kirklees Local Plan.

3. The stone used in any exterior work shall be of a type and colour to match the stone used on buildings within the vicinity of the site.

Reason: So as to ensure that the development harmonises with its surroundings and conserves and enhances the character of the Hepworth Conservation Area, and to accord with the aims of Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

NOTE: There is the potential for a bat roost to 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			23-Jun-2021
Existing plan and sections	20147D-03-P01		16-Jun-2021
Proposed location and site layout plan	20147D-15-P02		16-Jun-2021
Proposed elevation and sections	20147D-16-P01		16-Jun-2021

Plan Type	Reference	Version	Date Received
Heritage statement			23-Jun-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 officer did not undertake negotiations with the applicant as no amended or additional plans were considered necessary.

Report Dated: 27-Sep-2021