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:	**2023/62/91639/W**
Site Address:	3, Old Mill Court, Main Gate, Hepworth, Holmfirth, HD9 1HP
Description:	Erection of single storey side extension and demolition of existing conservatory (within a Conservation Area)
Recommending Officer:	Lucy Taylor

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: 28-Jul-2023

Officer Report.

Reference: 2023/91639

Location: 3, Old Mill Court, Main Gate, Hepworth, Holmfirth, HD9 1HP

Proposal: Erection of single storey side extension and demolition of existing conservatory

Site Description.

3 Old Mill Court is three-storey property located in Hepworth, Holmfirth. The external walls of the property are faced in stone with a tiled gable roofing form erected above, infilled with tiles. To the southern side elevation, the property benefits from a conservatory.

Within the wider curtilage, to the front elevation, the property benefits from an attached garage and driveway to facilitate on-site parking amenity space. To the rear elevation, the property benefits from outdoor amenity space.

A strong sense of similarity is established within the residential area of Old Mill Court, with the neighbouring properties sharing the same style of design and construction.

The site is located within the Hepworth Conservation Area.

The southern boundary of curtilage at the site adjoins with land Allocated as Green Belt within the Kirklees Local Plan.

Description of Proposal.

Planning permission is sought for the erection of single storey side extension and demolition of existing conservatory.

The proposed extension will be erected in the same position as the existing conservatory, to the southern side elevation of the host property.

The extension would have a projection of 2.3 metres, a length of 4.6 metres and a maximum height of 4.2 metres.

The external walls of the extension would be faced in vertical timber cladding and the lean-to roof would be infilled with stone slate to match existing.

Glazing is proposed to the front and side elevation of the extension, with velux rooflights proposed in the lean-to roof.

History of Negotiations.

No negotiations took place, and no amended plans were sought or submitted.

Relevant Planning History.

No relevant planning history.

Representations.

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, a site notice and within the newspaper.

Final publicity date = 17th July 2023

No representations received.

Consultation Responses.

No consultations were deemed necessary.

Policy/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).

The application site is located within the Hepworth Conservation Area.

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

Although it has been acknowledged that Green Belt land is located to the southern boundary of the application site, an assessment of impact upon the Green Belt is not necessary in this case, given the site of the proposed development would remain within the boundaries of the curtilage of no.3 Old Mill and would not encroach into allocated green belt land.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP30 – Biodiversity and Geodiversity
- LP35 – Historic Environment
- LP51 – Protection and improvement of local air quality

Supplementary Policies and Guidance:

Highways Design Guide SPD (2019)

House Extensions and Alterations SPD:

The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and architects who are planning and designing an extension or alterations (householder development) to an existing residential property, including conservatories and outbuildings, such as garages. It provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration required by the Council.

Holme Valley Neighbourhood Development Plan:

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

The site falls within Local Characteristic Area 8 – Settled Slopes of the Holme Valley.

The policies from the Holme Valley Neighbourhood Development Plan that are relevant to this application are:

- Policy 1 – Protecting and Enhancing the Landscape Character of Holme Valley
- Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- Policy 12 – Promoting Sustainability
- Policy 13 – Protecting Wildlife and Securing Net Gain

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, 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 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

Legislation

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

Assessment.

The following matters that will be considered as part of the assessment of the proposal are set below. These considerations will be looked at in detail individually:

1) Principle of Development
2) Impact on Visual Amenity and Historic Environment
3) Impact on Residential Amenity
4) Impact on Highway Safety
5) Other Matters
6) Representations
7) Conclusion

1) Principle of Development

Chapter 2 of the NPPF states that: *"Planning policies and decisions should play an active role in guiding development towards sustainable solutions…"*

Chapter 2 of the NPPF goes onto further state that objectives should: *"support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment…"*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *"…the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF."*

Policy LP1 goes further and states: *"The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be*

approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area."

Policy LP2 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 instance, it can be stated that the principle of development in this application could be acceptable, subject to an assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise. These will be discussed below.

1) **Impact on Visual Amenity and Historic Environment**

Visual Amenity:

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 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."*

Paragraph 130 of the NPPF is of relevance, in particular the following parts:-
- *'b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping'*
- *'c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'*

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.

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, heritage assets and landscape…'*
- *'c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...'*

Developments that are considered to conform appropriately with Local Plan Policy LP24 and the design requirements as set out above, are considered to also conform with Policy 2 of the Home Valley Neighbourhood Plan – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design.

Policy 1 of the Holme Valley Neighbourhood Plan HVNP sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA), in this case LCA8 - Settled Slopes of the Holme Valley.

The key built characteristics of LCA 8 are as follows:

- Older settlements are characterised by their agricultural and industrial past and there are isolated farmsteads on the valley slopes.
- Scholes and Wooldale are the largest of the settlements and contain some services and older and more modern development.
- Vernacular building materials include millstone grit walls with grey slate roofs.

Key Design Principles 1 and 2 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.

Paragraph 5.17 of the House Extensions and Alterations SPD sets out specific guidance with regard to single storey side extensions, setting out that they should:

- not extend more than two thirds of the width of the original house
- not exceed a height of 4 metres
- be set back at least 500mm from the original building line to allow for a visual break.

The proposed side extension to 3 Old Mill Court is considered to appropriately comply with the key design criteria of the SPD as set out above.

The proposed side extension to 3 Old Mill is considered to be a subservient addition. The extension is of a size/scale which would be read as subservient to the host dwellinghouse, and the siting of the extension is such that it would not be directly visible outside the boundaries of the site itself. In addition, the erection of a lean to roof above the extension, by form, naturally works to reduce the potential for undue bulking and massing from the overall appearance of the extension.

The external walls of the extension are proposed to be faced in vertical timber cladding. Whilst this would not match the stone dwelling, it is considered that the materials would be acceptable in this instance, given the subservient siting of the extension and fact the proposal would replace an existing conservatory which is constructed from materials which do not match those used in the construction of the host property. It is considered that timber clad walls would harmonise better with the external garden environment within which the extension would be set and the wooded landscape to the southern boundary of curtilage and the host property when compared to the existing Conservatory to be replaced.

The forms of fenestration are also considered acceptable visually, in keeping with the architectural design of the host property, whilst enhancing the contemporary design of the property through the use of glazed bi-folding doors and roof lighting. It should be noted that the proposed extension would see an overall reduction in the extent of glazing when compared to the design of the existing conservatory.

In turn, it can be concluded that the extension will not be an obtrusive addition to the host dwelling and will sympathetically complement the existing architectural style of the dwellinghouse.

For all of the reasons outlined above, it is considered that the proposal would not cause detrimental harm to the visual amenities of the locality. The proposed development is considered to comply with Chapter 12 of the National Planning Policy Framework, LP24 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Key Design Principles 1 & 2 of the House Extension and Alterations SPD.

Historic Environment:

Due to the site's location within the Hepworth Conservation Area, Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) is relevant and 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.

Policy LP35 of the Kirklees Local Plan will also be taken into account, stating 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".*

The proposed side extension has been concluded to be visually acceptable with regard to its size/scale, siting and design. The extension would not be directly visible from public vantage points in the Conservation Area. Given the proposal would replace an existing Conservatory structure, and is considered to harmonise with the host property to a greater degree than this existing structure, the proposal is not considered to lead to harm to the Conservation Area.

It is therefore considered that the impact of the proposal upon the setting of the Conservation Area is acceptable in this regard, and that it would accord with policies within Chapter 16 of the NPPF and Policy LP35 of the Kirklees Local Plan.

2) 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.

Policy 2 of the Holme Valley Neighbourhood Development Plan states that *'designs should respect the scale, mass, height and form of existing buildings in the locality and the site setting. Development should fit in with and neither dominate nor have a detrimental impact on its surroundings and neighbouring properties'.*

Principle 3 of the Kirklees Householder Extensions and Alterations SPD sets out that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours. In addition, Principle 4 notes 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. Furthermore, Principle 5 states that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property and recommends that a horizontal 45 degree line from a neighbouring habitable room window is not breached. Principle 6 states extensions and alterations should not unduly reduce the outlook from a neighbouring property.

The proposal would not see a decrease in the extent of outdoor amenity space at 3 Old Mill Court given that the extension is to replace an existing conservatory. In turn, the provision is considered to accord with Principle 7 of the House Extensions and Alterations SPD with regard to outdoor amenity space.

The property most likely to be affected by the proposed development is that which directly neighbours the site to the east, this being No. 4 Old Mill Court.

The proposed extension would retain a separation distance of approximately 3 metres from the neighbouring boundary with No.4. This separation distance in conjunction with the single storey and subservient size/scale of the proposed extension is such that it leads to the conclusion the development would not result in any significant undue impacts of overbearing or overshadowing for the occupiers of this neighbouring property.

In addition, whilst a glazed panel is proposed to the front elevation of the extension, facing eastwards, it is not concluded that this would disrupt the existing relationship between No.3 and No.4 with regard to residential privacy,

with the extension proposing an overall reduction in glazing compared to the existing conservatory.

It is considered that the proposed single storey side extension would be a sufficient distance away from any other properties to prevent undue harm to residential amenity in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing affect.

For these reasons, the proposed development at 3 Old Mill Court not considered to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Plan and Key Design Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations SPD.

3) 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.

The proposed extension will not directly increase the domestic function of No. 3 Old Mill, nor will it alter the existing parking arrangements on site or access to and from the site in conjunction with the adjoining highway. Therefore, the proposal is considered to be acceptable from a highways perspective.

In turn, erecting the proposed extension at 3 Old Mill Court would appropriately accord with Chapter 9 of the NPPF, LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extensions and Alterations SPD.

4) 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. 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 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.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF, Policy LP51 of the Kirklees Local Plan and Policy 12 of the Holme Valley Neighbourhood Development Plan.

Bats:

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

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.

The application site lies within the bat alert layer on the Council's GIS system.

The proposed extension would require demolition to only the existing conservatory, with no works or alterations proposed to the roof above the dwellinghouse. Given the age/design of the conservatory, it is not considered necessary for a full assessment of the roof space to be undertaken in this case, given the low likelihood for roosting bats to be present.

Even so, as a cautionary measure, in the event of any grant of permission a note would be added to the decision notice, stating that if bats are found development shall cease and the advice of a licensed bat worked sought. This is to accord with the aims of Chapter 15 of the NPPF.

5) Representations

No representations were received.

6) 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: 2023/91639
Officer Recommendation: Approve

Conditions and Reasons:

1. The development hereby permitted shall be begun within three years of the date of this permission.
   Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
   Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord Policies LP1, LP2, LP21, LP22, LP24, LP30, LP35 & LP51 of the Kirklees Local Plan, Policies 1, 2, 12 & 13 of the Holme Valley Neighbourhood Development Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8 & 15 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 9, 12, 14, 15 & 16 of the National Planning Policy Framework.

3. The external walls of the extension shall be faced in vertical timber boarding and the lean-to roof infilled with stone slates to match the existing roof of the host property. These materials shall be thereafter retained.
   Reason: In the interests of visual amenity and to preserve the setting of the Conservation Area to accord with Policies LP2, LP24 & LP35 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD, Policies 1 & 2 of the Holme Valley Neighbourhood Plan and policies within Chapters 12 & 16 of the National Planning Policy Framework.

Note: The application site is located in a low risk coal area.

Plans and Specifications Schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	00	-	8.6.23
Existing Floor Plans	01	-	5.6.23
Proposed Site/Block Layout	03	-	5.6.23
Proposed Elevations	05	-	5.6.23
Existing Elevations	02	-	5.6.23
Proposed Floor Plans	04	-	5.6.23
Conservation/Heritage Assessment	-	-	8.6.23
Climate Change Statement	-	-	5.6.23

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 negotiations took place, and no amended plans were sought or submitted.

Report Dated: 27.7.23