

**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: 2021/62/93912/W

Site Address: 1, Back Lane, Holmfirth, HD9 1HQ

Description: Demolition of existing ground floor and first floor extensions and erection of single storey and first floor extensions and alterations (within a Conservation Area)

Recommending Officer: Stuart Howden

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: 07-Jan-2022

Officer Report

Site Description

1 Back Lane, Holmfirth, HD9 1HQ

1 Back Lane is a 2-storey end terraced property with the neighbouring attached property to the north being 3-storey. The property is mainly built from stone with a stone slate roof. The dwelling runs adjacent to Back Lane, with the front elevation facing this highway, and the site is also close to the junction with Station Road. The property is built into the hillside with the rear garden elevated. Off-street parking is located to the side of the dwelling, which also slopes upwards from the property. There is a single storey side extension constructed from stone under a blue slate roof, a first floor rear extension set into the hillside, as well as a detached garage to the side of the site.

The immediate locality is predominantly characterised by traditional stone residential dwellings and the surrounding land slopes upwards from the north west to the south east.

The site is within Holmfirth Conservation Area.

Description of Proposal

Planning permission is sought for the demolition of existing ground floor and first floor extensions and erection of single storey and first floor extensions and alterations

A single storey side extension is proposed to replace the existing single storey extension. This would have a pitched roof, would have a ridge of approximately 4.3 metres in height and an eaves height of approximately 2.5 metres. The extension is proposed to have a front wall flush with that of the main body of the dwelling, to protrude from the side wall by approximately 3.9 metres, and be a depth of approximately 5.9 metres. The side extension is proposed to be constructed from natural stone under a slate roof to match the existing dwelling.

The first floor rear extension proposed would replace the existing first floor lean-to extension which is built into the hillside, and would also extend off the side wall of the existing dwelling. The lean-to roof is proposed to follow on from the roof slope of the dwelling at a similar pitch and would be flush with the roofslope to the northern side. This extension is proposed to be flush with the south side wall of the main body of the dwelling and a similar depth to the extension it is proposed to replace (approximately 1.9 metre). The extension is proposed to be constructed from horizontal timber cladding under a slate roof. There would be access from this extension to a first floor patio area, which it is proposed to extend slightly, and this can access the garden raised above the dwelling.

The submitted plans also display that it is proposed to replace an internal existing porchway and enclose it, with stone to match the existing dwelling and a window.

It is noted that new railings are proposed to the rear of the dwelling, but details of these are not provided in the submission therefore these are not being considered under this application. However, it is noted that certain railings can be installed without the need for planning permission under Class A, Part 2, Schedule 2 of the General Permitted Development Order.

History of negotiations/amendments received

The initial proposal included an upwards extension to the outbuilding, but following Officer concerns with this element of the proposal, it is now only proposed to extend to the dwellinghouse, and this is considered acceptable.

Relevant Planning History

99/91655 – Erection of covered walkway and garage – Approved on 20th July 1999.

2014/92391 – Works to tree(s) within a conservation area – Approved on 4th September 2014.

2015/90329 – Demolition of existing extensions and erection of extensions to side and rear – Approved on 13th July 2015 (not implemented).

Representations

Final publicity date expires:

Neighbour Letters expired on 24th November 2021; Site Notice expired on 5th January 2022; Press Notice expired on 3rd December 2021

No representations have been received.

Since consultation, a first floor extension to the outbuilding has been omitted, but given that such an alteration reduces the amount of overall development at the site, it was not considered necessary to reconsult.

Consultation Responses

Holme Valley Parish Council: Support

KC Conservation and Design: Objected to the extension to the extension to the outbuilding initially proposed (but this element has since been removed). No objections to the extension to the dwelling.

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).

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 21** – Highways Safety and Access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 35** – Historic Environment
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality

Holme Valley Neighbourhood Development Plan (2020-2031)

The Holme Valley Neighbourhood was adopted on 8th December 2021 and therefore forms part of the Development Plan.

- **Policy 1** – Protecting and Enhancing the Landscape Character of the Holme Valley
- **Policy 2** – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- **Policy 12** – Promoting Sustainability

National Policies and Guidance:

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

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 12** – Achieving Well-Designed places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment
- **Chapter 16** – Conserving and Enhancing the Historic Environment

Other Considerations:

- Kirklees Highways Design Guide SPD (2019)
- Kirklees House Extensions and Alterations SPD (2021)

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity (including the impact upon the historic environment)
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

1.1 – Sustainable Development

Chapter 2 of the NPPF states that:

“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”

Chapter 2 of the NPPF goes onto further state that objectives should:

“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”

In line with the NPPF, Policy LP1 of the Kirklees Local Plan declares that:

“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”

LP1 goes further and states:

“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

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, the impact upon the historic environment as well as the impact highway safety and any other impacts that may arise. These matters will be discussed below.

2 – Impact on visual amenity (including the impact upon the historic environment)

The site is within Holmfirth Conservation Area.

Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) requires that LPA's pay special attention to the desirability of preserving or enhancing the character or appearance of any conservation area where relevant.

Section 72 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states that *“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 NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 126 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states 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...”

Policy 1 of the Holme Valley Neighbourhood Development Plan (HVNDP) relates to protecting and enhancing the landscape character of Holme Valley, and states that: *“All development proposals should demonstrate how they have been informed by the characteristics of the Landscape Character Area (LCA) in which they are located”*. The Policy goes on to note that proposals should be designed in accordance with the character and management principles in respect of landscape set out for each LCA in order to avoid detrimental impact on the LCA. This Policy also notes that a full hard and soft landscaping scheme is to be submitted with all planning applications for new buildings.

Policy 2 of the HVNDP relates to protecting and enhancing the built character of the Holme Valley and promoting high quality design. Policy 2 notes that

proposals should be designed in accordance with the management principles for each LCA in respect of built character in order to avoid detrimental harm to the LCA.

In respect of Policies 1 and 2 of the HVNDP, the site is identified as being within LCA 4 (River Holme Settled Valley Floor). In terms of landscape, the HVNDP notes that key character management principles for this LCA are:

- Ensure new development respects framed views from the settled floor to the upper valley sides and views across to opposing valley slopes and views towards the Peak District National Park.
- Retain and restore existing stone field boundaries and use stone walling in new boundary treatments.
- Maintain and enhance the network of PRow to promote access and consider opportunities to create new links to existing routes particularly physical and visual links to the River Holme.
- Consider opportunities through major developments to provide interpretation of the historic industrial role of the river and mill ponds within the local landscape.

In terms of the built character, the HVNDP states that the key character management principles for this LCA are:

- Regard should be had to the key characteristics that give these areas their distinctive character and should respect, retain, and enhance the character of existing settlements, including vernacular building styles, settlement patterns, alignment of the building line and the streetscene.
- Strengthen local sense of place through design which reflects connections to past industrial heritage related to each settlement including through retaining or restoring mill buildings and chimneys.
- Consider replacing asphalt and concrete with traditional surfacing such as stone setts and cobbles.

Paragraph 129 of the NPPF states that design guides and codes can be prepared at an area-wide, neighbourhood or site specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. In addition to this, Paragraph 134 of the NPPF outlines that Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Kirklees has an adopted House Extensions and Alterations SPD.

Principle 1 of the Kirklees House Extensions and Alterations SPD states 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. In addition, Principle 2 of this SPD states 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.

To begin with the removal of the existing first floor extension to the rear is considered to be acceptable given that this element is not considered to be an historic element of the dwelling and is constructed from materials that are not in keeping with the dwelling. The extension to the side is also considered to be a later addition to the dwelling. Overall, the demolition of these features is not considered to cause harm to the significance of Holmfirth Conservation Area.

Section 5 of the House Extensions and Alterations SPD provides detailed guidance on specific types of proposals. In respect of single storey side extensions, Section 5.3 of the SPD provides guidelines on these. It states that: *“Side extensions should be located and designed to minimise the impact on the local character of the area. The design should reflect the design of the original building in terms of roof style, pitch materials and detailing.”* It goes on to note that: *Single storey side extensions should be offset and complement the original building. As such, single storey side extensions should:*

- *not extend more than two thirds of the width of the original house;*
- *not exceed a height of 4 metres; and*
- *be set back at least 500mm from the original building line to allow for a visual break.*

Whilst the proposed side extension would be less than two thirds of the width of the original dwelling, it would exceed a height of 4 metres (~4.3 metres measured from the highest ground level where it would be sited) and would not be flush with the front wall of the dwelling (not set back from it). Despite this, by virtue of its overall height in comparison to the existing dwelling and limited width, it is still considered that the extension would appear as a subservient addition to the existing dwelling. As a result of this, and because of the proposed use of matching materials, it is also considered that the side extension would appear as a harmonious addition to the existing dwelling. The Conservation Officer has raised no objections to this element too, subject to the use of ‘conservation’ type rooflights, which can be conditioned. Subject to conditions, it is therefore considered that the proposed side extension element would not cause detrimental harm to the visual amenities of the locality or harm to the significance of the Holmfirth Conservation Area.

In terms of first floor extensions, the Householder Extensions and Alterations SPD does not have a specific section on these. However, Section 5.1 of the SPD does relate to rear extensions and states that: *“Rear extensions should maintain the quality of the residential environment and relate well to the neighbouring buildings. Rear extensions should generally not be visible from the street and should retain a reasonable living environment for the property being extended. This should include consideration of the following:*

- *Preserving a back garden of a reasonable size, with a general principle that at least half the garden area is retained;*
- *Being set behind the original building, and not projecting beyond the sides; and*
- *Maintaining external access to the rear garden.”*

The SPD goes on to note that: *“As a general rule, a rear extension should:*

- respect the original house and garden in terms of its size and scale;*
- use appropriate materials which match or are similar in appearance to the original house; and*
- not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.”*

This extension would only be partially visible from Back Lane where it is to the south of the dwelling.

Whilst visible, this proposed extension would be of limited depth and would essentially replace an existing side extension of a similar form, but would be a bit wider so that it is flush with the south side wall of the main body of the dwelling. The proposed extension would continue the roof pitch of the existing dwelling, and it is considered that its form and scale would be compatible with the existing dwelling. Whilst the use of timber cladding for the walls is not in-keeping with the materials on the existing dwelling, the extension is a small one, is only partially from Back Lane and would be replacing an existing extension which similarly does not use stone on its side elevation. Thus, the use of timber cladding on this extension is considered acceptable in this instance.

In addition, the rear garden on higher land would be preserved and external access to this garden would be retained as advised by the House Extensions and Alterations SPD.

The Council's Conservation Officer has also raised no objections to this rear extension proposed. It is considered that the proposed rear extension would not cause detrimental harm to the visual amenities of the locality or harm to the significance of the Holmfirth Conservation Area.

The slight extension of the raised patio area, subject to the use of stone to match the stone used in the retaining wall, is considered to have a negligible impact upon the visual amenities of the locality, and it is considered that this would not harm the significance of Holmfirth Conservation Area.

In addition, the infilling of the front internal porch, subject to the use of matching stone to the original dwelling, is considered to have a negligible impact upon the visual amenities of the locality, and it is considered that this would not harm the significance of Holmfirth Conservation Area.

Given the above, it is considered that the proposal would not cause detrimental harm to the visual amenities of the locality, nor would it cause harm to the significance of the Holmfirth Conservation Area, and that it would comply with Kirklees Local Plan Policies LP24 (a and c) and LP35, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Chapters 12 and 16 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Section B and C of LP24 states that alterations to existing buildings should:

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

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Policy 2 of the HVNDP also states that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers.

Principle 3 of the Kirklees Householder Extensions and Alterations SPD sets out that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours. In addition, Principle 4 notes that extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook. Furthermore, Principle 5 states that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property. Principle 6 states extensions and alterations should not unduly reduce the outlook from a neighbouring property.

In terms of the attached neighbour to the north (No.42 Station Road), the extensions would not protrude beyond the rear or front walls of the existing dwelling, and it is considered that they would be sited so as to prevent undue harm to this neighbouring property in terms of loss of light, overlooking or loss of privacy, or the creation of an overbearing effect.

The proposed development is considered to be a sufficient distance away from any other properties so as to prevent undue harm to their amenity in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect, especially given that the properties to the rear are on much higher land.

The proposed development is therefore considered acceptable in terms of residential amenity and it is considered that the proposed development complies with Local Plan Policy LP24(b), Policy 2 of the HVNDP and Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

The proposed development would not result in an increase in the number of bedrooms at the dwelling and as the overall width of the extension to the side of the dwelling would be a similar width to the overall width of the extension it would be replacing, it is considered that the impact upon the on-site parking would likely be neutral (that is two cars could potentially park externally at the

site). Given the above, the impact upon highway safety is therefore considered to be acceptable. The proposed development is therefore considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

5 – Other matters:

Climate Change:

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

Policy 12 of the Holme Valley Neighbourhood Development Plan seeks to ensure that energy efficient designs are used in all new buildings.

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.

6 – Representations:

No representations have 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

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

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2021/93912

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 Policies LP21, LP22, LP24, LP51, LP52 and LP57 of the Kirklees Local Plan, Policies 1, 2 and 12 of the Holme Valley Neighbourhood Development Plan and Chapters 9, 12, 13, 14 and 15 of the National Planning Policy Framework.

3. The stone to be used for the external walls of the single storey side extension to the dwelling and infilling of the front internal porch hereby approved shall in all respects match the stone used in the construction of the external walls of the existing dwelling.

Reason: In the interests of visual amenity, to preserve the significance of Holmfirth Conservation Area and to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan and Chapters 12 and 16 of the National Planning Policy Framework.

4. The slate to be used for the external roof of the side and rear extensions to the dwelling hereby approved shall be of a similar appearance to the slate used in the construction of the roof of the existing dwelling.

Reason: In the interests of visual amenity, to preserve the significance of Holmfirth Conservation Area and to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan and Chapters 12 and 16 of the National Planning Policy Framework.

5. The external wall of the extension to the raised first floor patio area hereby approved shall in all respects be constructed from stone to match the stone in the construction of the existing retaining wall at the site.

Reason: In the interests of visual amenity, to preserve the significance of Holmfirth Conservation Area and to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood

Development Plan and Chapters 12 and 16 of the National Planning Policy Framework.

6. The rooflights on the side extension hereby approved shall be of a 'conservation' style designed to fit flush to the plane of the roof and thereafter retained as such.

Reason: In the interests of visual amenity, to preserve the significance of Holmfirth Conservation Area and to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan and Chapters 12 and 16 of the National Planning Policy Framework.

NOTE: Notwithstanding the annotations within Drawings No. AL-03 Revision A and AL-04 Revision A received on the 17th December 2021, the decision does not grant planning permission for railings to the rear of the dwelling.

NOTE: Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No. 01484 221000 who can advise further on this matter.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form	-	-	11 th October 2021
Location Plan, Existing Block Plan	AL 01	-	11 th October 2021

Plan Type	Reference	Version	Date Received
and Floor Plans			
Existing Elevations	AL 02	-	11 th October 2021
Proposed Floor Plans	AL 03	A	17 th December 2021
Proposed Ground Floor Plan	AL 04	A	17 th December 2021
Revised Design and Access Statement dated 8 th October 2021	16.21.21	A	17 th December 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 initial proposal included an extension to the outbuilding to the side of the site, but following officer concerns with this element of the proposal, it is now only proposed to extend to the dwellinghouse, and this is considered acceptable.

Report Dated:

07/01/2022

Coal Mining - Low