

**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:	2022/62/91182/W
Site Address:	3, Park View, Holmfirth, HD9 3BT
Description:	Demolition of existing conservatory and erection of single storey rear extension with roof terrace, raised patio and external alterations
Recommending Officer:	Ellie Worth

DECISION – Condition Full Approval

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.

Stuart Howden

AUTHORISED OFFICER

Date: 27-May-2022

Officer report

Site description

3 Park View, Holmfirth is a detached stone built split level dwelling, which appears to be single storey from the front, however, benefits from two storeys to the rear. This is due to a significant change in levels within the site and the wider area. Its design features include a projecting front gable, along with balconies and a single storey conservatory to the rear. Pedestrian and vehicular access can be taken from the front boundary onto Park View. Boundary treatment consists of hedging and timber fencing to the rear.

Surrounding the site is predominantly residential in character, whereby the dwellings appear to be of a similar design and form. The common construction material also appears to be stone. The site is unallocated on the Kirklees Local Plan, but is directly adjacent to Holmfirth Conservation Area, to the rear of the site and there is a tree to the rear of this site. To the rear of the site is Victoria Park

Description of development

The proposal is seeking permission for the demolition of the existing conservatory, erection of single storey extension with roof terrace, raised patio and external alterations. The measurement of the scheme is as follows:

Single storey rear extension with roof terrace above:

- 10.5m in width
- 3.5m in projection
- 4.1m in maximum height (4.9m to include balustrade).

Raised terrace:

- 1m in height
- 16m in width
- 1.4m in depth (to wrap around side of house)

The extension would be finished in stone to match the host property, with GRP/rubber to the flat roof. The windows and doors would also be UPVC double glazed to match.

External alterations include the insertion of a ground floor door within the south western facing elevation, the insertion of a new ground floor window within the north eastern facing elevation, along with the alteration of a first floor rear window into double doors. Such works could be constructed under permitted development, without requiring formal planning permission.

History of negotiations/amendments received

No amendments have been sought throughout the course of this application.

Relevant Planning History

At the application site:

None at the application site.

Representations

The application has been advertised via site notice, neighbour notification letters and press advert.

Final publicity expires: 21st May 2022.

As a result of the above publicity, no representations have been received.

Holme Valley Parish Council: In support, however, attention is drawn to the potential impact on parking.

Comment: These concerns have been noted – highways safety is addressed in the assessment section of this report below.

Consultations responses

None necessary.

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).

The site is unallocated on the Kirklees Local Plan, however, is adjacent to Holmfirth Conservation Area (to the rear).

Kirklees Local Plan:

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP21 – Highway safety
- LP22 – Parking
- LP24 – Design
- LP28 – Drainage
- LP30 – Biodiversity
- LP33 – Trees
- LP35 – Historic Environment
- LP51 – Protection and Improvement of Local Air 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 most relevant in this case are:

- 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 11 – Improving Transport, Accessibility and Local Infrastructure
- Policy 12 – Promoting Sustainability

- Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain

The application site is within Landscape Character Area 4 – River Holme Settled Valley Floor as identified with the neighbourhood plan.

Key landscape characteristics of the area are stated to be:

- 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.
- Boundary treatments comprised largely of millstone grit walling. The stone walling which runs parallel with Upperthong Lane is representative of local vernacular detailing.
- A network of Public Rights of Way (PRoW) including the Holme Valley Riverside Way which follows the River Holme from Holmbridge through Holmfirth and downstream. National Cycle Route no. 68 follows minor roads through Upperthong towards the centre of Holmfirth before climbing the opposing valley slopes.
- Mill ponds reflect industrial heritage and offer recreation facilities.

Key built characteristics of the area are stated to be:

- Mill buildings, chimneys and ponds, including Ribbleden Mill with its chimney, associated mill worker houses and ashlar fronted villas link the area to its industrial and commercial heritage and are a legacy of the area's former textile industry.
- 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

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 4** – Decision Making
- **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

Supplementary Planning Documents (SPD)

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

Assessment

The following matters are considered in the assessment below:

1. Principle of development
2. Impact on visual amenity (including impact on historic environment)
3. Impact on residential amenity
4. Impact on highways
5. Other matters
6. Representations
7. Conclusions

1. Principle of development

The site is without notation on the Kirklees Local Plan (KLP). Policy 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 relevant and states that “good design should be at the core of all proposals in the district”.

In this case, the principle of development on the application site is acceptable and shall be assessed against other material planning considerations below.

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

Visual Amenity

Policies LP1, LP2 and LP24 of the Kirklees Local Plan are all relevant, as these policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development within the area and is visually attractive. With reference to extensions, it is advised within LP24(c) that these “are subservient to the original building and are in keeping with the existing building in terms of scale, materials and details and minimise the impact on residential amenity of future and neighbouring occupiers”.

These aims are also reinforced within Chapter 12 of the NPPF (Achieving well designed plans) where paragraph 126 provides an overarching consideration of design stating that: *“the creation of high quality buildings and places are 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”*.

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

- Principle 1 - that *“extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene.”*
- Principle 2 - that *“extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.”*

In this case, officers consider the development to appear subservient to the host property, as the single storey extension would benefit from a flat roof. The raised patio would also adjoin the existing built form.

In light of the above, there would be limited amenity space developed as part of this proposal and therefore the works would not result in the overdevelopment of the site.

Single storey rear extension:

Paragraph 5.5 of the House Extensions and Alterations SPD sets out that *“single storey rear extensions can have an adverse impact on neighbouring properties and gardens. Careful consideration should therefore be given to the design of these extensions to ensure their height and windows do not harm the privacy of neighbours”*.

Furthermore, paragraph 5.6 of this SPD states that single storey extensions should:

- *“be in keeping with the scale and style of the original house;*
- *not normally cover more than half the total area around the original house (including previous extensions and outbuildings);*
- *not exceed 4 metres in height; not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;*
- *where they exceed 3m in length the eaves height should generally not exceed 2.5 meters;*
- *and retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.”*

In this instance, the built form would be somewhat in keeping with the original house, with the flat roof also helping to reduce some of the bulk and massing. In terms of built form, the extension would have a projection of 3.5m and an overall height of 4.1m excluding the terrace. The works would also be inset from any side boundary by more than 1m. The extension would not protrude beyond the side walls of the dwelling. For these reasons, the single storey development would broadly accord with the guidelines within the aforementioned SPD.

Alongside the above, Policy 1 of the Holme Valley Neighbourhood Development Plan states that: *“views across the Valley must be considered, including from other areas looking towards the development scheme and proposals should pay particular regard to any long-distance visual impacts on approaches to settlements, and along through routes”*. In this case, the

proposed extension would only be single storey in scale and it is considered that it would not be prominent feature in the landscape.

The materials would be stonework to match to the existing dwelling. The fenestration would also be in keeping with those that currently exist. Therefore, the rear extension and terrace have been considered acceptable from a visual amenity perspective.

Raised terrace

Paragraph 5.28 of the House Extensions and Alterations SPD states that: "Balconies and roof terraces on existing buildings should not negatively affect neighbouring properties or alter the local character of the area. Balconies and roof terraces should be:

- Positioned, and screened if required, so that they do not overlook neighbouring homes or gardens.
- Sited away from locations that are sensitive to additional noise levels or disruption.

The terrace above part of the extension would also be in keeping with the host property in terms of design as such features (smaller in footprint) already exist at the site and on the neighbouring properties. This is likely to be due to the changes in topography and the views over the valley. The requirements of the SPD listed below relate to residential amenity which will be discussed further below.

Raised patio

With regards to the raised patio, this would provide a levelled seating area from the extension. This is due to the significant change in levels. Therefore, given that this aspect would be set back and down from the road side, predominantly to the rear, no concern has been raised from a visual amenity perspective.

External alterations

Lastly, the plans show the installation of a new pedestrian door within the south western side elevation, a new window within the north eastern facing side elevation and alterations to convert an existing first floor window, into double doors within the rear elevation. Such works could likely constitute permitted development.

Nonetheless, for the purpose of this submission, the aforementioned alterations have been considered within the wider scheme, whereby no concerns have been raised.

Therefore, having taken into account the above, it has been considered that the proposal would harmonise, to an acceptable degree, with the host property and would not cause detrimental harm to the visual amenities of the area, in accordance with Policy LP24 of KLP, the principles within the Council's House Extensions and Alterations SPD and Chapter 12 of the NPPF.

Historic Environment

Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.

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, Policy LP35 of the Kirklees Local Plan 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.”*

Alongside the above, the application has been assessed by the impact it would have on the character and setting of Holmfirth Conservation Area given that this is sited directly to the rear of the site. In this instance, it has been noted that the additional development would be constructed from matching materials and would be of an acceptable design and form to keep in with the architectural merits of the host property. Given this, and the relatively modest scale of the extension, Officers are satisfied that there would be no harm to the significance to this conservation area in accordance with Policy LP35 of the Kirklees Local Plan and Chapter 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 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 House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that: *“extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours.”*
- Principle 4 – 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.”*
- Principle 5 – that: *“extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.”*

- Principle 6 – that: *"extensions and alterations should not unduly reduce the outlook from a neighbouring property."*
- Principle 7 – that: *"extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals."*

The impact of the development on each of the surrounding properties will be assessed in turn.

4 Park view is the adjacent neighbouring property to the South West of the application site. The extension would protrude beyond the rear wall of this dwelling. However, given the location of the single storey extension and that a separation distance of approximately 4m would be retained to the shared boundary, it has been noted that the works would not lead to any detrimental loss of light, overbearing or overshadowing. Of note, the 45 degree line from the nearest rear facing window within No.4 would not be breached. More specifically, the plans also show no additional openings to be proposed within the nearest facing side elevation of the extension, which would protect these neighbours amenity.

It has also not been considered necessary to remove permitted development rights for future openings, given the separation distances proposed, given existing views from the site and the fact that any additional windows would be secondary.

In terms of any impact from the raised balcony, this would be situated at the opposite side of the rear elevation, away from these neighbours. Therefore, any overlooking would not be detrimental, when taking into account the existing situation. The raised patio would also not create any material loss of privacy at these neighbours, as there is some boundary treatment in place and this would slightly extend an existing raised terraced area.

As such, officers have considered that the development would have an acceptable impact upon these neighbours' amenity.

2 Park View is the neighbouring property to the North East of the application site. It has been noted that any additional bulk and massing from the rear extension (with terrace above) would not have a detrimental impact upon these neighbours' amenity. This is due to their orientation with the application site (rear elevation facing away from the site) and no. 2 not benefitting from any first floor side openings. In terms of overlooking, officers have noted that there is an existing terrace in situ at the site, however, this would be extended from 2.2m to 3.5m as part of the development. However, given the orientation of these neighbours, there would be no direct relationship with the terrace proposed to the one in which exists at no.2. In addition, the terrace would be set off from the shared boundary.

Therefore, the development can be supported by officers, as an acceptable level of amenity would be retained at these neighbours.

To the rear of the site is Victoria Park.

Overall, it has been considered that the impact on amenity is acceptable and therefore the proposal is considered to comply with LP24(B) and (C) of the Kirklees Local Plan, Policy 2 of the HNVDP, Chapter 12 of the NPPF and the Principles of the Councils House Extension and Alterations SPD.

4. Impact on highway safety

It has been acknowledged that the proposal will intensify the domestic use at the site, as the dwelling will be transformed from a 3 to a 4 bed. The Kirklees Highways Design Guide SPD recommends 3 parking spaces for 4 bed dwellings.

Having reviewed the plans, it appears that the garage has been converted historically, into living accommodation. The driveway, as existing, would also be insufficient for the parking of 3 vehicles, either side by side or tandem, and would be able to accommodate a maximum of 2 cars.

However, taking into account the site is close to Holmfirth Town Centre and is within close proximity to the Huddersfield Road with frequent access to Huddersfield town centre, two parking spaces is considered to be acceptable on balance. Furthermore, this would help to prevent the erosion of this pleasant grassed area to the front of the dwelling.

Therefore, subject to the above, the development is considered acceptable in accordance with Policies LP21 and LP22 of the KLP, Chapter 9 of the NPPF, Policy 11 of the HVNDP and the Highways Design Guide SPD.

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 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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures. However, it has been noted that the extension would be constructed from natural stone, in which can be sought locally and easily recycled. The use of larger areas of glazing would also help aid passive solar gain and reduce the need for artificial light. Lastly, as identified above, a condition will be attached to the decision

notice to state that the extended driveway shall be done in a permeable surface. Therefore, the development is likely to have a positive impact upon climate change.

Bats

Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Home Valley Neighbourhood Development 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.

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, with the main works being proposed a single storey. As such, the works would accord with the aims of Chapter 15 of the NPPF, Policy 13 of the HVNDP and Policy LP30 of the Kirklees Local Plan.

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 materials considerations. It is considered that the development would constitute to sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation - Delegated Powers

Application Number: 2022/91182

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 LP1, LP2, LP21, LP22, LP24, LP28, LP30, LP34 and LP35 of the Kirklees Local Plan, the aims of the Council's House Extensions and Alterations Supplementary Planning Document, the Holme Valley Neighbourhood Development Plan and Government guidance contained within the National Planning Policy Framework.

3. The walls of the rear extension hereby approved shall be constructed from natural stone, to match the natural used on the walls of the host property. The walls of the extension shall thereafter be retained with this finish.

Reason: In the interests of visual amenity and heritage conservation and to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Policies 1, 2 and 3 of the Holme Valley Neighbourhood Development Plan, Chapters 12 and 16 of the National Planning Policy Framework and Principles within the Kirklees Householder Extensions and Alterations Supplementary Planning Document.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours Mondays to Fridays 08.00 and 13.00hours, Saturdays With no working Sundays or Public Holidays In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

NOTE: Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan and existing floor plans and elevations	A(00)-01	-	5 th April 2022
Proposed site plan, floor plan and elevations	A(10)-01	-	5 th April 2022
Application Form	-	-	5 th April 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 Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. In this instance, no amendments have been sought throughout the course of this application.

Report Dated: 27th May 2022