

**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>2022/62/93987/W</b>
Site Address:	Sunny Mede, Horn Lane, New Mill, Holmfirth, HD9 7HG
Description:	Erection of single and two storey extensions and alterations including a raised patio area to the rear, alterations to access and retaining walls.
Recommending Officer:	John Holmes

**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-Dec-2023**

## **Officer Report – 2022/93987**

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2F93987>

### **Site Description**

Sunny Mede, Horn Lane is a small detached, timber clad bungalow with a concrete tiled roof. The property has been extended with a flat roofed extension to three sides extending the full width of the rear and side elevations with part coverage of the front elevation. The property also benefits from a detached single concrete sectional garage and store to the west of the property.

The property is located within a residential area of mixed style properties and materials which are predominantly stone or brick with some render, timber and /or pebbledash.

As you approach the property along Horn Lane from New Mill the property has the backdrop of a stone two storey property, and the site fronting Horn Lane is level. Along the southwest boundary is an unadopted access road connecting Horn Lane to Sheffield Road. The property sits within a triangular plot tapering to a point to the south, a sloping site were the rear garden slopes steeply down towards Sheffield Road.

The street scene is varied, with a range of property type, age and design along the street. The host property is a small single storey dwelling, although it is noted along the street large two storey detached houses are also evident. The eclectic mix of property type and design has led to there being no clearly defining character to the wider locality / street scene.

### **Description of Proposal**

The application is for the erection of single and two storey extensions and alterations including a raised patio area to the rear, alterations to access and retaining walls.

The extension would provide additional split-level accommodation in the form of a 2-storey side extension creating a double garage with master bedroom, en-suite dressing room and study above. The side extension will be at a 30\* angle from the host property located to the west. The host property will be extended along the rear elevation to create a new open plan

kitchen/living/dining area, which will provide access on to the new raised patio area via sliding patio doors. A new single storey side link extension will create a utility and atrium lobby entrance.

The existing garage and store will be demolished, and the garden will be lowered to the west of the property with a new retaining wall starting at the corner of Horn lane and running along the track to the side leading to Sheffield Road.

The measurements of the proposed 2 storey element would be as follows:

- 6.45m in projection from the host property
- 6.65m in depth
- 4.9m in height to the eaves; 6.75m in overall height for the front elevation

The existing rear extension will be extended by 1.2m a total of 2.6m from the host property by approx. 7m with a flat roof.

The single storey side extension is triangular in shape measuring 3.3m on the front elevation tapering to 0.4m at the rear.

The existing roof over the host property will be replaced and extended in part over the side extension attached to the new side extension, with the rear extension and front extension remaining flat roof's.

The proposed 2-storey side extension would be built from dyed tumbled stone with either a slate or metal sheeting roof to match the new roof to the existing bungalow, the front elevation of the existing property will be either white, off-white or cream render with vertical timber or constituted cladding details to the new entrance and rear extension.

The new boundary wall will be externally faced in coursed natural stone.

#### **History of negotiations/amendments received.**

Negotiations have taken place with the agent due to the application being unacceptable in its originally submitted format. Amended plans have been requested given that the original submission was considered not to comply with the Local Plan, SPD nor the Holme Valley Neighbourhood plan, where it was considered not to be subservient and would have an adverse visual impact on the street scene.

Amended plans were received reducing the proposal, amending the materials with an additional justification statement and retained as a householders application. The application is therefore determined on the basis of the plans submitted on the 9<sup>th</sup> October 2023.

#### **Relevant Planning History**

None

## **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 originally publicised this application via neighbour notification letter, which expired on the 15.2.23, whereby no representations have been received.

Holme Valley Parish Council - Support – but wish to draw officers' attention to the visual impact of the large expanse of the facing wall seen from the road. The Parish welcomes the installation of solar panels.

Councillor Firth – supports the application.

Councillor Davies requested the progress and background information.

As amended plans changed the proposed design with a reduction in size it was considered appropriate to renotify the neighbours by letter, giving them until the 24<sup>th</sup> Oct 2023, following this period of further publicity, no representations have been received.

## **Consultation Responses**

K.C. Highways Development Management – The proposals are considered acceptable to Highways Development Management.

K.C. Highways Structural Engineers – Recommends that a condition is included which requires a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new retaining walls adjacent to highway to be submitted to the LPA for written approval.

## **Policy**

The site is unallocated on the Kirklees Local Plan, falls within an area with a known presence of bats and also an area at high risk of ground movement as a result of former mining activity.

The site also falls within the Holme Valley Neighbourhood Development Plan and is within two associated landscape character areas (ref: - LCA7, The River Holme Settled Valley Floor for the extension & LCA8 Settled Slopes of the Holme Valley for the existing property).

### Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity

- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 53** – Land Stability

#### Neighbourhood Development Plans:

- Holme Valley Neighbourhood Development Plan (2021-2031)

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 Areas 7, River Holme Wooded Valley and 8, Settled Slopes of the Holme Valley

The Key characteristic of the areas are for the land to the side of the property followed by the host property.

Some key landscape characteristic of the area are glimpsed views of a wider landscape through gaps between built form and views across the wooded valley floor from elevated vantage points along with a network of Public Rights of Way (PRoW) crossing the landscape. Where the built-up characteristics are settlements characterised by a close association between built form and landscape.

Key characteristic of the area are strong rural setting and agricultural character with pastoral farmland on the rising valley slopes, long panoramic views over wooded valley bottoms, with the built characteristic including isolated farmsteads on the valley slopes. built from millstone grit with grey slate roofs.

#### Supplementary Planning Documents:

- Highways Design Guide SPD
- House Extensions and Alterations SPD

#### National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2023, 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 and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment

### 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 27<sup>th</sup> February 2019) and the Holme Valley Neighbourhood Development Plan (adopted 8<sup>th</sup> December 2021).

### **Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity and Conservation Area/ Listed Building
- 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.

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan and Policies 1 and 2 of the HVNDP will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted 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 policies 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.”

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 15: Provision for parking

With specific regard to the proposed development the SPD states that in terms of side and rear extensions, the SPD states:

In Section 5.19 of the SPD refers to side extensions and the potential impact they could significantly have on the character of the original house and the street. Adequate space between buildings should be retained to provide a sense of space which is important to the character of an area. 5.20 states two-storey side extensions should:

- not take up all or most of the space to the side of a house;
- maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property;
- and be set back at least 500mm from the front wall of the house.

5.21 includes first-floor side extension which indicates how spaces between houses, are important in providing a sense of space, local character and attractive appearance of an area and should be retained.

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

- Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained;

- Be set behind the original building, and not projecting beyond the sides;
- Maintain 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.

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.

The above listed policies and guidance, and guidance on corner plots, within the House Extensions and Alteration SPD are taken into account within the 'Impact on Visual Amenity' and 'Impact on Residential Amenity' sections of this report. On the basis the proposal is considered to be acceptable in terms of visual amenity, residential amenity and all other relevant matters it is considered the development could be concluded acceptable in principle.

## 2 – Impact on visual amenity:

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 Assessments (LCA 7 & 8, 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.

Sunny Mede along with Hill Crest located approx. 50m to the east were two identical timber bungalows built in the 1950's. Sunny Mede has been extended firstly with a side extension, with a later front and rear extensions all with flat roofs, along with a detached concrete sectional garage and store.

The land to the west of the property is fairly flat with horizontal concrete panels as a boundary treatment doubling as a retaining wall.

The proposal is to demolish the existing garage and store, extending Sunny Mede further with a modern 2-storey side extension and linked extension, alterations to the rear and alterations to boundary walls.

The floor area of the original bungalow was approx. 40 square metres which has been extended by approx. 37 square metres floor area, albeit built with a flat roof. The proposed principal extension would have a floor area of 51 square metres doubling to 102 square metres in addition to the existing extensions, therefore, wouldn't be seen as a subservient addition to the host property.

The current property is a timber cladded building built in the 1950's which would have poor thermal insulation. The design of the property is individual in its design and, apart from other property to the east, doesn't reflect the design nor built from materials which reflect the characteristics the area.

The property currently has the back drop of the adjacent property a modern 2-storey detached property, where height of the new ridge on the side extension will be approx. 2.9m lower than its neighbour, by lowering the existing ground level it will be 1.2m high than the host property, giving a stepped relationship between the two properties.

Topography of the area would appear a similar height

The existing garage will be removed and the existing extension will be refaced so that the building will have a coherent appearance rather than the existing piece meal extensions currently added to the property.

To further enhance the appearance of the area the proposal would include stone boundary wall rather than concrete panels.

Whilst the proposed extension would be of a significant size and scale and does not meet the recommendations of the Council's adopted House Extensions and Alterations SPD, in this case it is considered a number of factors weigh in favour of the proposed development and constitute justification that in this particular case the proposed development is acceptable.

The materials of construction as initially proposed would have been a further variation in the material palette of the locality, this has been amended to be principally stone which is considered to be more in keeping with the materials

used in the locality. Whilst some timber and render would be in place, this would not be the dominant material and would have an acceptable impact in this regard.

The element of the host property which would remain would be viewed as subservient to the proposed extension, this weighs against the proposal although it is considered that the host property has no significant value as an addition in the locality and it is considered that in this case on the basis the materials of construction are submitted to the LPA for written approval, having regard to the wider locality being of an eclectic mix of house type and design and the individual characteristics of the application site in this context it is concluded that sufficient justification can be identified in this instance such that refusal of permission could not be substantiated.

The dwelling is sited at the end of the row of modern properties which have no single design. Taking this into account, the reductions to the original scale of development, improvements in the materials palette and recognition that this is a corner plot in improving the external design of the two-storey side extension, it is concluded that in this exceptional case, the development is acceptable. This extensive list of reasons to justify a scheme that is contrary to the SPD are unlikely to be replicated.

Subject to condition, the extension and associated alterations are considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Policies 1 and 2 of the HVNDP, having regard to principles 1, 2, 7 and 9 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of the National Planning Policy Framework.

### 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 proposal would see the creation of a raised terrace and the construction of an extension which would increase the bulk and massing of the property.

The property to the immediate east of the host property (Bidwell House) is adjacent to the part of the development which would not be significantly developed. The proposal would see steps separate from the shared rear boundary with the property by a distance of 2m. Given the siting of the rear raised platform, it is considered the impact of this element of the proposal (taking account the distance to the shared

boundary) would be sufficient to ensure no detrimental level of overlooking would take place.

Given the scale of the extensions and siting in relation to Bidwell House it is considered the development would not have a significant impact upon levels of natural light or the outlook from this property and as such is considered acceptable with regard to overshadowing or the overbearing / oppressive impact of such development.

In terms of the nearest neighbouring properties to the south / west (Clough Dene / Lyncliffe) these are between 16m and 23m from the property and at a slightly oblique angle sited to the south and west of the site and at a lower land level. The change in levels, in conjunction with the distance between the host property and these properties, is considered to be such that no significant level of overlooking would occur.

In terms of the impact upon these properties in terms of outlook / natural light. It is considered the proposal is of a sufficient scale and distance that it would not have a detrimental impact in this regard and the proposal would not cause detrimental levels of overshadowing or be unduly overbearing / oppressive.

Other neighbouring occupiers are at a distance which is such that they would be less affected by the aforementioned development and a full assessment of the impact of the proposal upon the residential amenity of these other neighbouring occupiers is not, therefore, considered necessary taking account the assessment of the proposal upon Bidwell House, Clough Dene & Lyncliffe.

A suitable and usable area of amenity space would remain for occupiers of the host property to utilise, the additional accommodation space would meet the requirements of Nationally Described Space Standards which it is considered the existing dwelling is likely to fall short of, whilst not a policy requirement for an application of this type it is considered this is a consideration which can be afforded limited weight in favour of the proposal.

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, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Policy 2 of the HVNDP, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within chapter 12 of the National Planning Policy Framework.

#### 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 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 this case the proposal includes a double garage with internal measurements of 6m by 6m with a drive measuring 6m wide and a minimum depth of 5.6m, therefore, there are no highway issues in this case 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.

The Highways Structures team have advised they have no objection to the proposal subject to condition requiring details of measures to ensure land stability and that of the adjacent highway are submitted to the LPA for written approval. This is considered to meet the 6-tests for planning conditions by reason of land stability and highway safety. On the basis of the inclusion of such a condition the proposal is considered acceptable in this regard.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

The proposal is considered to provide sufficient parking within the site for users of the site and subject to condition is not considered to lead to a detrimental impact upon highway safety in accordance with the aforementioned policy.

#### 5 – Other matters:

##### *Land Stability*

Given the proximity of the extension, and regrading of land to the retaining structure supporting the highway, Highway Structures were consulted on the application. Policy LP53 of the Local Plan states that 'for development identified at being at risk of instability....measures should be incorporated to...ensure...[this] does not have the potential to cause harm to people or the environment. Chapter 15 of the NPPF also considers with impact of instability. Although no objections to the development have been raised by Highway Structures, they have recommended a condition to ensure that the development is carried out safely with regard to the highway retaining structures. This condition is reasonable and necessary given the potential the construction of the extension and regrading works might have on the stability of retaining structures, and ultimately the adopted highway. The wording of the condition has been agreed in writing with the agent.

*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. Policy 12 of the Holme Valley Neighbourhood Development Plan seeks to ensure that energy efficient designs are used in all new buildings.

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. This is considered in light of the fact the proposal would improve the thermal efficiency of the host property.

*Biodiversity* –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.

Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Holme 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.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the fact that albeit the extension will connect into the existing roof and works are proposed to the roof, the property in this case appears to be well sealed and maintained with little opportunity for bats.

However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

Coal High Risk - The application site falls within an area at high risk of ground movement as a result of past mining activities as determined by the Coal Authority. Whilst falling within a high risk area the Coal Authority identify the

development type as that which does not need submission of a Coal Mining Risk Assessment. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with policy LP53 and Chapter 15 of the National Planning Policy Framework.

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: 2022/93987**

**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 (as amended).
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 & LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document, Policies 1, 2, 12, and 13 of the Holme Valley Neighbourhood Plan and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework
3. Notwithstanding the submitted details, development above slab/foundation level shall not commence until details of all external materials included to be used have been submitted to and approved in writing by the Local Planning

Authority. The development shall not be brought into use until the approved scheme has been completed in accordance with the details so approved. No materials other than those approved in accordance with this condition shall be used which shall thereafter be retained for the lifetime of the development.

**Reason:** To ensure that acceptable materials of construction have been agreed in the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document, policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and policies within Chapter 12 of the National Planning Policy Framework.

4. Development shall not commence until a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new retaining walls and building retaining walls adjacent to the existing highway has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall thereafter be implemented prior to the development being commenced and thereafter retained.

**Reason:** A pre commencement condition is required to ensure suitable measures have been agreed and undertaken to secure a safe and stable development in the interests of highway safety to accord with Policies LP21 and LP53 of the Kirklees Local Plan, policy 11 of the Holme Valley Neighbourhood Development Plan and policies within Chapters 9 and 15 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: -

Plan Type	Reference	Version	Date Received
Application Form			12 <sup>th</sup> December 2022
Plans as proposed	A(10)-01RevB		9 <sup>th</sup> October 2023
Additional Elevations, Sections & Site Plan As Proposed	A(10)-03RevB		9 <sup>th</sup> October 2023
Topographical Survey	P21-01340-001Rev01		19 <sup>th</sup> December 2022
Plans and Elevations – As Existing	A(00)-01		12 <sup>th</sup> December 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 requested amended plans during the process of the application to seek an amendment which would reduce the impact of the development on the visual amenity of the area.

**Report Dated:** 20<sup>th</sup> December

Coal - High