

**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:	2021/62/94185/W
Site Address:	Laithe House, 5, Laithe Court, Holmbridge, Holmfirth, HD9 2HU
Description:	Erection of building to create dwelling forming annex accommodation associated with Laithe House, 5, Laithe Court, Holmbridge, Holmfirth, HD9 2HU and demoliton of existing outbuilding.
Recommending Officer:	Katie Chew

DECISION - REFUSED

I hereby authorise the refusal 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: 20th April 2022

Officer Report

Site Description

Laithe House, 5 Laithe Court, Holmbridge, Holmfirth, HD9 2HU

The application site relates to a two-storey stone-built property located within a cul-de-sac off Laithe Bank Drive. The site has a detached single storey outbuilding to the south, and benefits from off-street parking and a small garden area to the rear. To the front there is a medium sized garden/amenity area.

The site is not located within a Conservation Area or located in close proximity to any Listed Buildings.

Description of Proposal

The application seeks planning permission for the erection of building to create dwelling forming annexe accommodation associated with Laithe House, 5 Laithe Court, Holmbridge, Holmfirth, HD9 2HU.

The proposals seek to demolish the existing stone outbuilding and remove 2 small sheds to the south, then erect a detached annexe building measuring approximately 8.9m x 7.7m, with a ridge height of 5.5m. The proposed annexe building would comprise of a double bedroom, en-suite, kitchen/dining area and snug at ground floor level, up on the mezzanine a study and seating/bedroom area are to be provided.

The annexe is to be constructed from reclaimed natural stone and stone slate roof tiles, all of which are to come from the outbuilding which is to be demolished. Windows and doors are to be off-white composite aluminium and timber.

History of negotiations/amendments received

Amendments were sought to reduce the overall scale and size of the proposed annexe to ensure the proposals would not appear overly cramped and would remain subservient, whilst amendments were provided, they were not deemed to be sufficient enough to overcome officers concerns in this instance. In addition, concerns were raised over the proposed design of the annexe and amount of glazing to be provided within the gable ends of the building.

Relevant Planning History

There is no relevant planning history at the application site, there is however, relevant history at an adjacent site. Details are provided below.

35 Dobb Top Road

2019/92999 – Erection of single storey swimming pool with sauna and plant room at lower level. Approved 6th November 2019.

2014/93301 – Erection of extensions to dwelling, to convert garage into living accommodation and demolition of garage and greenhouses to create double garage and office space. Approved 16th December 2014.

Representations

Final publicity date expires:

Neighbour Letters – Expired 14th December 2021.

One letter in support of the scheme was received. This stated there were no objections to the plan.

Officer note: We are currently undertaking the legal 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 only, details of which are outlined above.

The amended plans were not republicised as these reduced the original scale of the development but did not change the purpose of the development.

Consultation Responses

KC Highways Development Management – Comments received 3rd December 2021. No objections subject to conditions.

Local Ward Members

N/A.

Parish/Town Council Comments

Holme Valley Parish Council – Object due to over-intensification.

Planning Policy Background

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019) and the Holme Valley Neighbourhood Development Plan.

The application site is unallocated within the Kirklees Local Plan but is located within a Strategic Green Infrastructure Network and Bat Alert Area. It is also

important to note that the site is located within the Holme Valley Neighbourhood Plan Area.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP21 – Highways and Access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP30 – Biodiversity & Geodiversity**
- **LP31 – Strategic Green Infrastructure Network**
- **LP51 – Protection and Improvement of Local Air Quality**
- **LP52 – Protection and Improvement of Environmental Quality**

Holme Valley Neighbourhood Development Plan (2020-2031)

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

The policies contained within Holme Valley Neighbourhood Development Plan relevant to the consideration of this application are as follows:

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

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

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

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

Policy 11: Improving Transport, Accessibility and Local Infrastructure.

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

Policy 12: Promoting Sustainability.

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

Policy 13: Protecting Wildlife and Securing Biodiversity Net Gain.

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

It is important to note that 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. Key built characteristic of the area are mill buildings, chimneys and ponds, terraced cottages and distinctive over and under dwellings feature on the steep hillsides with steep ginnels, often with stone setts and narrow roads. Narrow winding streets with stepped passageways, stone troughs and setts characterise the sloping hillsides above Holmfirth town centre. Small tight knit settlements on the upper slopes are characterised by their former agricultural and domestic textile heritage. There are mixed areas of historic and more recent residential and commercial developments.

Other Guidance Documents:

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

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Summary of Principal Planning Issues

The following matters are considered in the assessment below -

- 1) Principle of development
- 2) Scale, design and visual impact of the proposed development
- 3) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 4) Impact on highway safety

- 5) Other matters
- 6) Conclusion

1 - Principle of Development:

1.1 – Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

As the site is without notation in the Kirklees Local Plan (KLP), it is considered that the principle of development in this instance would be acceptable; and as a result, is subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise.

2 - Impact on Visual Amenity:

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 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 the development in the local area, thus retaining a sense of local identity.

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

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

Policy 1 of the Holme Valley Neighbourhood Plan HVNP sets out that development proposals should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA), The River Holme Settled Valley Floor (LCA4) as outlined earlier in this report.

Policy 2 of the HVNP states that proposals should be designed to “minimise harmful impacts on general amenity for present and future occupiers of land and buildings” and [proposals] “should protect and enhance local built character and distinctiveness and avoid any harm to heritage assets...”.

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

Paragraphs 5.29 and 5.30 of the above SPD relate to outbuildings and annexes. They state that these buildings can have as much of an impact on the appearance of the building as any other extension, and that wherever possible these should reflect the style, shape and architectural features of the existing house and not be detrimental to the space around the building. Annexes should be subservient in footprint and scale to the original building, be set back behind the building line of the original building so that they do not impact on the street scene and preserve a reasonable private amenity space following a general principle that no more than 50% of garden space should be lost.

Principle 7 of the Kirklees House Extensions and Alterations SPD highlights that new development should ensure that an appropriately sized and useable area of private outdoor space is retained.

In this instance, the application site is surrounded by several residential dwellings which all differ in age and design, therefore there is no specific uniform design within the streetscene. That being said, the proposed annexe is to be constructed from reclaimed natural stone and stone slate roofs all taken from the demolition of the existing outbuilding. These materials are therefore considered to be acceptable for an outbuilding and should any additional natural stone or slate roof tiles be required for the build, these should in all respects match those taken from the outbuilding in appearance.

In regards to the proposed design, the annexe is to have a pitched roof with gable elevations facing to the east and west, these gable elevations are to include horizontal timber panelling and large amounts of glazing. Officers do note that a number of properties on Laithe Bank Drive do have gable elevations fronting the street, the principal dwellings rather than outbuildings, and therefore this design may not be out of character with the area within a significantly smaller building on the site. It is considered that to reduce prominence the roof should be turned so as the gable elevations were facing towards the north and south. This would allow the proposed annexe to fit more comfortably within the application site, directly adjacent to the host dwelling which also benefits from this layout. In addition, by amending the roof

design, the proposed annexe would be more reflective of the existing outbuilding that currently resides at the premises.

It is also noted that examples of timber cladding can be found throughout the street and therefore the proposed finishes may not appear incongruous in this location.

Moving on to the proposed glazing, officers have raised concerns with the applicant in respect to the size and amount of glazing to be provided. It was advised that this glazing be reduced and more traditionally placed to ensure the annexe would be a sympathetic and subservient addition to the traditional host dwelling. Whilst the proposed annexe is located behind the building line of the original building, and would be partially obscured by the existing timber fence and hedging which lines the site's boundary, given the increase in height of the annexe (approx.1.1m) compared to the existing outbuilding it is considered that the prominent double height glazing would be visible from the public highway and would be viewed within the streetscene as a dominant and alien feature.

Furthermore, the proposed annexe would replace an existing outbuilding and 2 sheds and would be built up close to the southern boundary of the site, with a separation distance of between 0.69m – 0.97m to the boundary. This would leave minimal space around the host dwelling and whilst the annexe would be subservient in height, the annexe does have a large footprint which does appear to compete with the host property. Whilst there would be no significant changes to the size of the garden//amenity areas as existing officers do consider the proposals to represent overdevelopment and provide a cramped form of development on the site. The annex would not be acceptable without significant reduction to its width to provide more space around the dwelling and the annexe building itself, removal of the first-floor mezzanine area and reduced and more traditional glazing installed within the gable elevations. The amendments provided to the scheme do not provide this.

In conclusion, for the above forementioned reasons the proposals do not comply with Policy LP24a of the Kirklees Local Plan, Principles 1 and 2 of the adopted House Extensions and Alterations SPD, Policy 2 of the Holme Valley Neighbourhood Plan or Chapter 12 of the National Planning Policy Framework.

3 - Impact on Residential Amenity:

Sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should:

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

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 occupiers.

Principle 3 of the House Extensions and Alterations SPD highlights that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours.

Principle 4 relates to habitable rooms and side windows and seeks to ensure that design and layouts of habitable and non-habitable rooms reduce conflict between neighbouring properties relating to privacy, light and outlook.

Principles 5 and 6 relate to overshadowing/loss of light and overbearing impact. The above principles will all be discussed in more detail within the assessments below.

Impact on no. 9 Laithe Bank Drive

This neighbouring property is located to the south of the application site. As no windows are proposed within the southern elevation or roof of the proposed annexe, there are no concerns in regards to loss of privacy or overlooking. In addition, as no. 9 is located to the south, there are no concerns in respect to overshadowing or loss of light. Finally, whilst the annexe would be in close proximity to the boundary wall which separates both of these sites, given that no. 9 is located at a slightly higher ground level to the application site, stepped forward from the proposed annexe, and that the proposed annexe is to be single storey in height (albeit approximately 1.1m higher than the existing outbuilding), it is not considered that the proposals would appear overbearing or overly dominant on this adjacent neighbour on this occasion.

In conclusion, taking the above into account it is considered that the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Chapter 12 of the National Planning Policy Framework. The proposals are also in accordance with the Council's adopted SPD 'house extensions and alterations'.

4 - Impact on Highway Safety:

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy 11 of the HVNP states that new development should provide off-road parking provision in line with Kirklees Local Plan Policy LP22 (parking) and the Council's latest guidance on highways design.

Principle 15 of the House Extensions and Alterations SPD states that extensions and alterations should maintain appropriate access and off-street 'in curtilage' parking. With Principle 16 going on to say that proposals should maintain appropriate storage arrangements for waste.

Given the nature of the proposals the Council's Highways officers were consulted. They raised no objections to the proposals as the existing access onto the driveway from Laithe Court would remain unchanged by the proposals and the parking for the annex will be on the driveway to the east. The proposed one-bedroom annex is to be used by the family of the applicant and one parking space is required for this. Officers consider that sufficient parking has been demonstrated by 4 parking spaces for both the annex and current dwelling although they are not independently accessible. In respect to waste, bin storage has been presented in a suitable location at the end of the driveway and waste collection will be in line with the existing dwelling. Conditions are recommended in respect to surfacing and drainage and ensuring that the proposed annexe remains in private use by the owner/applicant only.

For the aforementioned reasons it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, Principles 15 and 16 of the House Extensions and Alterations SPD and the guidance contained within the National Planning Policy Framework.

5 - Other Matters:

Biodiversity

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.

It is acknowledged that the application site is located within a Bat Alert Area. The applicants have submitted a bat and bird nesting survey report prepared by Middleton Bell Ecology, dated 9th September 2021. Within this report it is noted that the outbuilding offers a low-moderate level of bat roost potential with no bats recorded during the surveys undertaken. It is concluded that no further bat surveys are considered necessary providing works commence within 24 months of the survey date (9th September 2023), demolition of the outbuilding are undertaken outside the main bird nesting period (March-August) or be preceded by a nesting bird check and that care is taken during construction for any unexpected bat presence. If bats are subsequently discovered, work should cease and further advice sought without delay.

Should planning permission be granted the above recommendations should be conditioned/added as notes to the decision.

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.

Policy 12 of the HVNDP sets out that all new buildings should aim to meet a high level of sustainable, design and construction and be optimised for energy efficiency, targeting zero carbon emissions. 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.

The proposal is for a new annexe associated with a domestic dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards. The proposed development would therefore comply with Policy LP51 of the Kirklees Local Plan, Principles 8, 9, 10 and 11 of the House Extensions and Alterations SPD and Chapter 14 of the National Planning Policy Framework.

There are no other matters for consideration.

6 - Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would not accord with the up to date Development Plan, comprising the Kirklees Local Plan and the Holme Valley Neighbourhood Development Plan. Furthermore, the adverse impacts in

approving the development would significantly and demonstrably outweigh its benefits when assessed against the policies in the NPPF taken as a whole.

Recommendation:

Refuse.

Decision Authorisation - Delegated Powers

Application Number: 2021/94185

Officer Recommendation: Refuse.

Reason for Refusal:

The proposed detached annexe by reason of its siting, scale and design would introduce an unsympathetic, incongruous and cramped form of development that would result in an overdevelopment of the site. This would have a detrimental impact on visual amenity and the character and appearance of the local streetscene. The proposals would therefore be contrary to Policy LP24a of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan, Paragraph 130 of the National Planning Policy Framework and guidance contained within the Council's adopted House Extensions and Alterations SPD, in particular section 5.6.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Photographical Record of Existing	21031D-01-P01	-	3 rd November 2021
Visualisations (original plans)	21031D-03-P03	-	3 rd November 2021
Proposed Plans, elevations, block plan and location plan	21031D-02-P04	-	16 th March 2022
Site Survey Haycock and Todd	S9971	-	3 rd November 2021
Design & Access Statement	21031	-	3 rd November 2021
Bat and Nesting Bird Survey Report Middleton Bell Ecology MBE/BAT/2021/76/01	MBE/BAT/2021/76/01	-	3 rd November 2021

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a

preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amendments were sought to reduce down the overall scale and size of the proposed annexe to ensure the proposals would not appear overly cramped and would remain subservient, whilst amendments were provided, they were not deemed to be sufficient enough to overcome officers concerns in this instance. In addition, concerns were raised over the proposed design of the annexe and amount of glazing to be provided within the gable ends of the building.

Report Dated:

19/04/2022