

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:	2023/62/91912/W
Site Address:	1, Meltham House, Tenter Hill, New Mill, Holmfirth, HD9 7HF
Description:	Alterations to existing store to extend living accommodation and alterations.
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.

John Holmes

AUTHORISED OFFICER

Date: 11-Sep-2023

Officer Report

Site Description

The application site relates to 1 Meltham House, a two-storey end-terraced dwelling located off Tenter Hill in Holmfirth. The property benefits from garden/amenity area to the front and side, with access and car parking to the west.

The host dwelling is constructed from natural stone, with rendered elements, slate roof tiles and UPVC windows and doors.

Description of Proposal

The application seeks planning permission for alterations to existing store to extend living accommodation and alterations.

The application seeks planning permission for alterations to an existing store to extend living accommodation and alterations. The existing coal stores to the front of the dwelling are to be removed and replaced with a patio area finished with artificial stone slabs. The plans also seek to convert the existing workshop into a kitchen/dining area. The old kitchen is also to be converted into a WC and store. There are a number of internal alterations within the property to allow internal rooms to be modified. A number of additional windows and doors are also proposed to be installed within the dwelling, and a third bedroom is to be created within the attic.

History of negotiations/amendments received

No amendments were sought in this instance.

Relevant Planning History

86/01918 – Formation of vehicular access and driveway. Approved 18/07/1986.

2020/93504 - Alterations to existing store to extend living accommodation and alterations. Approved – 08/12/2020.

Representation

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.

Final publicity date expired 18 August 2023 – no representations received.

Holme Valley Parish Council – Support

Background Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021)

The site is within the Green Belt as indicated within the Kirklees Local Plan. The site also falls within an area identified as being at risk of ground movement as a result of former mining activity. The following policies are considered relevant in the consideration of this application.

Kirklees Local Plan (KLP)

- LP 1 – Achieving Sustainable Development
- LP 2 – Place Shaping
- LP 21 – Highway Safety
- LP 22 – Parking Provision
- LP 24 – Design
- LP 30 – Biodiversity and Geodiversity
- LP 51 – Protection and Improvement of Local Air Quality
- LP57 – The extensions, alteration or replacement of existing buildings

Holme Valley Neighbourhood Plan:

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

The policies most relevant 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 – Promoting Wildlife and Securing Biodiversity Net Gain

The application site is within Landscape Character Area 7 – River Holme Wooded Valley.

The HVNDP outlines the key landscape characteristics of the area are:

- Glimpsed views towards the wider landscape through gaps between built form.
- Views across the wooded valley floor from elevated vantage points such as from Christ Church New Mill and Holy Trinity Church Hepworth.
- Stone boundary walls are common features.

- A network of Public Rights of Way (PRoW) crosses the landscape including a section of the Barnsley Boundary Walk, the Kirklees Way and the Holme Valley Circular Walk.

And that key built characteristic of the area are:

- Settlements characterised by a close association between built form and landscape.
- Industrial heritage features such as weirs and mill buildings.
- Mounds and hollows, which are the remains of shallow tunnels created for coal mining, as well as piles of shale material and the remains of plateways (flat stones laid across fields to assist with vehicle movement), are also found across the moorland and fields.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 19th February 2019, 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment.

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area
2. Impact upon residential amenity
3. Impact upon highway safety
4. Other Matters
5. Representations
6. Conclusion

1 – Principle of development:

1.1 Sustainable Development

NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF

identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

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. 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”.

1.2 Land Allocation (Green Belt)

The site is allocated as Green Belt on the Kirklees Local Plan.

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt. Paragraph 147 of the NPPF states that inappropriate development should not be approved except in ‘very special circumstances’.

Paragraphs 149 and 150 of the NPPF set out that certain forms of development are exceptions to ‘inappropriate development’. Paragraph 149 sets out that the extension or alteration of a building could be appropriate provided it does not result in disproportionate additions over and above the size of the original building. Policy LP57 of the Kirklees Local Plan is consistent with advice within the NPPF.

Policy LP57 of the Local Plan relates to the extension, alteration and replacement of existing buildings in the Green Belt. In the case of extensions (including outbuildings which can be deemed as extensions due to their proximity and association with the host building), it notes that these will be acceptable provided that the original building remains the dominant element both in terms of size and overall appearance. Policy LP57 also outlines that such development should not result in a greater impact on openness in terms

of the treatment of outdoor areas, including hard standing, curtilages and enclosures and means of access. Further to this, Policy LP57 states that with such development, the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.

1.3 Is the development inappropriate in the Green Belt?

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt, the most relevant in this case being to assist in safeguarding the countryside from encroachment. Paragraph 147 of the NPPF states that inappropriate development should not be approved except in very special circumstances. Certain forms of development are exceptions to 'inappropriate development'. These are set out within paragraphs 149 and 150 of the NPPF.

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

The application proposes that the existing coal stores to the front of the dwelling are to be removed and replaced with a patio area finished with artificial stone slabs. Given that the existing coal stores are to be removed to allow for this new patio area which is to be of a similar footprint and height as the existing and that the materials proposed appear to be of a high quality and complementary to the host dwelling, it is considered that the proposals would have a neutral impact on the openness of the Green Belt and would not detract from its Green Belt setting.

In addition to this, much of the other works proposed typically relate to the inside of the dwelling and conversion of existing buildings into additional living accommodation. Whilst it is acknowledged that a number of additional windows and doors are to be installed to allow for these internal alterations, these new openings appear to be of a similar scale and size to the openings currently existing on the property, however, the new installations would be conditioned to ensure that they match the colour, material and style of the existing windows and doors, so as to be sympathetic to the host dwelling.

It is therefore considered that these alterations would not have an adverse impact on the openness of the Green Belt and that the resultant development would not materially detract from its Green Belt setting.

For the aforementioned reasons, it is concluded that the proposals would accord with the requirements of LP57 and policies within Chapter 13 of the National Planning Policy Framework.

2 – Impact on character and appearance of the area

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 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...”.

The application is the same proposal as that previously granted planning permission (application ref: 2020/93504) and seeks to gain consent for the previously approved scheme.

Policy 1 of the Holme Valley Neighbourhood Development Plan sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA 7 in this case). Policy 2 of the Holme Valley Neighbourhood Development Plan 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.

The dwelling is located off Tenter Hill in Jackson Bridge, this location is in a rural area although the host dwelling does adjoin a number of other terraced properties to the east. This row of terraces are all 2 storeys in height however a number of these dwellings appear to be utilising their roof space for additional living accommodation. The properties in this row are somewhat uniform in design to the front although no. 1 & 3 Meltham House do have single storey extensions protruding out of their front elevations. A few of the properties on this street appear to have been extended or altered in some way over the years and therefore it is considered that dependent on design, scale and detailing, it may be acceptable to extend/alter the host dwelling.

In this case the proposals seek to remove the existing coal stores to the front of the dwelling and replace them with a patio area finished with artificial stone

slabs. The plans also seek to convert the existing workshop into a kitchen/dining area. The old kitchen is also to be converted into a WC and store. There are a number of internal alterations within the property to allow internal rooms to be modified. A number of additional windows and doors are also proposed to be installed within the dwelling, and a third bedroom is to be created within the attic. The windows and doors would be conditioned to ensure that the new installations will match the existing windows and doors in size, design, materials and colour. It is therefore considered that the proposals would be in keeping and complementary to the character and appearance of the street scene and area.

In conclusion, the proposals are considered to be appropriate in size, scale and design and that they would not appear incongruous in the general context of this site. The proposals therefore accord with LP24 and LP57 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Plan and policies within Chapter 12 of the National Planning Policy Framework.

3. Impact on residential amenity

Policy 2 of the HVNP 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.

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."

The impact of the development on each of the surrounding properties will be assessed in turn.

Impact on no. 2 Meltham House

Whilst it is acknowledged that the host dwelling adjoins no. 2 Meltham House, given the nature of the proposals there are no concerns in regards to overshadowing or the proposals appearing overbearing in nature. It is also noted that whilst a number of windows are to be installed, no windows will face out to no. 2 Meltham House and therefore there are no concerns in respect to overlooking or loss of privacy in this instance. The proposed is unchanged from the previously approved scheme, therefore are no new threats to residential amenity for neighbouring dwellings.

The new patio area to the front of the building would provide the opportunity to overlook 2 Meltham House and a glazed door is proposed that would open out onto the patio. Considering the height of the patio, there would be steps up to the existing front door, there would not be a material loss of privacy to neighbouring residents. Furthermore the patio faces the front of the adjoining property which is already close to the public highway.

Overall, it has been considered that the impact on amenity is acceptable and therefore the proposal is considered to comply with LP24 of the Kirklees Local Plan and the aims of the Council's House Extension and Alterations SPD and Policy 2 of the HVNDP.

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 adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance, with Principle 16 going on to say that proposals should maintain appropriate storage arrangements for waste.

The application site currently benefits from 2 car parking spaces, whilst it is noted that a 3rd bedroom is to be created, the proposed 2 car parking spaces are considered to be sufficient and align with guidance for parking capacity within the councils adopted SPD. There are no proposed changes to the access of the site. Waste storage and collection is considered to be as existing.

As such, the proposal is considered to be acceptable from a highways perspective, in accordance with Policies LP21 and LP22 of the KLP and the Highways Design Guide. There is ample room on the site for the continued storage of wastes in accordance with Key Design Principle 16 of the SPD.

5. Other Matters

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.

Principle 8 of the SPD relates to energy efficiency, whereby "the design of a building can greatly affect the consumption and use of energy within it. Buildings should be designed to stay warm in the winter and cool in the summer, without the need for air conditioning or excessive heating". Policy 12 of the HVNDP provides further detail on sustainability.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures as the nature of the proposal, and requirement for building regulations, would ensure some level of measures such as insulation are installed as part of the development.

Biodiversity

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity. Policy LP30 outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist. Given the nature of the proposal, this being a modest front balcony, it is not considered reasonable to request biodiversity enhancements in this case.

Bats

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.

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.

The application site lies within the bat alert layer on the Council's GIS system. Given the nature of the proposals, it is considered unlikely that the proposal would

harm protected species. An informative is recommended, 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.

Land Stability

Policy LP53 of the Kirklees Local Plan and paragraphs 174 and 183 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

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 paragraphs 174 and 183 of the National Planning Policy Framework.

6 – Representations:

Holme Valley Parish Council – Support

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: 2023/91912

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).

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, LP51 and LP57 of the Kirklees Local Plan, policies within Chapters 2, 4, 9, 12, 13, 14 and 15 of the National Planning Policy Framework, Policies 1, 2, 12 and 13 of the Holme Valley Neighbourhood Development Plan and Principles 1-17 of the Council's adopted House Extensions and Alterations SPD.

3. The new windows and doors hereby approved shall be installed to match the existing windows and doors found within the host dwelling, this shall include their design, materials, finishes, colour treatment, reveal and opening profile. The windows and doors shall be installed in accordance with the existing windows and doors and retained as such thereafter.

Reason: To ensure the appropriate use of materials which are sympathetic to the character of the building and its surroundings, in accordance with the aims and objectives of LP24 and LP57 of the Kirklees Local Plan.

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 to intentionally 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	LOC		27 June 2023
Existing Site Plan	01		27 June 2023
Existing Plans, Elevations and Section	02revA		04 July 2023
Proposed Site Plan	03		27 June 2023
Proposed Plans, Elevations and Sections	04revA		04 July 2023
Climate Change Statement			03 July 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 this instance as the proposals were considered to be acceptable upon submission.

Reported Dated: 08/09/2023

Coal - High