

**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: 2021/62/92869/W

Site Address: 9, Underbank Old Road, Holmfirth, HD9 1EA

Description: Erection of two storey extension and alterations to garage to extend living accommodation (within a Conservation Area)

Recommending Officer: Sam Jackman

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: 18-Oct-2021

SITE DESCRIPTION – 2021/92869

9 Underbank old Road is an unlisted stone semi-detached property with a stone slate roof dating from the late 19th century and within Underbank Conservation Area. The property is elevated above Underbank Old Road with a high drystone wall along the front topped with a new timber fence.

The property benefits from a rear extension, side porch and detached garage.

The host property is built from stone with a stone slate roof, where as the garage is built from stone with cream render to the side and rear elevations with concrete tiled roof

DESCRIPTION OF PROPOSAL

The application is to replace the existing porch with a 2-storey side extension linking the property to the existing garage to create a dining living area with bedroom above. The existing garage would be converted into a utility/lobby and store.

The side extension measurements are as follows:

- 4.7m projection from the gable
- 5m in depth
- 5.1m in height to the eaves; 6.7m in overall height

The extension would be built from materials to match the host property, by using stone to the gable and front elevation with render to the rear. The roof tiles proposed are artificial stone slates which will also be used in re-roofing the existing garage.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2F92869>

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

RELEVANT HISTORY

86/05485- detached garage - Granted Conditionally

96/91164- garage extension – Conditional full permission – not implemented

PUBLIC/MEMBERS RESPONSE

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, press advert and site notice which expired on the 27.8.21, whereby no representations have been received.

Holme Valley Parish Council comments - supports the application provided the materials are in keeping.

CONSULTATION RESPONSES

K.C. Conservation & Design - It is considered that this application satisfies the relevant local plan and NPPF policies and therefore can be supported by Conservation and Design.

POLICY

The statutory development plan comprises:

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 unallocated on the Kirklees Local Plan within Underbank Conservation Area

Kirklees Local Plan (LP):

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** - Biodiversity and geodiversity
- **LP 35** – Historic environment

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, 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.

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- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding & coastal change.
- **Chapter 16** – Conserving and enhancing the historic environment

House Extensions and Alterations Supplementary Planning Guidance (SPD)

Kirklees Council has adopted supplementary planning guidance on house extensions which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

Neighbourhood Development Plans

The Holme Valley Neighbourhood Development Plan has reached an advanced stage of preparation and will be put to referendum in November 2021. 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.

- **Policy 1** – Protecting and Enhancing the Landscape Character of Holme Valley
- **Policy 2** – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- **Policy 3** – Conserving and Enhancing Local Heritage Assets
- **Policy 13** – Protecting Wildlife and Securing Biodiversity Net Gain

The application site is within Landscape Character Area 4, the River Holme Settled Valley Floor. One key characteristic of the area is framed views from the settled valley floor to the upper valley sides and views across to opposing valley slopes and beyond towards the Peak District National Park.

ASSESSMENT

Principle of development:

The site is without notation on the Kirklees Local Plan. Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is enshrined in policy LP1 of the Kirklees Local Plan. This policy stipulates those proposals that accord with policies in the Kirklees Local Plan will be approved without delay unless material considerations indicate otherwise.

Policy LP24 requires that the form, scale, layout and details of all development “respects and enhances the character of the townscape, heritage assets and landscape...” and goes on to state that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape...” and “c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”

The site is designated within Underbank Conservation Area where policy LP35 requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that the proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

In terms of national planning Policy Chapter 16 of the NPPF, Paragraph 199 states: *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation...”*. Chapter 16 further details that an assessment has to be made in relation to the level of harm (if harm accrues) and that any harm must be outweighed by public benefit of the proposal.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act requires that the Local Planning Authority shall pay special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area in discharging its planning functions.

The newly adopted Kirklees Supplementary Planning Document on House Extensions (SPD) which came into effect on 29th June 2021 and attracts weight as a material consideration, along with Policy 3 within the Holme Valley Neighbourhood Development Plan.

With regards to the House Extensions and Alterations SPD, Key Design Principles 1 and 2 are relevant which state:

- Principle 1 – that “extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene.”

- Principle 2 – that “extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.”

Section 5.19 of the SPD refers to side extensions and the potential impact they could significantly have on the character of the original house and the street. Adequate space between buildings should be retained to provide a sense of space which is important to the character of an area. 5.20 states two-storey side extensions should:

- not take up all or most of the space to the side of a house;
- maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property;
- and be set back at least 500mm from the front wall of the house.

5.21 indicates how spaces between houses, are important in providing a sense of space, local character and attractive appearance of an area and should be retained.

In this case the principle of a side extension is considered to be acceptable and shall be assessed against other material planning considerations below.

Impact on visual amenity and heritage assets:

9 Underbank Old Road is an unlisted semi-detached property situated on a hillside within the Underbank Conservation Area. The property appears to date from the late 19th century, with later 20th century additions including a detached garage, porch and rear extension.

The existing dwelling takes a somewhat prominent position over the streetscene, lessened by it being stepped back from the highway with the terraced cottages in front forming a stronger impact and connection with the street scene.

In this case the proposal is for a two-storey side extension which would replace the existing porch and would link the host property to the existing garage.

The proposal would be built of matching materials using stone to the main elevations with artificial stone slate roof. The rear elevation would be rendered with the backdrop of the hillside behind, where it could be argued render is not ideal.

Albeit the majority of Underbank Old Road is within the Conservation Area, the properties directly opposite are not, given these are modern built, split-level properties built from mixed materials. This wouldn't alone justify the use of render in this location. However, the property is elevated above the road and almost set into the hillside with limited view of the rear elevation, therefore, render is considered acceptable on the rear elevation only provided it's a stone colour to harmonise with the host property. (Condition 4).

However, the existing garage is to be re-roofed using stone slates similar to the existing dwelling which will be a welcome change and further benefit the conservation area, outweighing the use of render on the rear elevation.

The extension has been designed with a small set back of 0.3m and the roof set down by 0.9m. The front elevation has been designed with bi-fold doors at ground floor, and albeit this is not a characteristic of this aged property, the property is not listed and given that the front elevation has already been changed with the inclusion of patio doors, in part the property no longer retains all its original features.

Therefore, the bi-folds whilst not ideal, located on the front elevation within the Conservation Area, they have been kept in line up with the outer stone jambs of the upper floor windows which themselves replicate the first-floor windows in the host property. Furthermore, given the elevated position, the set back and existing boundary fence, there will be limited view of the bi-folds from within the street.

With regards the Supplementary Planning Document, 5.20 states two-storey side extensions should:

- not take up all or most of the space to the side of a house;
- maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property;
- and be set back at least 500mm from the front wall of the house.

In this case the property is semi-detached where there are no neighbours to the north and the existing drive gives adequate separation distance to the boundary. With regards setting the extension back 0.5m, in order to prevent any terracing effect, where in this case the extension is setback 0.3m. However, the ridgeline is set clearly below the main ridge and due to it not having any direct neighbours to the side, the 0.3m is considered an acceptable setback in this case.

With regards to the size of the extension in relation to the host property. The property has already been extended with a rear extension and a detached garage. Where the rear extension has been built into the hillside and is very much screened by the property and rock face. The garage is clearly visible, where it is accepted that building the side extension between the two gives a long linear façade, adding the appearance of mass. However, the extension doesn't extend the full depth of the property so when seen from the side would be considered to be subservient. This organic extension of the property is also in harmony with the character of the Underbank Conservation Area where buildings are linear and follow the contours of land between roads.

Finally, policy 3 of the Holme Valley Neighbourhood plan refers to conserving and enhancing local heritage assets. In this case the property itself is not listed as a non-heritage asset, the policy itself refers to supporting those issues outlined in LP35. Where, the development would accord with Policy LP35 in that it would maintain and reinforce local distinctiveness and conserve

the significance of designated heritage asset. The extension would on balance have a neutral impact on the character and appearance of the conservation area due to its scale and appearance and would not result in harm to its significance. It would follow the strong linear form of the settlement and, given this, it would not appear as a jarring feature when viewed from across the valley. The incorporation of the garage into the dwelling may improve the strong linear form of the property.

The extension would also be in accordance with Policy LP24 of the Kirklees Local Plan that states “extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details”. Along with the Supplementary Planning Document and NPPF.

Impact on residential amenity:

The property is within a built-up residential area, however, there are no direct neighbours in close proximity to the North and east.

The properties to the west are at a lower level and would retain the same separation distance of 21m as the host property, therefore, the extension is unlikely to create any additional overshadowing, overbearing or overlooking than the host property as the proposal is at an acceptable distance from the neighbouring properties in this direction, in accordance with the Supplementary Planning Document and policy LP24.

The property to the south No.11, is attached and given that the 2-storey side extension would not protrude beyond the front or rear walls of the existing dwelling, it is considered that this extension would not cause undue harm to the residential amenities of No.11 in terms of loss of light or overshadowing or overlooking.

The proposal therefore accords with policies LP1, LP2 & LP24 of the Kirklees Local Plan which states “extensions...minimise impact on residential amenity of future and neighbouring occupiers.” Having considered the above factors affecting neighbouring properties and relevant policies, the proposed side extension is not deemed to result in any significant harm upon the residential amenity, as well as chapter 12 of the National Planning Policy Framework and Supplementary Planning Document for household extensions

Impact on highway safety:

In terms of highway safety there are no highway issues as albeit the existing garage will be lost for the parking of vehicle, the drive is not being affected by the proposal, and can still provide spaces for 2 cars, as such would meet the aims of Policy LP22 of the Kirklees Local Plan with respect to highway safety and advice in Chapter 12 of the National Planning Policy Framework.

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 size, scale and limited nature of development, it was not considered necessary to request specific measures to address the developments' resilience to climate change.

K.C. Biodiversity – the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance.

This is due to the fact that albeit the alteration will interfere with the existing garage roof, however, given the height of the garage and open rafters its unlikely to offer roosting potential for bats. The side extension would but up against the existing gable, furthermore the existing roof has already been converted into additional living accommodation. In this case given the position of windows and the location of the dwelling it is considered no biodiversity net gain measures are required.

However, the inclusion of a footnote is to be added with regard the possibility of bats being found. This is reasonable and would be in accordance with Chapter 15 of the NPPF.

Representations:

It should be noted that no representations have been received as a result of site publicity.

Holme Valley Parish Council comments - supports the application provided the materials are in keeping. This has been addressed in the report above.

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.

Decision Authorisation - Delegated Powers

Application Number: 2020/92869

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 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, to preserve the significance of the Underbank Conservation Area and to accord with Policies LP01, LP02, LP24 & LP35, of the Kirklees Local Plan, the adopted SPD on House Extensions and Alterations, and advice in the National Planning Policy Framework.

3. The external stone walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity, to preserve the significance of the Underbank Conservation Area and to accord with LP24 and LP35 of the Kirklees Local Plan, the adopted SPD on House Extensions and Alterations, and advice in the National Planning Policy Framework

4. The render finish to the rear wall shall be applied before the extension is first brought into use and shall be through colours in a natural stone colour. It shall thereafter be retained in a natural stone colour.

Reason: In the interests of visual amenity, to preserve the significance of the Underbank Conservation Area and to accord with LP24 and LP35 of the Kirklees Local Plan, the adopted SPD on House Extensions and Alterations, and advice in the National Planning Policy Framework

NOTE: The Council's GIS system indicates that the property is within a bat roost area and 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 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			22/7/21
Existing floorplans	2153-01		22/7/21
Existing elevations	2153-02		22/7/21
Proposed floorplans	2153-03	B	22/7/21
Proposed elevation	2153-04	B	22/7/21
Heritage Statement			22/7/21

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 Planning 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 any negotiations with the applicant due to the application being acceptable in its submitted format.

Recommendation and Authorisation Box

Report Dated: 15.10.21

Coal – low risk