

**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:	<b>2022/62/92122/W</b>
Site Address:	The Barn, 44, Church Street, Honley, Holmfirth, HD9 6BJ
Description:	Alterations to turn window into door opening [within a Conservation Area]
Recommending Officer:	Laura Yeadon

**DECISION – CONDITIONAL FULL PERMISSION**

**I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.**

John Holmes

***AUTHORISED OFFICER***

**Date: 18-Aug-2022**

## Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022/92122>

## Site Description

The Barn, 44 Church Street is a terraced former barn conversion located within the Honley Conservation Area. The property is constructed from stone and has a stone slate roof. The property is located within a tight cluster of dwellings and has a front elevation which faces the forecourt which is accessed off St Mary's Mews. The rear elevation of the property fronts Church Street and has limited openings to retain the character of the original barn.

Surrounding properties are predominantly stone but are of varying styles.

## Description of Proposal

Permission is sought for the alteration to turn a window into a door opening to provide direct access to the external amenity area of the property.

The window is at ground floor level and located on the side, south-eastern gable of the property and it is proposed to alter this opening to French doors.

The proposed opening would match the width of the existing opening and the walling below the cill would be removed and replaced with the French doors which would be built within ashlar surrounds to match those on the window. Stone steps are also proposed to provide access.

Limited internal works are also proposed however these do not require planning permission.

## History of negotiations/amendments received

None

## Relevant Planning History

1986/01487 Change of use of barn to 2 dwellings (within a Conservation Area)  
*Granted Conditionally*

1986/02899 Change of use from disused barn to storage and wholesale distribution of greengrocery and fruit (within a Conservation Area)  
*Refused*

1988/00351 Conversion of barn into dwelling (within Conservation Area)  
*Granted Conditionally*

- 1988/01958 Conversion of existing barn to dwellinghouse  
*Granted conditionally*
- 2016/91511 Work to TPO(s) 18/78 within a Conservation Area  
*Granted*
- 2016/93618 Work to tree(s) within a Conservation Area  
*Granted*
- 2021/92725 Works to trees within a CA  
*Granted*

### **Representations**

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, site notice and newspaper advertisement.

Final publicity date expired 5<sup>th</sup> August 2022 – no representations received

Holme Valley Parish Council – No response to date

### **Consultation Responses**

None

### **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 27<sup>th</sup> February 2019) and Holme Valley Neighbourhood Development Plan.

The site is within the Honley Conservation Area on the Kirklees Local Plan and falls within the Holme Valley Neighbourhood Development Plan area and associated Landscape Character Area 6 (Honley Village Centre).

The site is within an area with a known presence of bats and twite birds, and is within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

#### **Kirklees Local Plan:**

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

- **LP 24** – Design
- **LP 30** – Biodiversity
- **LP 35** – Historic environment

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 21<sup>st</sup> July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 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

### Neighbourhood Plans

- 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. When weighing material considerations in any planning judgement, it is always the case that what is material is a legal fact and the weight to be attributed thereto is, as always, for the decision makers to ascertain..

- 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 8: Facilitating Development in Holmfirth Town Centre and Honley District Centre and Brockholes and New Mill Local Centres
- Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain

The application site is located within Landscape Character Area 6 – Honley Village Centre.

The 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.

The 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.

#### Supplementary Planning Documents (SPD's)

- House Extensions and Alterations Supplementary Planning Guidance

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. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

#### **Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity and Conservation Area
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

#### 1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 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 National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

With specific regard to the House Extensions and Alterations SPD the key design principles for consideration are:

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

The above principles and guidance are taken into account within sections 2 and 3 of this report.

The site is within the Honley Conservation Area. Section 72 of the 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. This is mirrored in Chapter 16 of the National Planning Policy Framework and also LP35 of the Kirklees Local Plan.

In this case, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity, the impact on the listed building and Conservation Area, as well as other matters which will be discussed below.

## 2 – Impact on visual amenity and Conservation Area:

Policy 1 of the Holme Valley Neighbourhood Development Plan (HVNDP) sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA 6, detailed in the ‘Policies’ section of this report)

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.

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Policy LP35 of the Kirklees Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure that they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

The proposed enlarged opening would be located within the south-eastern gable end of the property to provide external access to the outdoor amenity space of the property. Steps are also proposed between the ground level and floor level.

It is proposed that the opening would have natural sawn surrounds and contain rosewood uPVC doors to match the host property which would comply with Key Design Principles 2 and 9 of the SPD which takes into account construction materials and works being in keeping with its host building.

The opening would be visible from public vantage points on Church Street and St Mary's Mews however the works would be isolated to the ground floor of the property and would be partially screened by the existing boundary wall and access gate. The proposal is therefore considered to comply with Key Design Principle 1 of the SPD.

The proposed works are minimal and it is not considered that the proposed enlarged opening would be detrimental to the character of the building, being a converted barn nor would it be detract from the character or setting of the Conservation Area.

It is considered that the proposal would not cause detrimental harm to the visual amenities of the locality or harm to the significance of the conservation area in accordance with, Policy LP35 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD, Chapter 16 of the NPPF and the Council's duty under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

### 3 – Impact on residential amenity:

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 and prevent or reduce pollution as a result of noise, odour, light and other causes. Light pollution should be minimised and security lighting must be appropriate, unobtrusive and energy efficient.

Policy LP24 of the Kirklees Local Plan and 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, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

The enlarged opening proposed would not decrease any separation distance between neighbouring properties and therefore there are minimal concerns with regard to overlooking. As there are no proposed extensions to the property, there would be no additional harm from overshadowing or by being overbearing.

It is therefore not considered that the proposal would have a detrimental impact on residential amenity in terms of overlooking, overshadowing or by being overbearing. As such, it is considered that the proposal is acceptable and would accord with both local and national policy.

### 4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principles 15 and 16 of the adopted House Extensions & Alterations SPD seek to ensure that acceptable levels of off street parking / waste storage areas are retained and are also considered to be relevant.

Whilst it is evident that the amenity area to be accessed via the French doors is an area for parking for the host property, it is not considered that the creation of the steps would impede the existing parking arrangements. The waste bins for the property are also within this location however it is not anticipated that the works would change the existing storage or collection arrangements. Therefore, the proposal would comply with Key Design Principles 15 and 16 of the SPD.

### 5 – 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 limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

*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. Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered 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:

None

#### 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:** 2022/92122

**Officer Recommendation:** Approve

**Conditions**

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 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, LP30 and LP35 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 15 and 16 of the House Extensions and Alterations SPD, Policies 1, 2, 8 and 13 of the Holme Valley Neighbourhood Development Plan and advice within Chapters 2, 4, 12, 14, 15 and 16 of the National Planning Policy Framework and the Council's duty under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

3. The external door surrounds shall be ashlar to match those used in the construction of the existing building and retained thereafter.

**Reason:** In the interests of visual amenity and the Conservation Area and to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD and Chapter 12 and 16 of the National Planning Policy Framework.

**NOTE:** Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan	LP01		23 <sup>rd</sup> June 2022
Existing and proposed elevations and floor plans	2022/003/03 – Rev: B		23 <sup>rd</sup> June 2022
Heritage Statement			23 <sup>rd</sup> June 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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

**Report Dated:**

18<sup>th</sup> August 2022

Coal – low