

**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>2023/62/92615/W</b>
Site Address:	94, Thong Lane, Netherthong, Holmfirth, HD9 3EE
Description:	Conversion of existing garage to home gym with associated internal and external alterations, including installation of photovoltaic solar panels (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: 26-Oct-2023**

## **OFFICER REPORT**

Application Reference: 2023/92615

Site: 94, Thong Lane, Netherthong, Holmfirth, HD9 3EE

### **Site Description**

The application relates to 94 Thong Lane, located within the residential area of Netherthong, Holmfirth. The dwelling is detached, constructed from stone with stone slate roof and set back from the highway. The dwelling is screened by boundary hedges. The dwelling has screened outdoor space and an adjoined garage. Off-street parking is located to the side of the dwelling. The dwelling is located within the Netherthong/Deanhouse Conservation Area. Listed buildings 121-123 Thong Lane are grade 2 listed and are located 26 metres to the west down the highway.

### **Description of Development**

The applicant is seeking planning permission for the conversion of the existing garage to a home gym with associated internal and external alterations, including installation of photovoltaic solar panels (within a Conservation Area).

The existing garage door would be removed and replaced with a mullioned window to match existing windows on site, with stonewalling to match existing external walls of the host dwelling. A new timber dicking is proposed to the rear of the application site, replacing an existing pergola structure. A total of 9 solar panels, black in colour are proposed on the front roof which fronts the highway.

### **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**

92/02364. Outline application for detached dwelling. *Conditional Outline Permission – 08/07/1992.*

92/05769. Erection of detached dwelling and integral garage. *Approval of reserved matters – 24/02/1993.*

2015/91421. Erection of first floor extension (within a Conservation Area). *Conditional Full Permission – 08/07/2015.*

## **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 20<sup>th</sup> October 2023 – no representations received.

Holme Valley Parish Council - Support

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

The site is within the Netherthong/Deanhouse 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 30** – Biodiversity and Geodiversity
- **LP 35** – Historic Environment
- **LP 51** – Protection and Improvement of Local Air Quality

### Holme Valley Neighbourhood Development Plan:

The Holme Valley Neighbourhood Development Plan was adopted on 8<sup>th</sup> 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 5: Netherthong Rural Fringe.

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

- The elevation offers extensive views of the surrounding landscape with long distance views towards Castle Hill and Huddersfield and the valley sides afford framed views towards settlements in the valley below.
- Within Netherthong and Oldfield views of the surrounding landscape are often glimpsed between buildings.
- Distinctive stone wall field boundary treatments divide the agricultural landscape.
- Public Rights of Way (PRoW), including the Holme Valley Circular Walk, cross the landscape providing links between settlements. National Cycle Route no. 68 also crosses the area.

Key built characteristic of the area are:

- In Netherthong and Oldfield buildings are grouped around courtyards to provide protection from the elements whilst Deanhouse has a predominantly linear plan.
- Vernacular buildings largely comprise farmhouses, barns and two and three storey weaver's cottages of millstone grit with stone mullioned windows.

### National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 5<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 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 development 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**

The site is located within the Netherthong/Deanhouse 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...”*

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 5 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.

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.

With specific regard to the proposed development the SPD states that in terms of Conservation Areas under paragraph 2.10 that:

*'If your home is listed or located in a Conservation Area, additional design criteria will usually apply, and it is recommended you submit a formal preapplication enquiry to the council. A carefully considered and detailed design approach will be required where the proposed development would impact on a designated heritage asset, falls within the curtilage of a listed building, or affects a positive contributor to a Conservation Area.'*

The proposed wall replacing the garage door is to be constructed from stone which matches external walls of the host dwelling, thus being good in design and not detracting value from the host dwelling. The proposed new decking area to the rear of the dwelling is replacing an existing timber pergola, in part, and would be no higher than the existing steps to the rear of the house. The rear garden is well screened from the streetscene and would not impact the surrounding area visually. The proposed solar panels would be black in colour and would not be dissimilar from the colour of the host dwelling roof. The solar panels would not project far from the roof and would be a subservient addition to the principal roof without negatively impact the setting of the conservation area.

The proposed development is minor in scale, with some elements likely to benefit from a permitted development fallback position. The removal of the garage door would provide a modest enhancement of the appearance of the conservation area and the discreet black colour of the photovoltaic panels would harmonise well with the stone slate roof. If there is a modest less than significant harm arising from these panels facing the road, the public benefits of providing a substantial amount of renewable energy (Photo-voltaic solar panel installation to generate 3500 kWh of electricity per annum) clearly outweighs this harm.

It is therefore considered that the proposal would comply with Policies LP24 and LP35 of the Kirklees Local Plan, Principles 1 and 2 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.”*
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The proposed works would not impact any surrounding neighbouring dwelling in relation to privacy, overbaking, overshadowing or natural light received due to the nature of the proposals.

Principle 7 seeks to maintain adequate outdoor space to ensure a dwelling has sufficient amenity space for the current and future occupiers. Given the proposal do not result in an extra land being utilised, and the decking providing amenity space, it can be determined that adequate outdoor space would be retained for current and potential future occupants.

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.

The proposed change to convert the existing garage to a home gym would result in the loss of 1 car parking space. Although there is a confirmed loss of 1 car parking space, a site visit confirmed that area located to the west of the dwelling which is currently used for existing vehicular parking, could easily accommodate 1 additional car within the available space. This is important given the proximity of the site to a school. Given there are no proposed changes to highway access and the existing space located outside can accommodate an additional car, it is considered there is a neutral impact upon highway 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. Policy 12 of the HVNDP follows this theme.

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 nature of the proposed development, it is considered that the proposed development would have a positive impact on climate change given the significant electricity generation ensuing from the proposed photovoltaic panels.

### 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 proposals, it is not considered reasonable to require biodiversity enhancements in this case.

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

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

### **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: 2023/92615**

**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, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP35 and LP51 of the Kirklees Local Plan, Policies 1, 2 12 and 13 of the Holme Valley Neighbourhood Development Plan, Principles 1-17 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 9, 12, 14, 15 and 16 of the National Planning Policy Framework.

2. The new windows and walls hereby approved shall be installed to match the existing windows and external walls found within the host dwelling, this shall include their design, materials, finishes, colour treatment, reveal and opening profile.

**Reason:** To ensure the appropriate use of materials which are sympathetic to the character of the building and the surrounding Conservation Area and to comply with in accordance with Policies LP24 and LP35 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan, Principles of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 12 and 16 of the National Planning Policy Framework.

**NOTE:** Due to its location, a bat roost may be present on site. Bats are a

European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone 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: -

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Block Plan	23036D-05-P01		04 September 2023
General Arrangement – As Existing	23036D-01-P01		04 September 2023
General Arrangement – as Proposed	3036D-02-P04		04 September 2023
Heritage Statement			04 September 2023
Climate Change Statement			04 September 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.

**Report Dated:** 25/10/2023

Coal – Low