

**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>2023/62/93162/W</b>
Site Address:	57-59, Cliff Road, Holmfirth, HD9 1UY
Description:	Erection of extensions and alterations to one dwelling to form 2 dwellings, demolition of existing external store, widen parking bay, improve external steps and access, external and internal alterations (Listed Building)
Recommending Officer:	Lucy Taylor

**DECISION - REFUSED**

**I hereby authorise the refusal 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:** 3<sup>rd</sup> May 2024

## **Officer Report.**

**Reference:** 2023/93162

**Location:** 57-59, Cliff Road, Holmfirth, HD9 1UY

**Proposal:** Erection of extensions and alterations to one dwelling to form 2 dwellings, demolition of existing external store, widen parking bay, improve external steps and access, external and internal alterations (Listed Building)

## **Site Description.**

57-59 Cliff Road is a three-storey Grade 11 Listed property located in Holmfirth. The external walls of the property are faced in natural stone and the roofing forms are infilled with natural stone slate tiles. The property is currently a three bedroomed single dwellinghouse. Within the wider curtilage, the property currently benefits from one off-street car parking space and outdoor amenity space to the front and rear elevations.

The property of 57-59 Cliff Road shares a similar construction style and design with the other terrace properties to which it adjoins to its south and the use of stone is a prominent feature of the immediate vernacular.

## **Description of Proposal.**

Planning permission is sought for the erection of extension and alterations to one dwelling to form two dwellings, demolition of existing external store, widen parking bay, improve external steps and access, external and internal alterations.

The proposed extension would be two-stories in height (ridge height of 6 metres) and would project from the west / rear elevation of No. 57-59 Cliff Road. The extension would have a projection of 3 metres and a width of 4.2 metres, retaining a separation of 0.6 metres from the shared boundary with No. 55.

Some of the external walls to the existing single storey lean-to external store are to be retained, with some additional walling to increase eaves levels and new lean-to roof.

The layout of 57-59 Cliff Road would be as follows:

- 3 bedroomed dwelling – living / dining & kitchen to ground floor, two bedrooms & a bathroom to first floor and master bedroom with en-suite to second floor.

- 4 bedroomed dwelling – hall, WC, larder / utility, kitchen & dining to ground floor, 3 bedrooms & a bathroom to first floor and living space & bedroom with en-suite to second floor.

The plans show two car parking spaces.

The external steps to the front of the building would be extended to the side of No. to provide separate access and the steps in conjunction with the car parking spaces and garden to the front would be reconfigured.

### **History of Negotiations / Amendments Received.**

In response to informal initial comments from the Conservation and Design Officer, the applicant / agent submitted amended plans and addressed the Conservation and Design Officer's comments as follows (via email):

- The proposals were amended to illustrate a more traditional vertical panel door to front elevation.
- Lean to store – propose the retention of the external walls with some additional walling to increase eaves levels and new lean-to roof.
- Updated proposal for the rear door to No. 59 updated to enable retention of existing mullion.
- Happy to retain existing stonework regarding the stonewalling projecting which abuts the rear of No. 57.
- Scheme altered to a smaller extension of 2 stories with low eaves level. This minimises the mass of the extension whilst enabling a first-floor bedroom to remain in the scheme. This approach enables some of the existing stonewalling projecting to remain visible above the roofline, thus maintaining reference to the historic alteration and development of the building also.
- Amended plans to retain ground floor wall, although have proposed increasing the width of the opening.
- The replacement of staircases is relatively significant to the proposed scheme, most evidently to No. 59 in which the stair is accessed from the hallway side rather than the existing kitchen. On this basis, we seek more support on this matter.
- First floor internal walls – perhaps install a humidistat triggered extractor fan to address concerns regarding a new partition crossing an existing beam.

- The internal walls in No. 59 appear to be modern stud partitions with no significant heritage value. Can try and provide more evidence is required.
- The intention is to retain existing windows.
- Anticipate retaining existing floorboards throughout.

The Conservation and Design Officer was informally re-consulted on the amended plans and email communication from the planning agent as set out above. Their comments are summarised within the below 'Consultation Responses' section of this report. These comments were made available to the planning agent via email, however, no response was received.

It should also be noted that a copy of the consultation response form KC Highways Development Management was sent to the planning agent via email, no response was received to this.

The planning agent was made aware that the application would be moved to determination.

It should be noted that, whilst amended plans were submitted, officers did not consider it necessary to re-advertise the application. The reasoning for this was because the amendments saw the retention of the same description of proposal and the revisions reduced the overall extent of built form proposed.

### **Relevant Planning History.**

- 97/91465 – Listed Building Consent for installation of door and alterations to yard area. *Listed Building Consent Granted.*
- 2005/94904 – Change of use, alterations and extension to dwelling to form 2 no. dwellings. *Withdrawn.*
- 2005/94905 – Listed Building Consent for extension and alterations to convert dwelling into 2 no. dwellings. *Withdrawn.*
- 2006/90704 – Change of use, alterations and extension to dwelling to form 2 no. dwellings. *Granted Conditional Full Permission.*
- 2006/90705 – Listed Building Consent for extension and alterations to convert dwelling into 2 no. dwellings. *Listed Building Consent Granted.*
- 2023/93163 - Listed Building Consent for erection of extensions and alterations to one dwelling to form 2 dwellings, demolition of existing external store, widen parking bay, improve external steps and access, external and internal alterations. *Pending Determination.*

### **Representations.**

The application has been publicised with neighbour notification letters, a site notice and within the newspaper.

Final publicity date expired: 15<sup>th</sup> January 2024.

In response to publicity, two objections were received. These objections raised the following summarised concerns, which are considered to be material planning considerations (the objections can be viewed in full on the website):

- 2 cars parked at the rear is complete wishful thinking. The plan says 2 existing spaces but there is only room for 1 car.
- The 'lip' of the retaining wall garden down hill needs to be raised as it is a steep drop.
- This is a Listed Building and as such, should be protected from alterations.
- This is an unnecessary alteration to a beautiful listed building and will not enhance the community or surrounding area.
- The disruption to existing parking restrictions already experienced by residents of cliff road will be exacerbated due to the amount of construction vehicles required.

In addition, two general comments were received. These general comments raised the following summarised comments, which are considered to be material planning considerations (the general comments can be viewed in full on the website):

- Mention of solar gain via south facing windows is probably not relevant, in winter especially.
- The existing single storey store structures attached to No. 59 are close to the house opposite. The narrow lane is not passable by large vehicles. They frequently hit the wall or have to reverse back up Cliff Street.
- Parking 2 vehicles presents some difficulty for No. 59. Reverse manoeuvring onto Cliff Street on a blind bend is at risk of collision with vehicles that do drive down from Cliff Road.
- Internally there are very old beams. Careful attention to retaining existing Listed aspects both inside and outside is important.
- Generally favourable to this application. Creating 2 houses from one – as the houses originally were – adds to the housing stock.

- Expect the existing footprint of the external store to be respected, to avoid impact to the parking arrangements of neighbouring properties.
- The lane of Cliff Street should be kept open and clear of building work throughout works to external store.

### **Consultation Responses.**

**Holme Valley Parish Council** – support but with some concern for limited parking in the immediate area.

**KC Highways Development Management** (formal) – Object. The proposal cannot be supported as submitted. The proposals do not provide sufficient off-street parking for the size of the development.

**KC Conservation and Design** (informal) – Whilst acknowledge that there has been a series of amendments to the proposals, of which address some of our concerns, we do still have concerns in relation to the lean-to and the proposed rear extension.

**KC Environmental Health** (formal) – Raised no objections in principle and offered comments and recommendations relating to construction noise and electric vehicle charging points.

**Highways Structures** (formal) – Please arrange for two pre-commencement conditions to be included upon any grant of approval regarding the submission of a scheme detailing the location and fully dimensioned cross-sectional information to the existing highway retaining wall and the submission of a full dilapidation survey of the existing highway retaining wall.

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

57-59 Cliff Road is Grade II Listed.

The application site is located in the Holme Valley Corridor Strategic Green Infrastructure Network and within an area with a known presence of bats.

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

### **Kirklees Local Plan:**

- LP1 – Achieving Sustainable Development

- LP2 – Place Shaping
- LP11 – Housing Mix and Affordable Housing
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP35 – Historic Environment
- LP51 – Protection and Improvement of Local Air Quality
- LP53 – Contaminated and Unstable Land
- LP57 – The extension, alteration or replacement of existing buildings

### **Supplementary Planning Documents:**

- Housebuilders Design Guide SPD
- Highways Design Guide SPD

### **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 4 – River Holme Settled Valley Floor.

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 6 – Building Homes for the Future
- Policy 12 – Promoting Sustainability
- Policy 13 – Protecting Wildlife and Securing Biodiversity 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 December 2023, 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 5 – Delivering a Sufficient Supply of Homes
- Chapter 12 – Achieving Well-Designed and Beautiful 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

#### **Other Guidance Documents:**

- Nationally Described Space Standards
- National Design Guide
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Biodiversity Net Gain Technical Advice Note (2021)

#### **Assessment.**

The following matters are considered in the assessment below: -

- 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**

##### **Sustainable 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”.

The impact of the development on the historic environment will be a key consideration, along with its impacts on the local landscape and character of the local area, residential amenity, highway safety and all other material planning considerations. These will be assessed in depth below.

### Housing Supply:

Paragraph 11 of the National Planning Policy Framework (NPPF) advises that plans and decisions should apply a presumption in favour of sustainable development. It adds, within the same paragraph, that where the policies in the Development Plan, deemed most relevant to the consideration of the proposal in question are out-of-date, the default position is that planning permission should be granted unless: -

- a) policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
- b) any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

In the case of applications for residential development such as this, the NPPF adds that policies will normally be considered ‘out of date’ if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing land.

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement.

The 2023 up-date of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land. As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “*Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*”

The Council’s inability to demonstrate a five-year supply of housing land weighs in favour of housing development but has to be balanced against any

adverse impacts of granting the proposal. The judgement in this case is set out in the officer's assessment.

Policy 6, 'Building Homes for the Future', of the Holme Valley Neighbourhood Development Plan sets out that new housing development will be supported subject to the following considerations being met:

1. The proposed housing is located within existing settlements not overwashed by Green Belt or is for housing acceptable in terms of national Green Belt policy.
2. Adequate parking for residents and visitors should be provided in accordance with Local Plan Policy LP22 Parking and the Council's most up to date parking guidelines in the Highway Design Guide SPD. Additional parking provision to accommodate delivery vans is encouraged to minimise additional on street parking on nearby roads.
3. Developments should have good access to public transport routes and encourage walking and cycling by enhancing, expanding and linking to existing routes.
4. Proposals will be expected to demonstrate that densities make best and efficient use of land and reflect local settlement character.

## **2) Impact on Visual Amenity and Historic Environment**

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby paragraph 131 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."*

Paragraph 135 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...”*

Policy LP11 sets out that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals will be expected to respect and enhance the local character of the area by:*

- *Taking cues from the character of the built and natural environment within the locality.*
- *Creating a positive and coherent identity, complement the surrounding built form in terms of its height, shape, form and architectural details.*
- *Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*

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 Local Characteristic Area 4 – River Holme Settled Valley Floor.

The key built characteristics of LCA4 are:

- Mill buildings, chimneys and ponds, including Ribbleden Mill with its chimney, associated mill worker houses and ashlar fronted villas link the area to its industrial and commercial heritage and are a legacy of the area’s former textile industry.
- Terraced cottages and distinctive over and under dwellings feature on the steep hillsides with steep ginnels, often with stone setts and narrow roads.
- Narrow winding streets with stepped passageways, stone troughs and setts characterise the sloping hillsides above Holmfirth town centre.
- Small tight knit settlements on the upper slopes are characterised by their former agricultural and domestic textile heritage.
- There are mixed areas of historic and more recent residential and commercial developments.

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 Holme Valley Neighbourhood Plan – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design.

Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that, for development which affects a listed building or its

setting, the local planning authority shall 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.

Section 66 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 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.”*

The NPPF requires great weight to be given to the conservation of the listed building, with clear and convincing justification provided for any harm. Any harm must be outweighed by the public benefits of the proposal (Chapter 16).

As part of this planning application, a Heritage Statement was submitted, which summarised the following:

- The proposals associated with this application are carefully considered to enable development back to 2 dwellings which involves a wholesome internal renovation and extensions.
- The applicant recognises the heritage value of the property and aims to carry out the work as sympathetically as possible whilst creating two well proportioned dwellings. Internal the properties will benefit from modernisation to some extent, with any works complementary to some original or existing features (such as existing ceilings and floor beams) to combine attractive living spaces whilst maintaining the character of the original building.
- Externally, proposals do not alter the main body of the property and associated structural openings which will be retained. Extensions proposed are to the side and rear are sympathetic in terms of scale and design.
- Overall, the proposal offers the opportunity for renovation, improvement to the building's accessibility and revision back to two well-proportioned properties which is more akin to the original properties. The work provides the basis for some modernisation and continued maintenance of the heritage asset overall and on this basis, we consider the proposal merits support.

Two informal consultations were undertaken with KC Conservation and Design as part of the determination of this application, one prior to the submission of amendments and one after the submission of amendments.

Their comments have been used to inform the following assessment of the application.

57-59 Cliff Road is a Grade II Listed property, with the following Listing description: *'Formerly 2 houses, part of row. Mid to late C18 origin with house to left, and upper floor of house to right, of early C19. Hammer dressed stone. Quoins to right. Stone slate roof with gable copings on cut kneelers. Central ashlar stack. Three storey...'*

With regards to the erection of the proposed rear extension, it is considered that the loss of the existing external wall which forms a part of this development, would result in harm to the building, as it is considered integral to its understanding. Furthermore, the two-storey rear extension itself is not considered to be subservient in size / scale and while consent was previously granted at the site for an extension, this was only a modest single storey addition, which was set back from the elevation and incorporated the extant historic section of external wall. The use of matching materials would not outweigh this harm.

For the reasons set out above, KC Conservation and Design concluded within their informal consultation response that, given that there is no additional supporting detail or information to support the proposed two-storey extension, they consider there to still be a lack of justification for the proposed addition.

Furthermore, the amended plans continued to see the loss of stairs/staircases and other internal features that are addressed in the allied application for listed building consent.

To conclude, whilst it is accepted that permission has previously been granted for a rear extension at the site, this was of a modest single storey size / scale and was set back from the elevation and incorporated the extent historic section of external wall. This proposal would see an extension which would compromise the historic fabric of the building, adding a piecemeal addition to the rear elevation, which would appear disjunct in its relationship to the existing built form of the host dwelling and adjoining neighbouring dwelling. This would cause further consequential harm to the wider visual amenity of the area.

The NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The proposed development would cause a high level of harm to the significance of the listed building, particularly with regards to the historic interest inherent in the architectural interest of the rear elevation. The proposals would also harm the setting of adjacent listed buildings. The Local Planning Authority has not been able to reduce that harm to a sufficient degree through negotiations with the applicant and it has not been clearly and

convincingly justified. Even though this would be less than substantial harm, great weight should be given to that harm.

The proposed development has some modest public benefits, specifically, the modest addition to housing provision in the area. However, this would not be sufficient to outweigh the high level of harm caused by the proposals. Viability has not been raised as an issue by the applicant.

For the reason set out above, the development would be harmful to the setting of the listed building and wider visual amenity and would be contrary to 66(2) of the Planning (Listed Building and Conservation Areas) Act, Policy LP24 (a and c) and LP35 of the Kirklees Local Plan, Principle 2 of the Housebuilders Design Guide SPD, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Chapters 12 and 16 of the NPPF.

### **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 135 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.

Principle 6 of the Housebuilders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *“All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”*

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’.*

The only property to immediately neighbour the application site is No. 55 Cliff Road, which adjoins No. 57-59 to the south. The submitted ‘Proposed Site

Plan' shows that the proposed rear extension would be set back from the projection of the single storey extension to No. 55 at ground floor level and that the extension would not cut the line of 45 degrees with regard to the 1<sup>st</sup> floor window at No. 55. Therefore, it is not considered that the proposal would result in any undue impacts of overbearing or overshadowing for the occupiers of this neighbouring property. The other alterations are considered to be a sufficient distance from No. 55 to avoid any undue impacts of overbearing and / or overshadowing and the proposed glazing to the rear elevation is not considered to result in undue impacts of overlooking.

The proposed works to the store to the side elevation would see its retention at a modest single storey height and as such, its development is considered to pose no material detriment of undue impacts of overbearing and / or overshadowing to the occupiers of either Redvers House or School House, located north of the application site.

Furthermore, at present, in the northern facing side elevation, there is one bedroom window at first floor. The modifications would see a bedroom retained at first floor level and a bedroom window added at second floor level. To retain the existing relationship between the application site and these two neighbouring properties with regards to privacy, upon any grant of approval, this second-floor side elevation window could be conditioned to be obscurely glazed, appropriate given that it would serve as a secondary opening to bedroom 4.

It is considered that the proposed development 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.

In respect to the amenity of future occupiers of the dwellings as divided, the three bedroomed dwelling would have a total internal floorspace of approximately 81.2sqm and the four bedroomed dwelling would have a total internal floorspace of approximately 117.2sqm.

Principle 16 of the Housebuilders Design Guide SPD states that all new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. "Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan. The council will seek to adopt such a policy in the future in accordance with evidence and in the meantime will seek to ensure high quality living environments through the application of Local Plan policy LP24 (Design)". The Council recognises the NDSS as best practice to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupiers. The NDSS set out that three-bedroom properties over three stories should have a minimum internal floor area of 90sqm for four occupiers and that four-bedroom properties over three stories should have a minimum internal floor area of 103sqm for five occupiers and 112sqm for six occupiers.

The submitted floor plans demonstrate that each habitable room would be served by a window.

The garden area to serve No. 57 Cliff Road would have a total useable area of approximately 32 sqm (excluding bike store) and the garden area to serve No. 59 would have a total useable area of approximately 85sqm. It is considered that this provision would be appropriate.

The floorspace of the 3-bed dwelling falls below that which could ensure a high quality living environment for future occupiers. The proposals are considered to provide an unacceptable standard of living for occupants of the three-bedroomed dwelling, contrary to Policy LP24b of the KLP, Policy 2 of the HVNDP, Principle 16 of the SPD and Chapter 12 of the NPPF.

#### **4) Impact on Highway Safety**

In terms of highway safety, policies LP21 and 22 of the Local Plan have been considered along with the KC Highway Design guide. The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking and access to sustainable transport options.

Principle 12 of the Housebuilders Design Guide states that at the outset of the development, applicants should identify the need for car parking, in addition this principle requires the provision of cycle storage and to avoid parking arrangements that place cars at the front of all dwellings and with overly dominant integral garages at the front of dwellings.

Principle 12 goes on to set out that where car parking is included within the curtilage of a dwelling, creative design solutions should ensure that car parking can be accommodated at the side of buildings or to their rear to avoid dominating the street scene at front.

Principle 19 of the above Guide states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

As part of the determination of this planning application, a formal consultation was undertaken with KC Highways Development Management, whereby the following conclusions were drawn:

##### *Car Parking for No. 57:*

Two off-street parking spaces are proposed for No 57 with access directly onto Cliff Road. This meets the guidelines for a 3 bedroomed dwelling.

##### *Car Parking for No. 59:*

Two off-street parking spaces are proposed for No 59. However, the size of the space provided is too small for two vehicles to access safely.

Without further information, the space will only provide off street parking for one vehicle.

The Kirklees Highway Design Guide states that 3 off street parking spaces would be required for a four bedroomed dwelling.

As a result, the provision, as submitted, is well below the recommended guidelines for a 4+ bedroom dwelling and it is considered that the under provision of car parking is likely to result in on-street parking issues on the surrounding roads to the detriment of road safety.

#### Waste Storage and Collection:

Bin storage areas are shown and are acceptable. However, a bin collection/presentation point should be located adjacent to the public highway. The bin collection/presentation point must not obstruct the adopted highway or the access road.

Details of waste storage and collection for both dwellings should be provided, with the location of a waste collection presentation point being clearly marked on a drawing in such a location that is easily accessible to the collection team and where it will not obstruct the parking, access, or the adopted highway for road safety reasons.

Upon any grant of approval, the submission of details for waste storage and collection could be conditioned prior to the dwellings first being occupied.

Overall therefore, KC Highways Development Management object to the proposal as submitted, as they do not provide sufficient off-street parking for the size of the development, specifically with regard to the four-bedroomed dwelling proposed at No. 59 Cliff Road.

As such, the proposal is considered contrary to Policy LP21 of the Kirklees Local Plan, Principle 12 of the Housebuilders Design Guide SPD, the Highway Design Guide Supplementary Planning Document and the aims of the National Planning Policy Framework.

### **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.

The proposal is to create two dwellings in place of one existing dwelling with external and internal alterations. Given that the proposal seeks to utilise an existing building, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards. A Climate Change Statement was submitted with the application with set out various mitigation measures.

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.

*Strategic Green Infrastructure Network / Ecology:*

Policy LP31 of the Kirklees Local Plan identifies a number of areas which form part of the Strategic Green Infrastructure Network. This policy sets out that priority will be given to safeguarding and enhancing green infrastructure networks, green infrastructure assets and the range of functions they provide. This policy sets out that development should ensure the function and connectivity of green infrastructure is retained / replaced, new or enhances green infrastructure is provided / integrated into new developments. In addition, this policy requires integration of developments into walking / cycling network and providing new links where appropriate and the protection of biodiversity / ecological links. Where the creation of new or enhanced green infrastructure is proposed, provided it does not conflict with other policies within the Kirklees Local Plan policy LP31 sets out that the Council will support such development.

The development does not pose the direct removal of any existing trees or hedgerows. As such, the proposal is not considered to have a significant impact upon the strategic green infrastructure network and is concluded to be acceptable in this regard.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Principle 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance. Which seeks to ensure existing features such as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided. The Biodiversity Net Gain Technical Advice Note sets out that minor developments are subject to the mitigation hierarchy outlined within Chapter 2.2 and will still be required to demonstrate a net gain for biodiversity. Chapter 2.2 of the advice note details a mitigation hierarchy of avoid, mitigate, compensate, offset and finally enhance.

The application site is within a 'Bat Alert' layer on the Council's GIS system.

It is considered that the only roofing form which would be directly affected by the proposal is the lean-to roof above the existing single storey store, which projects from the side elevation. Therefore, given the minor extent of alterations to roofing forms, in this instance, it was not considered necessary to request a Bat Survey.

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 worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

#### Retaining Structures / Land Stability:

LP53 of the Kirklees Local Plan refers to contaminated and unstable land. It sets out that *'For developments identified as being at risk of instability, or where there is evidence of contamination, measures should be incorporated to remediate the land and/or incorporate other measures to ensure that the contamination/instability does not have the potential to cause harm to people or the environment. Such developments which cannot incorporate suitable and sustainable mitigation measures which protect the well-being of residents or protect the environment will not be permitted'*.

As part of the determination of this planning application, a formal consultation was undertaken with KC Highways Structures, whereby the Highways Structures Officer concluded that, upon any grant of approval two pre-commencement conditions would need to be included regarding the submission of a scheme detailing the location and fully dimensioned cross-sectional information to the existing highway retaining wall and the submission of a full dilapidation survey of the existing highway retaining wall.

The Highways Structures Officer noted that, to enable the condition regarding a dilapidation survey to be satisfied, the ivy covering the highway retaining wall must first be served near the base of its main stems and allowed to die off for at least 6-9 months before the ivy can be carefully detached from the wall and removed without causing damage to the existing dry-stone wall. Failure to comply with this methodology could result in dislodging the stones in the dry stone wall and cause it to collapse, which would have to be reconstructed at the developer's expense.

Such conditions would be justified as alterations to the walls without securing appropriate information about the requirements and scope of the works could have detrimental harm to highway safety and the wider environment.

#### Coal Legacy:

The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed

consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with Chapter 15 of the National Planning Policy Framework.

## **6) Representations**

In response to publicity of the application, two objections and two general comments were received.

The concerns and comments raised within the objections and general comments have been noted by officers and have been taken into consideration within the determination of this application.

The concerns regarding impacts to the Listed Building have been addressed within Section 2 of the officer's report, 'Impact on Visual Amenity and Historic Environment'.

The concerns regarding highway safety and parking have been addressed within Section 4 of the officer's report, 'Impact on Highway Safety'.

## **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 adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF taken as a whole. Furthermore, although the Council cannot demonstrate a 5 year housing land supply, the application of policies in the NPPF that protect designated heritage assets provides a clear reason for refusing the development proposed.

The proposal is therefore considered to be contrary to policy LP2 which seeks to ensure all development proposals build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places.

**Recommendation: Refuse**

## **Decision Authorisation – Delegated Powers**

**Application Number: 2023/93162**

**Officer Recommendation: Refuse**

### **Reasons for Refusal:**

1. The proposed rear extensions to No. 57-59 Cliff Road would have a detrimental impact on the visual amenity and heritage significance of the application site and surrounding area by adding a piecemeal addition to the rear elevation which would compromise the historic fabric of the building. This would be harmful to the setting of the listed building and wider visual amenity. This would also result in less than substantial harm to the significance of the listed building for which no public benefits to outweigh this harm, including justification, have been demonstrated. The development is contrary to Policy LP24 (a and c) and LP35 of the Kirklees Local Plan, Principle 2 of the Housebuilders Design Guide Supplementary Planning Document, Policies 1 and 2 of the Holme Valley Neighbourhood development Plan, Chapters 12 and 16 of the National Planning Policy Framework and the Council's duties under the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. The proposed development would present poor standards of amenity for future occupiers of the three-bedroomed dwelling of No. 57 Cliff Road, as the limited floorspace falls below that which could ensure a high quality living environment for future occupiers. The proposals thus considered contrary to Policy LP24b of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan, the aims of paragraph 135(f) of the National Planning Policy Framework and Principle 16 of the Housebuilders Design Guide Supplementary Planning Document.
3. The proposal would see the intensification of the residential use of the site, dividing the existing single residential unit into two dwellings. On site parking is limited in the area and the proposal would see the provision of inadequate on-site parking for the proposed four-bedroomed property of No. 59 Cliff Road. The proposed development would thereby cause undue detrimental harm to highway safety through the additional pressure for on-street parking where the highway network is unsuitable to support this demand. This is contrary to Policy LP21 of the Kirklees Local Plan, Principle 12 of the Housebuilders Design Guide Supplementary Planning Document, the

Highway Design Guide Supplementary Planning Document and the aims of Chapter 9 of the National Planning Policy Framework.

Plans and Specifications Schedule:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	(10)01	-	30.10.23
Existing Site Plan	(11)01	-	30.10.23
Existing Ground Floor Plan	(20)01	-	01.11.23
Existing First Floor Plan	(20)02	-	01.11.23
Existing Second Floor Plan	(20)03	-	01.11.23
Existing Elevations	(30)01	A	01.11.23
Proposed Site Plan	(12)01	C	23.11.23
Proposed Site Section	(41)01	-	23.11.23
Proposed Ground Floor Plan	(22)01	E	27.03.24
Proposed First Floor Plan	(22)02	C	27.03.24
Proposed Second Floor Plan	(22)03	B	27.03.24
Proposed Elevations	(31)01	D	27.03.24
Heritage, Design and Access Statement	548A (97) 01	-	30.10.23
Climate Change Statement	-	-	14.11.23

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.

Amended plans were submitted by the applicant / agent in response to Conservation and Design comments.

The consultation response from KC Highways Development Management and the second consultation response from KC Conservation and Design was sent to the planning agent with no reply.

**Report Dated:**

30.04.24

