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:	**2021/62/93989/W**
Site Address:	56, Hall Ing Lane, Honley, Holmfirth, HD9 6QW
Description:	Erection of first floor extension
Recommending Officer:	Lucy Taylor

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.

John Holmes

AUTHORISED OFFICER

Date: 18-Jan-2022

Officer Report.

Reference: 2021/93989

Location: 56, Hall Ing Lane, Honley, Holmfirth, HD9 6QW

Proposal: Erection of second floor extension.

Site Description.

56 Hall Ing Lane is a three-storey semi-detached property located in Honley, Holmfirth. The property is faced in natural coursed stone and has a predominant gable roofing form infilled with stone slates. In addition, the property benefits from a two-storey side extension to the northern side elevation (approved under planning application 98/93404), this has a lean-to roof erected above and is constructed from the same exterior construction materials. Within the wider curtilage, the property benefits from parking amenity space to both the front and rear elevations.

The property is located within a semi-rural residential area, set in close proximity to allocated Green Belt land. The adjoining residential property and those surrounding the site share a similar style of tradition design, faced in stone.

The application site itself is Unallocated in the Kirklees Local Plan however, it is important to acknowledge that the neighbouring property of No. 54 Hall Ing Lane is a Grade II Listed building.

Description of Proposal.

Planning permission is sought for the erection of a second floor extension.

The proposed second floor extension will be erected above the existing two-storey extension to the northern side elevation of the property. It will have the same length (6.4 metres) and width of this existing feature, and will create a cumulative height of 10.3 metres, the same height as the host dwelling. An adjoining gable roofing form will be erected above the extension.

The proposed extension will be faced in matching exterior construction materials of natural coursed stone and stone slates and two regular windows will be installed, on to the front elevation and one to the rear. These windows will be framed in White PVCu to match existing forms of fenestration on the host property. The window proposed to the western front elevation will be obscurely glazed, aligning with a bathroom within the interior of the property.

Within the interior of the dwellinghouse the extension will facilitate an extension to one of the existing bedrooms and the addition of an en-suite bathroom.

Relevant Planning History.

- **98/93404** – Erection of two storey extension. *Approved 1999.*
- **2016/91302** – Erection of two storey side extension and demolition of existing porch. *Invalid.*

Representations.

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, a site notice and within the newspaper, cumulatively expiring on 26th November 2021 – 1 representation was received.

The representation objected to the proposal on the following:

- Impact upon living conditions, primarily overlooking as a neighbour and into garden amenity space. Concerns about reduction in privacy.

- Detrimental effect that the proposal will have on the surrounding area, primarily the changing of the original cottage style of the building.

Consultation Responses.

KC Highways Development Management – deemed the proposal acceptable with no specific conditions.

KC Conservation and Design – given the simple design and use of matching materials, KC Conservation and Design did not consider the proposed extension to harm the setting of the listed neighbouring church and therefore, raised on comments on the proposal.

Holme Valley Parish Council – support the application.

Policy/Legislation.

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.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision

- LP24 – Design
- LP35 – Historic Environment

House Extensions and Alterations SPD:
The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and architects who are planning and designing an extension or alterations (householder development) to an existing residential property, including conservatories and outbuildings, such as garages. It provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration required by the Council. The guidance and additional details on Local Plan policies set out in the SPD have been produced on the principle of 'comply or justify'.

Holme Valley Parish Council:

The Holme Valley Neighbourhood Development Plan has been passed in a referendum on 4th November 2021. The next and final stage for adoption of the Plan will be at Full Council on 8th December 2021. Until formally adopted the Plan remains a material planning consideration in decision making and weight must be attributed in accordance with the NPPF (July 2021) Paragraph 48. When weighing material considerations in any planning judgment, it is always the case that what is material is a legal fact, and the weight attributed thereto is, as always, for the decision makers to ascertain.

The site falls within Local Character Area 7 – River Holme Wooded Valley.

The policies from the Holme Valley Neighbourhood Development Plan that are relevant to this application are:

- **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 3** – Conserving and Enhancing Local Heritage Assets
- **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, 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.

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding

- **Chapter 16** – Protecting and Enhancing the Historic Environment

Assessment.

The Following matters that will be considered as part of the assessment of the proposal are set below. These considerations will be looked at in detail individually:

1) Principle of Development
1) Impact on Visual Amenity and to the Significance of Heritage Assets
2) Impact on Residential Amenity
3) Impact on Highway Safety
4) Other Matters
5) Representations
6) Conclusion

1. Principle of Development

The site is without notion in the Kirklees Local Plan. 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 1 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."*

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *"good design should be at the core of all proposals in the district".*

Given that the neighbouring property of 54 Hall Ing Lane is Grade II Listed, Paragraph 195 of the NPPF is also relevant, requiring Local Planning Authorities to identify and assess the particular significance of any heritage assets that may be affected and take this into account when considering the impact of the proposal on a heritage asset, to avoid/minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Policy LP35 of the Kirklees Local Plan will also be taken into account, stating 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". This harm, if any is concluded to occur, will be assessed and discussed later in the report.

In this instance, it is considered 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.

1. **Impact on Visual Amenity and to the Significance of Heritage Assets**

The NPPF offers guidance relating to design in Chapter 12 (Achieving Well-designed Places) whereby paragraph 126 provides a principal consideration concerning design which states: *"The creation of high quality 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, heritage assets and landscape…
c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details..."

Developments that are considered to conform appropriately with Local Plan Policy LP24 and the design requirements as set out above, are considered to also conform with Policy 2 of the Holme Valley Neighbourhood Plan – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design.

Policy 1 of the Holme Valley Neighbourhood Plan HVNP sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA), in this case LCA 7 – River Holme Wooded Valley.

The key built characteristics of LCA 7 are:

- settlements characterised by a close association between built form and landscape.
- industrial heritage features such as weirs and mill buildings
- mounds and hollows, which are the remains of shallow tunnels created for coal mining, as well as piles of shale material and the remains of

plateways (flat stones laid across fields to assist with vehicle movement), are also found across the moorland and fields.

Policy 2 of the Holme Valley Neighbourhood Development Plan states that new development should protect and enhance local built character and distinctiveness, strengthen the local sense of place by respecting the existing grain of development in the surrounding area, use local materials and detailing which add to the quality or character of the surrounding environment, respect the scale, mass, height and form of existing buildings in the locality and their setting.

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document seek to ensure development is subservient to the host property and in keeping with the character of the locality.

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'

LP35 of the Kirklees Local Plan 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 proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

Policy 3 of the Holme Valley Neighbourhood Development Plan states that when designing development proposals, owners and developers should have regard to conserving the significance of heritage assets and the components which positively contribute to it's character or appreciation as a heritage setting.

The House Extensions and Alterations SPD also 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 further to state that first floor side extensions should retain adequate space between buildings to provide a sense of space which is important to the character of an area. This is also applicable to second floor extensions.

The proposed second-floor extension to 56 Hall Ing Lane is considered to be a subservient addition to the host dwelling, aligning with the existing footprint and height of the host dwelling, set above a previously erected two-storey

extension. In addition, the use of matching exterior construction materials is considered to further promote subservience.

The proposal would remove a disjunct lean-to two-storey side extension and creating a side extension, which in it's entirety, aligns with the height and original design of the dwellinghouse.

The forms of proposed fenestration are also considered acceptable visually, in keeping with the existing development style of the property and previously established forms of fenestration. The use of matching white UPVc frames further encourages harmonisation of these features.

In turn, it is concluded that the extension will not be an obtrusive addition to the host dwelling and will sympathetically complement the existing architectural style of the dwelling. For these reasons it is also concluded that the proposed second-floor extension poses no detriment to the heritage significance of the neighbouring Listed Building. This conclusion is further solidified through the formal consultation response made by the KC Conservation and Design team (see 'consultation responses section).

It is considered that the proposal would not cause detrimental harm to the visual amenities of the locality. The proposed development is considered to comply with Chapters 12 and 16 of the National Planning Policy Framework, LP24 of and LP35 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD and Policies 1, 2 and 3 of the Holme Valley Neighbourhood Development Plan.

2. **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.

Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

Policy 2 of the Holme Valley Neighbourhood Development Plan states that *'designs should respect the scale, mass, height and form of existing buildings in the locality and the site setting. Development should fit in with and neither dominate nor have a detrimental impact on its surroundings and neighbouring properties'.*

The proposal would see the retention of the same extent of functional amenity space and is therefore not considered to be overdevelopment.

The properties most likely to be affected by the proposed development are those which directly neighbour the application site, these being No. 54 Hall Ing Lane and No. 58 Hall Ing Lane, as well as No.52 Hall Ing Lane and No. 60 Hall Ing Lane located to the front and rear.

No. 54 Hall Ing Lane – A minimum separation distance of 1.3 metres is retained from the shared boundary and given that the extension will be the same height as the host dwelling, it poses no significant increased level of overshadowing. This property is located to the north of the application site. It is concluded that taking account of the size and scale of the development the proposed side extension will not result in significant impacts of overbearing or overshadowing for the occupiers of this neighbouring property.
In addition, given that no glazing is proposed to the northern side elevation of the extension, no increase will be created with regard to neighbouring privacy or overlooking.

No. 58 Hall Ing Lane – This property adjoins the application site to the south. Given the location of the proposed side extension and its alignment with the existing footprint of the host dwelling, it is considered to have little impact to the occupiers of this neighbouring property with regard to overbearing or overshadowing. In addition, given the proposed position of glazing upon the extension, it also poses no significant increase with regard to neighbouring privacy or overlooking than that which exists already.

No. 52 Hall Ing Lane – This property is located to the west of the application site.
Given the relationship between these two neighbouring properties and their position within the streetscene, and fact the proposed extension is set a significant distance away from the location of No. 52 Hall Ing Lane the proposal would not have a significant impact in terms of being overbearing, creating overshadowing or impeding upon neighbouring privacy through increased overlooking. It should also be noted that the proposed window to the western elevation of the extension will be obscurely glazed, further retaining neighbouring privacy for No. 52 Hall Ing Lane.

No. 60 Hall Ing Lane – This property is located to the east of the application site.
The proposed second-floor extension at 56 Hall Ing Lane will be set a 13.5m away from this neighbouring property and therefore, its erection is not considered to be significant in terms of being overbearing or leading to overshadowing. In addition, given this extent of separation distance, it is considered that the proposed window to the eastern elevation (which would serve a bedroom) will not significantly reduce neighbouring privacy to no.60 as a result of overlooking particularly as the properties are not orientated such that they directly face one another with openings in the southern elevation of no.60 being at a 90 degree angle to openings in the east of the host property

Private rear amenity space at No. 60 Hall Ing Lane would remain, the existing impact from overlooking of no.60 from no.56 is not considered to be significantly increased as a result of the proposal and it is considered that refusal on grounds of overlooking of this property as a result of the proposal could not be substantiated in this case.

For these reasons, the proposed development at 38 Meadowcroft is not considered to cause undue harm to the residential amenities of neighbouring properties. The second-floor extension is therefore considered to comply with Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan, Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions and Alterations SPD and Policy 2 of the Holme Valley Neighbourhood Development Plan.

3. Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The proposed development will not increase the domestic function of No. 56 Hall Ing Lane, nor will it alter the existing parking arrangements on site of access to and from the adjoining highway. Therefore, the proposal is considered to be acceptable form a highway safety perspective.

In turn, erecting the proposed second-floor extension at 56 Hall Ing Lane would appropriately accord with Chapter 9 of the NPPF, LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extension SPD.

4. 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 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.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF, Policy LP51 of the Kirklees Local Plan and Policy 12 of the Holme Valley Neighbourhood Development Plan.

Bats

Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Home Valley Neighbourhood Plan sets out that development proposals should demonstrate how biodiversity will be protected and enhanced including the local wildlife, ecological networks, designated Local Wildlife Sites and habitats.

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site lies within the bat alert layer on the Council's GIS system. As such, careful attention has been paid when looking for evidence of bat roof potential.
In this instance, the property appeared well sealed around the eaves and roof area and it was judged unlikely to contain roosting bats. Even so, as a cautionary measure, a note will be added to the decision notice stating that if bats are found development shall cease and the advice of a licensed bat worked sought. This is to accord with the aims of Chapter 15 of the NPPF.

5. Representations

One representation was received, it raised the following objections:

- Impact uppon living conditions, primarily overlooking as a neighbour and into garden amenity space.

Response: this has been addressed within the 'residential amenity' section of this report.

- detrimental effect that the proposal will have on the surrounding area, primarily the changing of the original cottage style of the building.

Response: this has been addressed within the 'visual amenity' section of this report.

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

Recommendation: Approve

Decision Authorisation - Delegated Powers
Application Number: **2021/93989**
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 Policies LP1, LP2, LP21, LP22, LP24 and LP35 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6 and 15 of the Council's adopted House Extensions and Alterations SPD, Policies 1, 2, 3 and 12 of the Holme Valley Neighbourhood Development Plan and policies within Chapters 2, 12, 14 and 16 of the NPPF.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building and thereafter retained.
Reason: In the interests of visual amenity and to accord with Policies LP2, LP24 and LP35 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD, Policies 1, 2 and 3 of the Holme Valley Neighbourhood Development Plan and policies within Chapters 12 and 16 of the NPPF.

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 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.

Note: The application site is located in a high risk coal area.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	065-21-PL03	-	18.10.21
Proposed Floor Plans, Elevations and Site Plan	065-21-PL02_A	-	18.10.21
Existing Floor Plans, Elevations and Site Plan	065-21-PL01	-	18.10.21

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 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. No amended plans were sought or submitted.

Report Dated: 7.1.21