

**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>2023/62/92469/W</b>
Site Address:	92, Lower Town End Road, Wooldale, Holmfirth, HD9 1QD
Description:	Alterations to dwelling and workshop and erection of shed/log store (Listed Building)
Recommending Officer:	Tom Hunt

**DECISION – CONSENT GRANTED**

**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-Nov-2023**

## **Officer Report**

### **Site Description**

2023/92469 – 92, Lower Town End Road, Wooldale, Holmfirth, HD9 1QD

92 Lower Town End Road is a Grade II listed weaver's cottage dating from the late 18th century and built into a hillside. It is constructed with natural stone and stone slate roof. Adjacent to the property on land to the west and forward of the cottage is a single storey stone mono-pitch outbuilding which falls outside its historic curtilage. The front elevation is two storeys high with a retaining wall at the rear, while the rear elevation is a single storey.

### **Description of Proposal**

Alterations to dwelling and workshop and erection of shed/log store (Listed Building)

#### **Cottage**

A new doorway is proposed in the rear elevation of the Listed Building, with a stone lintol and fully glazed hardwood rear door with slim double-glazing.

Internally, the applicant proposes to retain the existing stone staircase and overboard it with a new staircase which incorporates a landing to provide access to the rear garden via the new doorway.

#### **Outbuilding**

A lean-to roofed store and shed is proposed to the rear of the outbuilding projecting 0.9m from the rear, 3m width and with a roof ridge height set below the outbuilding. This is constructed in natural stone to base, partial green oak/timber to elevations and roofed using stone slate tile.

There would be the re-opening a blocked-up side elevation window with the installation of a timber framed window.

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

None

### **Relevant Planning History**

2003/93953 Listed Building Consent for internal alterations, formation of new window openings and part demolition of outbuildings to form parking space.

*Granted*

2012/93768 Extension of existing car parking bay to incorporate small area of adjacent garden (Listed Building).

*Conditional Full Permission.*

2023/92470 Listed Building Consent for alterations to dwelling and workshop and erection of shed/log store.

*Pending*

### **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, Site Notice and Press Publicity which had a final expiration date of 06/10/2023.

No representations have been received.

### **Consultation Responses**

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- Conservation & Design – Support subject to conditions.

Holme Valley Parish Council – Support

### **Policy**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019) and the Holme Valley Neighbourhood Development Plan adopted 8th December 2021.

The site is within the Holme Valley Neighbourhood Plan under Local Character Area: 'River Holme Settled Valley Floor'.

The site is a Grade II Listed Building on the Kirklees Local Plan. It is within a bat alert layer, the Strategic Green Infrastructure Network, a low probability area for flooding and a Low Risk Coal area.

### **Kirklees Local Plan (LP):**

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place shaping
- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 30 – Biodiversity & Geodiversity
- LP 31 – Strategic Green Infrastructure Network
- LP 35 – Historic Environment

### **Supplementary Planning Guidance and other considerations**

- Highways Design Guide SPD
- House Extensions and Alterations SPD (2021)
- Waste Management Design Guide for New Developments (Oct 2020, v.5)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)
- Planning (Listed Building & Conservation Areas) Act (1990)

### **Holme Valley Neighbourhood Development Plan (HVNDP):**

HVNDP Policies 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 11: Transport, accessibility and local infrastructure.
- Policy 12: Promoting Sustainability
- Policy 13: Protecting Wildlife and Securing Biodiversity Net Gain

Relevant to the scale of the proposal, the character management principles of the LCA4 require Officers to:

- have regard for the key characteristics that give these areas their distinctive character and should respect, retain, and enhance the character of existing settlements, including vernacular building styles, settlement patterns, alignment of the building line and the streetscene.

LCA 4 of the HVNDP (pages 37-38) describes the characteristics of the area as:

- The relevant key landscape characteristics of the area are:

- Framed views from the settled valley floor to the upper valley sides and views across to opposing valley slopes.
- Boundary treatments comprised largely of millstone grit walling.

The Character Management Principles should:

- have regard for the key characteristics that give these areas their distinctive character and should respect, retain, and enhance the character of existing settlements, including vernacular building styles, settlement patterns, alignment of the building line and the streetscene.

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

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 05<sup>th</sup> September 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 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

### **Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity and heritage amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g., trees/ecology
- 5) Representations
- 6) Conclusion

#### 1 – Principle of development:

##### *1.1 Sustainable Development*

Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive and proactive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

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”.

Key Design Principle 1 of the House Extensions and Alterations SPD and Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan have been used as a guide in considering the proposal’s visual amenity impact on the streetscene and host.

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.

## *1.2 – Heritage*

The site is a Grade II Listed Building. The site is also within close proximity to Wooldale Conservation Area however the minor scale of works proposed would be screened by the hillside. As such, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area. Section 66 of the Act sets out a duty for local planning authorities in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) Act (1990) are mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in...harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring...public benefits that clearly outweigh the harm”*. This is mirrored in paragraph 202 in Chapter 16 of the NPPF.

With regards to the building’s Listed status, paragraph 195 of the NPPF states that:

*“Local planning authorities are to identify and assess the significance of any heritage asset that may be affected by a proposal... they should take this into account when considering the impact of a proposal on a heritage asset’s conservation and any aspect of the proposal.”*

Paragraph 197 goes on and states that Local planning authorities should consider:

*“the desirability of sustaining and enhancing the significance of heritage assets... the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and; the desirability of development making a positive contribution to local distinctiveness”* when determining these applications.

An analysis of whether harm to the significance of these heritage assets would occur will be assessed and discussed later in the report.

## 2 – Impact on visual amenity and heritage:

In terms of visual amenity, general design considerations are set out in Policy LP2, LP24 and LP35 of the Local Plan, Policy 1 & 2 of the HVNDP, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD, and Chapter 12 and 16 of the NPPF, which seeks to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, respecting and enhancing the character of the townscape, heritage assets and protect amenity.

The Conservation & Design Officer provided their response linked to the associated Listed Building Consent.

The proposal to have a new doorway to the rear would be sensitively sited as to not affect any architectural details of the host and would be of limited visibility from outside the site. The high quality materials and details of this is recommended to be controlled by condition attached to the Listed Building Consent to ensure the historic significance of the Listed Building.

A lean-to store and shed is proposed to the rear of the outbuilding. This is constructed in vernacular and high quality materials, and is of such a small scale addition ensuring that it would be subservient to the outbuilding whilst sensitive to its historic features. In addition, it would not obscure the Listed Building's primary elevation by its limited bulk and massing. The new timber framed window within an existing blocked opening would ensure that the proposal would preserve the character of the outbuilding as well as the setting of the listed building by using traditional materials and reinstating an historic opening.

The proposed alterations to the cottage would lead to less than substantial harm to the significance of the listed building by the introduction of a new doorway and covering up the historic staircase. However, this is mitigated by the retention of the original historic staircase in-situ, by ensuring no architectural features affected by the new doorway, the use of high quality materials controlled by condition and the door will reflect the character of the existing windows in the same elevation.

The public benefits of improving the circulation within the cottage and increasing natural light, without harming historic fabric, is considered to outweigh the less than substantial harm.

The high quality and small scale proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area, would preserve the Grade II Listed Building and enhance its outbuilding with public benefits outweighing the less than substantial harm and to be in accordance with Policies LP02, LP24 and LP35 of the Local Plan, the House Extensions and Alterations SPD and compatible with Kirklees Council's duties under section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### 3 – Impact on residential amenity:

Section B and C of Policy LP24 of the Kirklees Local Plan 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 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.

Key Design Principles 3-6 of the Kirklees Householder Extensions and Alterations SPD relate to residential amenity.

Due to the nature of the proposal, this would not have any significant impacts on neighbouring properties in relation to overlooking, overshadowing and overbearing or loss of privacy/overlooking.

#### *Future Occupiers*

With reference to Key Design Principle 7 of the House Extensions and Alterations SPD, the proposal would still retain an adequate, outdoor private amenity space available to future and present occupiers for excellent standards of privacy.

The proposal would therefore be in general conformance with LP24b, policy 2 of the HVNDP, policies within Chapter 12 of the NPPF and the Key Design Principles relating to residential amenity of the House Extensions and Alterations SPD.

#### 4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and 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 Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance. Policy 11 of the Holme Valley Neighbourhood Development Plan seeks the improvement of transport, accessibility and local infrastructure.

Turning to highway safety, the proposal would not affect the existing parking arrangements or bin arrangements. As such it would comply with Policies LP21 and 22 of the Local Plan, Key Design Principles 15 –16 of the House Extensions and Alterations SPD, the KC Highway Design Guide SPD, policy 11 of the HVNDP and policies within Chapter 9 of the NPPF.

#### 5 – Other matters:

##### *Climate Change*

When determining planning applications the Council will use the relevant Local Plan policies, Policy 12 of the Holme Valley Neighbourhood Development Plan, the NPPF and guidance documents/SPDs to meet targets to achieve net zero carbon emissions. A Climate Change Statement has been supplied. Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

##### *Biodiversity*

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.

Whilst considering Biodiversity, it is acknowledged that the site is located within an identified bat alert layer and the Strategic Green Infrastructure Network. The limited scale of the works proposed would not require additional compensation or mitigation to improve biodiversity to make it acceptable in line with KDP 12-13 of the SPD, Policy 13 of the Holme Valley Neighbourhood Development Plan, LP30 and LP31 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Officers recommend that an informative be provided within the Decision Notice to ensure that the applicant is aware their lawful duties regarding bats if discovered on site during the works.

#### 6 – Representations:

No representations had been 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 development would constitute sustainable development and is therefore recommended for approval.

**Recommendation**

**Approve**

#### **Decision Authorisation – Delegated**

**Application Number:** 2023/92469

**Officer Recommendation:** Approve

This Decision Notice for the full planning application should be read with the Decision Notice attached to the associated Listed Building Consent application 2023/92470.

#### **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 to accord with Policies LP01, LP 02, LP 21, LP 22, LP 24, LP 30, LP 31, and LP 35 of the Kirklees Local Plan, Policies 1, 2, 12 and 13 of the Holme Valley Neighbourhood Development Plan, Key Design Principles 1-17 of the Council's House Extensions & Alterations Supplementary Planning Document, and Policies within Chapters 2, 12, 14, 15 and 16 of the National Planning Policy Framework

3. The materials of construction of the development hereby approved shall be in accordance with those set out upon submitted plan 23/905/04. The materials of construction of the double doors to shed annotated upon submitted plan 23/905/04 shall be timber. The materials of construction approved by this condition shall be retained thereafter.

**Reason:** To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policies LP24 & LP35 of the Kirklees Local Plan, principles 1 and 2 of the House Extensions and Alterations SPD, policies 1 and 2 of the Holme Valley Neighbourhood Development Plan as well as policies within Chapters 12 and 16 of the National Planning Policy Framework.

4. Notwithstanding the details provided, the external lintol for the new doorway shall be of natural stone and shall replicate the stonework of the rear window surrounds in terms of stone type, colour, bedding and tooling, albeit with a deep enough section suitable for the span. Door jambs shall be finished in hand tooled stone to match the existing walling, and no power tool cuts or marks shall remain visible. The doorway shall be set into the elevation to avoid cutting into the stone quoins. The door shall be set into the reveal by 100-150mm. The materials and finish approved by this condition shall be retained thereafter.

**Reason:** To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policies LP24 & LP35 of the Kirklees Local Plan, principles 1 and 2 of the House Extensions and Alterations SPD, policies 1 and 2 of the Holme Valley Neighbourhood Development Plan as well as policies within Chapters 12 and 16 of the National Planning Policy Framework.

**FOOTNOTE:** Should any bats be found during the development, then work must cease immediately, and the advice of a licensed ecologist sought.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan.	Drawing no. 23/905/01.	Unamended	25/08/2023

Existing Block Plan.	Drawing no. 23/905/02.	Unamended	25/08/2023
Existing Floor, Elevation and Section Plans.	Drawing no. 23/905/03.	Unamended	25/08/2023
Proposed Floor, Elevation and Section Plans.	Drawing no. 23/905/04.	Unamended	25/08/2023
Proposed Block Plan.	Drawing no. 23/905/05.	Unamended	25/08/2023
Design and Heritage Statement.	Heritage Impact Assessment by Paul Matthews Architectural Ltd. Job no. 23/9050. August 2023.	-	25/08/2023
Climate Change Statement	-	-	25/08/2023

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 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. Following Conservation & Design Officer response, no additional negotiations were required. The agent noted that they had reviewed the suggested draft condition in written communication.

**Report Dated:** 27/11/2023