

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:	2023/62/90163/W
Site Address:	Clifton Lodge, 7, Clifton Lane, Meltham, Holmfirth, HD9 4AQ
Description:	Installation of 3 solar panels to the west elevation (within a Conservation Area)
Recommending Officer:	Luke Walstow

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-Mar-2023

OFFICER REPORT

Application Reference: 2023/90163

Site: Clifton Lodge, 7, Clifton Lane, Meltham, Holmfirth, HD9 4AQ

Site Description

7 Clifton Lodge is a large semi-detached stone dwelling with natural stone slate roof located in the residential area of Meltham, Holmfirth. Access to the dwelling is provided down Clifton Lane, a narrow road located off Huddersfield Road. The dwelling has existing extensions from previous planning applications. The site has parking located to the side of the dwelling. The site is located within the Meltham Conservation Area.

Description of Development

The applicant is seeking planning permission for the installation of 3 solar panels to the west elevation (within a Conservation Area).

The submitted details indicate that the panels would be located on the western facing elevation of the building. It is proposed that 3 x 375W solar panels would be erected and would be black in colour. The panels would each be 1052mm x 1769mm and would project 30mm above the roof covering. A full technical specification for the panel has been provided with the application.

History of negotiations/amendments sought

No amendments have been sought in the processing of this application as it was considered acceptable as submitted.

Planning History

Relevant Planning History:

88/05711. Erection of extension and alterations to Doctors Surgery. *Granted Conditionally – 16/12/1988.*

88/00326. Change of use of dwellinghouse to doctors surgery with car parking. *Granted Conditionally. 19/14/1988.*

2000/93214. Change of use from D1 Medical centre to B1 Offices (Within a conservation area). *Conditional Full Permission – 08/12/2000..*

2012/90163. Change of use from office to residential (within a Conservation Area). *Conditional Full Permission – 23/03/2012.*

2012/92972. Erection of detached garage and covered area (within a Conservation area). *Conditional Full Permission – 16/11/2012.*

2013/92396. Erection of gates (within a Conservation Area). *Conditional Full Permission – 03/09/2013.*

Publicity and Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters, press advert and a site notice, due to being located within a conservation area.

Final publicity date expired 10th March 2023 - no representations received.

Consultation Responses

No statutory consultations were requested for this application.

Planning Policy Background

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 within the Meltham Conservation Area

Kirklees Local Plan

- **LP 1 – Achieving Sustainable Development**
- **LP 2 – Place Shaping**
- **LP 21 – Highway Safety**
- **LP 22 – Parking Provision**
- **LP 24 – Design**
- **LP 26 – Renewable and Low Carbon Energy**
- **LP 30 – Biodiversity and Geodiversity**
- **LP 35 – Historic Environment**

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

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**

Other Material Considerations

Kirklees Highway Design Guide (November 2019)
House Extensions and Alterations SPD (June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004
The Conservation of Habitats and Species Regulations 2017
Planning (Listed Buildings & Conservation Areas) Act (1990)

Assessment

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon the character and appearance of the area (including historic environment)
3. Impact upon residential amenity
4. Impact upon highway safety
5. Other matters (including climate change and biodiversity)
6. Representations
7. Conclusion

1 – Principle of Development

The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan (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 National Planning Policy Framework. Policy 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 KLP sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. 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 the rear extensions could be acceptable, but this is subject to an assessment against the applicable material planning considerations, which shall be discussed below:

2 – Impact on character and appearance of the area (including historic environment)

The site is located within the Meltham Conservation Area. 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 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.*”

In addition, the NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 126 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with

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

Policy LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape...” and “c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”

Key Design Principle 1 of the Council’s adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

The proposed 3 solar panels are to be installed on the western roof elevation, which fronts onto Clifton Lane. The solar panels would be installed under an existing roof light, allowing the new features to blend and merge with existing features. In addition to this, the solar panels are black in colour and would be installed onto a dark grey natural stone slate roof, which would harmonise with the characteristics of the existing western roof elevation. The western roof is relatively large in length and with the solar panels taking up a proportionately small area, the impact on the original building and conservation area would be minimal.

Paragraph 194 of the NPPF requires that applicants *describe the significance of any heritage assets affected, including any contribution made by their setting*. Accordingly, a Heritage Statement has been produced and submitted with the application. This meets the requirements of paragraph 194.

The existing dwelling is a traditional Edwardian / Victorian villa which makes a positive contribution to the Heritage Asset. As assessed above, given their sensitive design and siting the solar panels would not be harmful to the overall significance of the Conservation Area. They take up little space on one roof plane, below a modern rooflight. Although the western elevation faces the highway, this is not the principal elevation of the building and Clifton Lane is a narrow road which would not afford wide views of the roofscape.

As set out in the applicant’s planning statement “the application proposals would not result in the loss of any historic fabric. The villa will be maintained, largely unaltered, although the slate tiled roof of the property, which it is acknowledged does contribute to local distinctiveness and significance of the conservation area, would be covered, in part, by the panels. However, the surrounding roof slope will remain unaltered, and the predominantly slate roof will continue to be read in the street scene”. In addition to this the solar panels are a reversible feature, should they no longer be required in the future.

Policy LP35 states that consideration should be given to the need to *“identify opportunities, including use of new technologies, to mitigate, and adapt to, the*

effects of climate change in ways that do not harm the significance of heritage assets and, where conflict is unavoidable, to balance the public benefit of climate change mitigation measures with the harm caused to the heritage assets' significance. For the reasons set out above, the applicant considers that the proposal will cause no harm to the significance of the heritage asset. Officers concur with this view in the specific circumstances of this application.

It is therefore considered that the proposal would comply with Policies LP24 and LP35 of the Kirklees Local Plan, Principle 1 of the Council's adopted House Extensions and Alterations SPD and Government guidance contained within Chapters 12 and 16 of the National Planning Policy Framework

3 – Impact on residential amenity

Section B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

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.”*
-

Given the nature of the works proposed to the roof of the host property together with the spatial relationship between the host property and the neighbouring dwellings, there would be no impact on the residential amenities of the any

neighbouring property as a result of the proposed in-roof solar panels, thus complying with all residential amenity principles from the house extension and alteration SPD.

It is therefore considered that in terms of residential amenity, the proposal would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations SPD and Government guidance contained within Chapter 12 of the National Planning Policy Framework.

4 – Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan and Policies within Chapter 9 of the NPPF 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 Council's adopted House Extensions and Alterations SPD which seek to ensure acceptable levels of off street parking are retained are also considered to be of relevance.

Given the nature of the proposals the installation of solar panels to the western roof elevation, it is considered that the proposal would have a neutral impact upon highways safety.

It is considered that waste storage and collection arrangements would remain as existing, and that the proposal would also be in accordance with Principle 16 of the House Extensions and Alterations SPD too.

It is therefore considered that in terms of access and highway safety / parking the proposal would comply with Policies LP21 and LP22 of the Kirklees Local Plan, Principles 15 and 16 of the House Extensions and Alterations SPD and Chapter 9 of the National Planning Policy Framework.

5 – Other matters/Climate Change

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.

Principles 8-11 of the House Extensions and Alterations SPD also relate to combatting climate change and they state the following:

- Principle 8 (Energy Efficiency): Extensions and alterations should, where practicable, maximise energy efficiency.
- Principle 9 (Construction Materials): Extensions and alterations should seek to use innovative construction materials and techniques, including reclaimed and recycled materials where possible.
- Principle 10 (Renewable Energy): Extensions and alterations should consider the use of renewable energy.
- Principle 11 (Water Retention): Extensions and alterations should consider designing water retention into the proposals.

•
Considering the proposal is for solar panels, the proposal would wholly accord with KDP 8 and 10. Furthermore, the proposal would wholly accord with Policy LP26 of the Local Plan.

Biodiversity

Principle 12 of the 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.” Given the nature of the proposal, it is not considered reasonable to require biodiversity enhancements in this case.

Bats

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. The area in which the proposed panels would be sited has been carefully checked and does not appear to provide a reasonable likelihood of supporting bats.

Carbon Budget

The proposal is a small-scale development to provide a renewable energy source to an existing dwelling in the form of solar panels on the western roof plane. The proposals are therefore considered to comply with policy LP26 of the KLP and KDPs 8 and 10 of the SPD.

Coal Legacy

The site is located within the Coal Authority’s “Development Low Risk Area”. There is no statutory requirement to consult the Coal Authority regarding development within the “Development Low Risk Area”, instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. 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 paragraphs 174 and 183 of the National Planning Policy Framework.

6 – Representations:

None Received.

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2023/90163

Officer Recommendation: Conditionally 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).

1. 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, in the interests of the significance of the Meltham Conservation Area and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP26, LP30, LP35 and LP51 of the Kirklees Local Plan, Principles 1-17 of the Council's adopted House Extensions and Alterations SPD

and policies within Chapters 2, 4, 12, 14, 15 and 16 of the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and 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 to 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
Location Plan	CJR/2022/001		17 January 2023
Panel Specification			17 January 2023
Planning Statement			17 January 2023
Heritage Impact Assessment			17 January 2023
West Elevation Existing	CJR/2022/002		17 January 2023
West Elevation Proposed	CJR/2022/003		17 January 2023
South Elevation Proposed	CJR/2022/004		30 January 2023
South Elevation Proposed (Detail)	CJR/2022/005		30 January 2023

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 preapplication 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 have been sought in the processing of this application.

Report Dated: 16/03/2023

Coal – Low