

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:	2022/62/90352/W
Site Address:	2, Broadbent Croft, Honley, Holmfirth, HD9 6PN
Description:	Alteration of existing window to form double doors and formation of external sitting area with associated engineering works
Recommending Officer:	Tom Hunt

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: 20-Apr-2022

Officer Report

Site Description

2022/90352 – 2, Broadbent Croft, Honley, Holmfirth, HD9 6PN

The application site relates to a detached, two-storey dwellinghouse with a link attached garage in front. It is finished with natural stone, side gabled roofs and bounded with a low stone wall finished with triangular stone copings providing access via Broadbent Croft.

Surrounding the site is predominantly residential in character with the Southgate Theatre described as a Positive Contributor in the Holme Valley Neighbourhood Plan.

It borders Honley Conservation Area, however is not a Listed Building or affecting the setting of, and not adjacent to a PROW. There are TPOs within and adjacent to the site: 43/80/g17 (south), 43/80/t37 (west) and 43/80/g18 (northeast). Permitted Development Rights are retained.

Description of Proposal

Alteration of existing window to form double doors and formation of external sitting area with associated engineering works

It is proposed to excavate an area of approximately 65 square metres to be lowered approximately 1.4m to the fore of the southwest elevation of the primary host building and to the west of its linked garage. It would be block paved with natural stone 0.3m to have a finished lowered ground level of 1.1m. it would have retaining stone copings to its walls and black painted steel handrails.

An existing window opening would be opened up to form double patio doors with new stone cill and jamb with triple glazed grey/green painted timber and to have the exposed host building wall finished with buff render finish.

This would serve to provide an external sitting area and increase natural lighting to the kitchen diner. Other alterations would be reconfiguring of the

existing external path with a small paved area forming access to/from the garage

History of negotiations/amendments received

The case officer considered the application on review and requested further detail on the adjacent detached garage on the neighbouring boundary to the east.

Relevant Planning History

2017/94034 – Works to TPO(s) 43/80. Part Granted/Part Refused.

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 which expired on: 21/04/2021

No representations have been received.

Consultation Responses

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

- Holme Valley Parish Council – Support

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) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021)

It borders Honley Conservation Area on the Kirklees Local Plan. It is within a Bat Alert layer and a Low Coal Risk Area.

Kirklees Local Plan (LP):

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place shaping
- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 30 – Biodiversity & Geodiversity
- LP 31 – Strategic Green Infrastructure Network
- LP 33 – Trees

- **LP 35 – Historic Environment**

Local Planning Guidance:

- House Extension and Alterations SPD
- Highways Design Guide SPD

Holme Valley Neighbourhood Development Plan (adopted 8th December 2021)

- 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 8: Facilitating Development in Holmfirth Town Centre and Honley District Centre and Brockholes and New Mill Local Centres
- Policy 12: Promoting Sustainability

The application site is within Landscape Character Area 6 – Honley Village Centre, as identified within the Neighbourhood Plan.

Key landscape characteristics of the area are:

- Wooded valleys associated with Mag Brook and Magdale.
- Glimpsed views of a wider rural backdrop are often framed by built form. The sloping topography creates a strong connection between the centre of Honley and the wider agricultural setting with strong visual links up to Oldfield. The area affords long distance views to Castle Hill.
- Stone wall field boundary treatments
- A network of Public Rights of Way (PRoW) follows the routes of local lanes or field boundaries with some giving access to Mag Brook and Honley Wood Bottom.

Key built characteristics of the area are:

- Honley's historic core is dominated by 18th and 19th century stone dwellings with distinctive yards or folds.
- The south-west of Honley has more eclectic architecture with largely 20th century residential properties in cul-de-sacs. These are generally in-keeping with the historic townscape due to scale and use of traditional materials.
- Weaver's cottages with rows of mullioned windows are found throughout area.
- Former mill buildings associated with Mag Brook have been redeveloped for commercial or residential use and form local heritage features.

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 4 – Decision-making
- 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
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity (including any heritage considerations)
- 3) Impact on residential amenity and heritage
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Representations
- 7) Conclusion

1 – Principle of development:

Heritage

The site is situated bordering Honley Conservation Area. Therefore, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities to pay special attention to preserve or enhance the character and appearance of the Conservation Area. This is reiterated in Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

Furthermore, LP35 states “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”. Whether harm exists, and whether it is substantial or less than substantial, will be assessed and discussed later in the report.

In relation to the HVNDP, Appendix 2A identifies ‘Positive Contributors to Conservation Areas within the Holme Valley’ which would be the ‘Southgate Theatre’ to the southwest of the site.

Alongside this, LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy LP24 of the KLP is also relevant and states that “good design should be at the core of all proposals in the district.

2 –Impact on visual amenity and heritage:

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

With regards to design, the proposed would be considered to be visually of low impact not adding any solid bulk and massing to the site with the excavation of the ground which is adjacent to the host building and sensitively placed set back from the highway. The use of natural stone to walls, steps and surfacing would be in keeping with the area and the small-scale minor use of buff render finish to the lower section of the host exposed by the excavated ground would be similar coloured to match the host's stone walls while being obscured from view set within the lower ground level. The change from window to timber framed patio doors with stone lintel and jamb would be considered a small scale, harmonising alteration to the host sensitive to design features in existing windows of the host. In addition Officers are satisfied that the setback position to the highway would further aid the design being of minimal impact on the streetscene. The addition of 1m height from ground level black handrails would have its impacts minimised being see through and permeable further mitigated by its set back position from the highway. The impacts on the heritage assets identified as a Positive Contributor in the HVNDP and the Honley Conservation Area are considered to be neutral neither interfering with views, setting or adding bulk and massing. The existing boundary treatment would obscure the development from public vantage points. This would help to protect the key characteristics of the area, identified within the Holme Valley Neighbourhood Plan. As such for these reasons, the proposal would not harm the character, appearance or significance, for the aforementioned heritage assets.

This would also accord with Policy 2 of the Holme Valley Neighbourhood Plan, which states that “proposal should protect and enhance local built character and distinctiveness and avoid any harm to heritage assets including conservation areas”.

As such, officers are satisfied that there would be no significant impact upon the Conservation Area or to the identified Positive Contributor in the HVNDP. For these reasons, the proposed development would not cause detrimental harm to the visual amenities of the locality, in accordance with Policies LP24 and LP35 of the KLP, the aims of Policy 2 and 3 of the Holme Valley Neighbourhood Development Plan and Chapter 12 and 16 of the NPPF.

3 – Impact on residential amenity:

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to paragraph 130 of the NPPF and specifically stated and supported by Principles within the adopted 'House Extension and Alterations SPD' in conjunction with Policy LP24 of the Local Plan which seeks to *“provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.”*

The proposed extension and alterations are assessed upon whether they would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking.

The proposed would add no bulk and massing to the host apart from see-through railings which would be considered a minor alteration to the host rendering the scheme to have no impact on overshadowing and overbearing. The proposed change from window to patio doors would be considered a minor design change and would not change the outlook towards neighbouring properties including the opposite properties at a separation distance of 34m.

4 – Impact on highway safety:

Turning to highway safety, Policies LP21 and 22 of the Local Plan and Principle 15 – Provision for parking and Principle 16 – Provision for waste storage of the adopted 'House Extension and Alterations SPD' have been considered along with the KC Highway Design Guide.

The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking. The proposed development would not adversely affect the existing parking spaces within the site, intensify use and therefore would not cause additional harm to highway safety.

5 – 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.

In addition, Principle 8 – Energy efficiency, Principle 9 – Construction materials, Principle 10 – Renewable energy, Principle 11 – Water retention, Principle 14 – Drainage and flood risk of the adopted 'House Extension and Alterations SPD' is relevant.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development. The use of natural stone, a low carbon embodied material, would minimise impacts on the development and environment by avoiding artificial high carbon embodied materials. In addition, increased daylighting through the patio doors facing southwest would aid in reduction of artificial lighting use for future and present occupants.

Land Stability

In relation to the proposed excavation of ground adjacent to the host and the neighbouring detached garage paragraph 184 of the NPPF is relevant setting out that:

“Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”

And LP53 of the KLP is relevant setting out that where development may give rise to land stability issues that a land stability risk assessment may be required.

The agent provided further detail on the nature of the site stating that the detached garage adjacent to the boundary is on a stone wall underground and later the plot was infilled to provide elevated ground for the host building. In addition, on the opposite elevation of the detached garage, a retaining wall is proposed to provide further support. The works is set back from the highway sufficient to not raise concerns on public highways or walkways. For these reasons Officers are sufficiently satisfied that a footnote be added to the Decision setting out the responsibility of the applicant to ensure that safe development be followed for avoidance of doubt given the scale of the proposal and be compliant with Chapter 4 of the NPPF and LP53.

Biodiversity and Trees

Whilst considering Biodiversity, Principle 12 – Natural environment, Principle 13 – Vegetation and tree planting of the adopted 'House Extension and Alterations SPD' in conjunction with LP 30 and LP 33 of the Kirklees Local Plan is relevant.

The site is adjacent to the host dwelling with a link detached garage to the fore and hard surfacing/gravel adjacent to the host dwelling. The proposed excavation would be of minimal impact to Trees at the front boundary and would not be considered to harm or lead to future works being necessary as a result of the proposal which would raise no conflict with LP33.

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.

The site currently forms part of the domestic curtilage associated with no. 2. As such, it is considered to be of low ecological value, not interfering with the eaves of the host and therefore the works are not considered to be of impact upon roosting bats. This is to accord with Policy LP30 of the KLP and Chapter 15 of the NPPF.

In addition, 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. Considering the proposed development's impacts, to ensure that biodiversity is protected an informative has been provided making the applicant aware that if bats are discovered or at risk of disturbance or harm on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

6 – Representations:

No representations had 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 development would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2022/90352

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 to accord with Policies LP01, LP02, LP21, LP22 and LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Policies within Chapters 2, 12 and 14 of the National Planning Policy Framework

FOOTNOTE: The applicant/agent is reminded that where a site is affected by land stability issues, responsibility for securing a safe development rests with

the developer and/or landowner. This is in accordance with paragraph 184 of the National Planning Policy Framework.

FOOTNOTE: Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected and that the works carried out is lawful.

FOOTNOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

FOOTNOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site, development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans - Grouped Plans and Elevations	Existing Survey. Project No. 189. Drawing No. (0-) 01. Revision: -.	-	02/02/2022
Plans - Grouped Plans and Elevations	Scheme As Proposed. Project No. 189. Drawing No. (0-) 02. Revision: -.	-	02/02/2022
Supp Info – Design and Access Statement	Design & Access Statement. Project No. 189. 2 Broadbent Croft.	-	02/02/2022

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer considered the application on review and requested additional information from the agent to consider land stability in more detail and was satisfied that the scale and nature of the proposal would be adequately covered by the an advisory note setting out the responsibility of the applicant where this issue might arise.

Report Dated: 14/04/2022