

**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:	2022/62/91482/W
Site Address:	8, Moor Park, Bradshaw Road, Honley, Holmfirth, HD9 6RJ
Description:	Erection of single storey rear extension
Recommending Officer:	Sam Jackman

DECISION – Conditional 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-Jul-2022

SITE DESCRIPTION – 2022/91482

8 Moor Park, Bradshaw Road Honley is an end property previously 2 cottages in an 'L' shaped block of 3 properties, one being a barn conversion, built from stone with a stone slate roof.

The property benefits from a detached garage to the front of the property and the property itself is partly screened by the garage at the front.

The property and attached neighbours are surrounded by open fields with PROW No. HOL/8/60 running along the south west facing gable of the property. The site is within the Green Belt

DESCRIPTION OF PROPOSAL

The application is for the erection of a single storey rear extension to create a garden room.

The measurements of the proposal are as follows:

- 4m in projection
- 3.5m in width
- 2.35m in height to the eaves; 3.3m in overall height

Materials proposed are an oak frame with floor to ceiling windows to 2 elevations with the north west facing elevation along the shared boundary with No. 6 being stone for the first 3m with one obscurely glazed panel for the remaining 1m. the proposed roof would be artificial stone slates.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2F91482>

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

Concerns were raised with the agent, over the garden room projecting 4m close to the boundary with No 6, and its relationship with a ground floor window of the neighbour's property where the extension would fail the horizontal 45 degree rule within the SPD.

The agent replied with the fact that the neighbour has an extant permission for a two-storey extension projecting 3m.

Further information requested with regards how the extension would be built given the external access to the rear is via PROW HOL/8/60. Additional information has been submitted to explain this.

RELEVANT HISTORY

No. 8 Moor Park

94/92636 – erection of detached double garage – CFP - Built

No. 6 Moor Park

2005/90067 – Erection of two storey extension and earth sheltered garage – CFP not built but extant permission

[Planning application details | Kirklees Council](#)

PUBLIC/MEMBERS RESPONSE

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, press advert & site notice which expired on the 17th June 22, whereby one 1 letter of representation has been received supporting this application.

A summary of the comments received is set out below:

- Excellent idea which will provide a needed area for sitting out and additional access to the garden.
- It will have no visual impact on any of the neighbouring properties, and the design is in keeping with the historical nature of Moor Park. I wish them well, and hope it stimulates other property owners to invest in the upkeep of their properties

CONSULTATION RESPONSES

Holme Valley Parish Council: Supports the application.

K.C. Prow: informal discussions have taken place, where Prow officers had initial concerns regarding access to the rear of the property. Following additional details from the applicant, Prow have raised no objections subject to the standard footnote.

POLICY

The site is allocated as Green Belt on the Kirklees Local Plan, falls within the Holme Valley Neighbourhood Development Plan and is within an associated landscape character area (ref: - LCA5 Netherthong Rural Fringe).

The site also falls in an area at low risk of ground movement from former mining activity as identified by the Coal Authority.

Kirklees Local Plan (LP):

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety
- **LP 22** – Parking
- **LP 24** – Design

- **LP 30** – Biodiversity and Geodiversity
- **LP 51** – Protection and improvement of local air quality
- **LP 57** – The extension, alteration or replacement of existing buildings

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 21st 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 4** – Decision-making
- **Chapter 9** – Promoting sustainable transport
- **Chapter 12** – Achieving well-designed places
- **Chapter 13** – Protecting the greenbelt
- **Chapter 14** – Meeting the challenge of climate change, flooding & coastal change
- **Chapter 15** – Conserving and enhancing the natural environment

Supplementary Planning Documents

- Highways Design Guide
- House Extensions and Alterations Supplementary Planning Guidance (SPD)

Kirklees Council has adopted supplementary planning guidance on house extensions which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene.

Neighbourhood Development Plans

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

- **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 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 5 - Netherthong Rural Fringe.

One key landscape characteristic of the area is the extensive views of the surrounding landscape with long distance views towards Castle Hill and Huddersfield and the valley sides afford framed views towards settlements in the valley below, with Public Rights of Way (PRoW), including the Holme Valley Circular Walk, cross the landscape providing links between settlements. Where the built-up characteristics are Vernacular buildings largely comprise farmhouses, barns and two and three storey weaver's cottages of millstone grit with stone mullioned windows.

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).

ASSESSMENT

Principle of development:

The general principle of extending and making alterations to a property are assessed against Policy LP24 of the Local Plan and Chapter 12 of the NPPF regarding design. These require, in general balanced considerations of visual and residential amenity, highway safety and other material considerations.

The site is within the Green Belt and therefore the main issues are:

- Whether the proposal would be inappropriate development for the purposes of the NPPF and Local Plan Policy LP57. If inappropriate
- The effect of the proposal on the openness of the Green Belt, whether there is conflict with any of the five purposes of including land within Green Belts and the impact on the character and appearance of the area
- If found to be inappropriate development, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, so as to amount to the very special circumstances, so as to amount to the very special circumstances necessary to justify development

Is the development inappropriate in the Green Belt?

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt, the most relevant in this case being

to assist in safeguarding the countryside from encroachment. Paragraph 147 of the NPPF states that inappropriate development should not be approved except in very special circumstances. Certain forms of development are exceptions to 'inappropriate development'. These are set out within paragraphs 149 and 150 of the NPPF.

The construction of new buildings is regarded as inappropriate development in the Green Belt. Within paragraph 149, one of the exceptions to this is the extension or alterations of a building providing that this does not result in disproportionate additions over and above the size of the original buildings.

Policy LP57(a) of the Kirklees Local Plan also sets out that extensions could be acceptable provided *'the original building remains the dominant element both in terms of size and overall appearance'*. The policy outlines that: *'the cumulative effect of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building....'*

Policy LP57(c) also notes that the proposal should not result in a greater impact on openness in terms of the treatment of outdoors areas, including hard standing, curtilages and means of access.

In terms of this particular application, the property has been extended with the benefit of planning permission for a detached double garage to the front of the property and a small lean-to extension at the rear which would appear to have been built under permitted development, where permitted development rights still exist for the property.

The application here is for a second single storey rear extension to create a garden room close to the boundary with No 6 Moor Park.

In this specific case, despite the existing extensions to this property, it is considered that the cumulative impact of the proposed development and previous extensions to the property on balance would not result in disproportionate additions to the original property. This takes into account that a single storey rear extension projecting 3m could be built under permitted development rights and that the additional 1m additional projection would have limited additional impact on the openness of the Green Belt than a 3m rear extension in this case. Of note, the proposed extension would be a relatively narrow feature within a limited floor area and would only single storey in height. Furthermore, the attached neighbour has an extant permission to build a 2-storey rear extension and a triple earth covered garage.

Limited hardstanding is also required in this case given the nature of the proposal.

The proposed development is concluded to comply with Policy LP57 (a) and (c) of the Kirklees Local Plan and Chapter 13 of the National Planning Policy Framework.

In this case, the principle of extending the existing dwelling is considered to be acceptable and shall be assessed against the applicable material planning considerations within the following report.

Impact on visual amenity:

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all 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.

In this case Policy LP24 'design' states that extensions should be subservient to the original building, should be in-keeping with the existing building and should respect and enhance the character of the townscape, heritage assets and the landscape.

Chapter 12 of the NPPF emphasises the importance of good design. Paragraph 130 refers to Planning policies and decisions should ensure that developments:

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

Paragraph 134 of the NPPF goes on to state a development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides

Policy 1 of the Holme Valley Neighbourhood Plan HVNDP sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA5), in this case Netherthong Rural Fringe. Policy 2 of the HVNDP 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.

With regards to the House Extensions and Alterations SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These principles state the following:

- 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 Section 5.1 followed by 5.2 of the SPD refers to the general rules, where a rear extension should:

- Preserving a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Being set behind the original building, and not projecting beyond the sides; and
- Maintaining external access to the rear garden.
- respect the original house and garden in terms of its size and scale;
- use appropriate materials which match or are similar in appearance to the original house; and
- not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.

In Section 5.6 of the SPD specifically refers to single storey rear extension which 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.

No 8 Moor Park, appears to have been originally two small cottages which have been converted into one residential property, part of a small farm complex built pre 1850 on the main road leading from Honley to Wilshaw. At this part of the valley the properties become more isolated separated from the built-up ribbon development lower down the valley, and No 8 along with its attached neighbours are surrounded by open countryside with a large agricultural building to the west.

The proposal for the single storey rear extension, which is fairly modest in scale, where there would be limited views of the extension from Bradshaw Road but it would be visible from the PROW that runs along the south facing gable of the property, albeit the extension would be set over approx. 8.5m away and there is some intervening screening, therefore, it would not be a prominent feature from this PROW.

With regards the adopted SPD, the extension would allow a reasonable sized garden to be retained, would be set behind the original building, and would not project beyond the sides of the host property, and although there would not be external access to the rear garden, this situation is unchanged by the proposal.

The extension has been designed with a gabled roof with an overall height of 3.3m, built in part from matching materials using stone and artificial stone slate tiled roof. The extension would however, incorporate an oak frame glazed structure to 2 elevation and albeit not traditional in its materials, is considered an acceptable modern addition to this period property given its scale, its location to the rear of the property and its lack of prominence.

The extension would also be seen as subservient addition to the host property, when combined with previous extensions.

The extension is therefore considered to relate satisfactorily to the host building and given its position it would not have a significant impact on the street scene would have an acceptable impact on visual amenity, compliant with the requirements of policies LP1, LP2 and LP24 of the Kirklees Local Plan having regard to Principles 1 and 2 adopted SPD for Household Extensions and Alterations, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Policies within Chapter 12 of the National Planning Policy Framework.

Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and advice within Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 5 and 6 of the Council's adopted House Extensions & Alterations SPD require that 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 HVNDP sets out that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings.

Key design principle 5 of the SPD recommends that the 45-degree rule should be treated as a starting point in assessing impact for all extensions, i.e. a line drawn from the midpoint in the nearest adjacent habitable room window at an angle of 45 degrees should preferably not intersect the extension. In this

instance, the proposed extension would not comply with the 45-degree rule with respect to the nearest ground floor window in no. 6, however, No. 6 has an extant permission for a 3m rear extension, where when built the proposed extension would comply with the 45* rule.

No.8 Moor Park has only one side neighbour; No. 6 Moor Park, with no neighbours directly to the front or to the rear of the property.

Impact on No. 6 Moor Park

This neighbour is attached to the NE of the property. Where the applicant claims the property has been empty for several years which is not disputed by the condition of the property and closed blinds.

The proposed garden room extension on the northwest facing elevation which will be built close to the neighbour's boundary and is single storey in height.

The extension has an overall projection of 4m, and albeit does not overcome the horizontal 45* rule, it would if the extant permission for an extension is constructed next door. Furthermore, the agent has verbally confirmed that the homeowner of No 6 has no objections to the extension. That being said, regard needs to be had to future occupiers. Nonetheless, the 45 degree line of the window that would be breached appears to serve a kitchen diner that benefits from another window and it is considered that this room would continue to receive an adequate amount of light should this extension be erected.

With regards to overlooking the extension would have one, floor to ceiling glass panel in the NEE elevation which is shown to be obscurely glazed, therefore, no overlooking would occur provided this is retained as such, which can be controlled by condition (recommended Condition 5).

Therefore, it is considered that the proposed extensions are acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, given the above in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of Policy LP24 of the Kirklees Local Plan, Policy 2 of the HVNDP, Principles 3, 4, 5 and 6 Supplementary Planning Document on House Extensions (SPD) and Policies within Chapter 12 of the NPPF.

Further to this, the majority of the garden would be retained therefore the proposal would be in compliance with Principle 7 of the HVNDP.

Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and Policy 11 of the HVNDP 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.

In terms of highway safety there are no highway issues as the drive is not being affected by the proposal and can still accommodate 2 cars, plus 2 cars in the garage as such would meet the aims of Policy LP22 of the Kirklees Local Plan with respect to highway safety and advice in Chapter 12 of the National Planning Policy Framework.

It is therefore concluded the proposal meets the aims of Policies LP21 and LP22 of the Kirklees Local Plan, Policy LP11 of the HVNDP and Chapter 9 of the National Planning Policy Framework, as well as Principle 15 of the SPD. As there would be no change to bin storage and collection arrangements the proposal would also be in compliance with Principle 16.

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.

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Due to the size, scale and limited nature of development, it was not considered necessary to request specific measures to address the developments' resilience to climate change.

K.C. PROW – informal discussion have taken place, where PROW officers had initial concerns regarding access to the rear of the property. Following additional details from the applicant which states that they have vehicle right of access along the gable of their property which will allow a micro -digger into the back garden, where the oak structure will be assembled on site. The applicant has also stated that there will be no disturbance to the footpath adjacent to the property. As this follows their own right of way to the rear of the property, which is in their best interests to ensure it remains useable at all times.

Following these comments PROW officers have no objection subject to the standard footnote.

Ecology – Principle 12 of the SPD outlines that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

Given the scale and nature of the proposed development and the location of the site, it is considered that it would be unlikely to result in harm to protected species. It is also not considered proportionate to seek enhancements in this case.

Representations:

It should be noted that one representation has been received as a result of site publicity supporting the application. Along with a verbal comment that the adjacent neighbour also supports the application via the agent.

Holme Valley Parish Council supports the application.

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: 2022/91482

Officer Recommendation: APPROVE

Conditions and Reasons

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted

Reason: Pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Order 2004.

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: In the interests of visual amenity and so as to preserve the openness of the Green Belt, in accordance with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP51 and LP57 of the Kirklees Local Plan and to accord with policies within the Holme Valley Neighbourhood Development plan and the National Planning Policy Framework.

3. The stone to be used on the external stone wall as indicated on the approved plan of the extension hereby approved shall in all respects match the stone used in the construction of the host building.

Reason: In the interests of visual amenity and in accordance with Policies LP1, LP2, LP24 and LP57(d) of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Chapter 12 of the National Planning Policy Framework.

4. The external roofing materials as indicated on the approved plan shall be artificial stone slates which shall harmonise with the existing stone slate roof of the host property.

Reason: In the interests of visual amenity and in accordance with Policies LP1, LP2, LP24 and LP57(d) of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Chapter 12 of the National Planning Policy Framework.

5. The single glass panel in the NEE facing elevation of the proposed garden room, shall be obscurely glazed (minimum grade 4) before the extension is first brought into use. Notwithstanding the provisions of section 55(2) (a) (ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Act or Order with or without modification) this window shall thereafter be so retained obscurely glazed.

Reason: So as not to detract from the amenities of the adjoining property by reason of loss of privacy and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood

Development Plan and Chapter 12 of the National Planning Policy Framework.

NOTE: Please note that the granting of planning permission does not override any private 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 may involve access to land outside your ownership.

NOTE: Public footpath Holmfirth 8/60 is adjacent to the development and must not be interfered with or obstructed, prior to, during or after development works. The Council's public rights of way unit may be contacted by telephone 01484 221000 and ask for Sharon Huddleston. Public rights of way is based at Flint Street, Fartown, Huddersfield HD1 6LG.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Location Plan 1:1250	LP01	3 rd May 2022
Existing & proposed layout & elevations	2022/019/03	4 th May 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. The Case Officer requested amended plans during the processing of the application to seek an amendment which would reduce the impact of the development on the amenity of nearby residents. This decision is based on the additional documents submitted.

Report Dated:

27.7.22

Coal – low risk