KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	**2023/62/93387/W**
Site Address:	Avondale, Wood Lane, Holmfirth, HD9 3JB
Description:	Erection of lower ground floor extension and first floor extension over bungalow to form two-storey dwelling with roof terrace to the south east elevation, regrading of land to form access and parking area to south west of the dwelling
Recommending Officer:	William Simcock

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.

John Holmes

AUTHORISED OFFICER

Date: 26-Jun-2024

Officer Report 2023/93387

Avondale, Wood Lane, Holmfirth

Site Description

Avondale is a stone-built bungalow with a hipped blue slate roof located on the corner of the unadopted Hightown Lane and part-adopted Wood Lane. Its front elevation faces in an easterly direction towards Holmfirth Town Centre and the River Holme. The site and its surroundings show a steep upward slope (approximately 1:5) from east to west. The plot is about three times as long as it is wide, with most of the garden space being at the rear or west. There is no vehicular access to the highway. The site is bounded to the south by a low stone wall and banking, and by a higher boundary / retaining wall to the east.

The adjacent plot to the north is occupied by a brick-built bungalow, with an inter-war two storey house beyond. Two-storey development, mostly stone-built 19th Century houses, predominates along the southern stretch of Hightown Lane. To the east, the most prominent feature is the former telephone exchange.

Description of Proposal

The proposal is for the erection of a lower ground floor extension and first floor extension over bungalow to form two-storey dwelling with an internal roof terrace to the south-east elevation, regrading of land to form access and formation of a parking area to south-west of the dwelling.

It would be extended to the rear by 5.0m and the height of the external walls raised by approximately 1.9m. The roof would be a double-pitched roof with gable ends facing east and west. The dwelling thus created would give the impression of being single-storey when viewed from the rear owing to the difference in ground levels.

The internal layout would offer, at lower ground floor, three bedrooms and a “covered area” that can be accessed be an external flight of stairs, and at first floor or (upper ground floor), the kitchen and other living accommodation.

At new first-floor level, a hard-surfaced area with space to park two cars in tandem would be formed, with a 4m wide access to Wood Lane.

Materials are to be natural stone and blue slate. The parking space would be surfaced in tarmac.

History of negotiations/amendments received

13-May-2024: Amended plans received.

The plans were not re-advertised on the basis the public was adequately alerted to the nature of the development by virtue of the initial publicity and the initially publicised scheme being similar to that as set out in the amended scheme.

Relevant Planning History

None.

Representations

Final publicity date expires: 09-Feb-2024. Publicity by site notice and press advertisement in addition to neighbour letter as the proposal is considered to affect the setting of Holmfirth Conservation Area (boundary is on the opposite side of Wood Lane).

One representation has been made as a result of publicity (in opposition). Concerns raised:

- Visual impact will be significant and incompatible with the present street scene. Negative impact on Conservation Area, including from possible removal of part of boundary wall.

- No tracking plans or similar have been provided to demonstrate that vehicles can appropriately manoeuvre from the parking area. The adjacent lane is narrow and steep with a footpath and degrading road surface.

Holme Valley Parish Council: Oppose - The scale and design are not in-keeping with existing building, The climate statement is insufficient and there is concern for the retaining wall.

Consultation Responses

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

KC Highways Structures – Acceptable subject to condition.

KC Highways Development Management – Do not support in its present form.

KC Public Rights of Way – No response.

KC Conservation & Design – (informal response) No objection.

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).

The site is within a land that is designated strategic green infrastructure network on the Local Plan Proposals Map but is deemed to be close enough to the boundary with Holmfirth Conservation Area to affect its setting.

Wood Lane also carries the route of a Public Right of Way

Kirklees Local Plan (LP):

- **LP 1:** Presumption in favour of sustainable development
- **LP 7**: Efficient and effective use of land and buildings
- **LP 21:** Highways and access
- **LP 22:** Parking
- **LP 24**: Design
- **LP 28**: Drainage
- **LP 30:** Biodiversity and geodiversity
- **LP 31:** Strategic Green Infrastructure Network

Supplementary Planning Documents:

- KC Highways Design Guide 2019
- House Extensions and Alterations Design Guide Supplementary Planning Document,
- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications

Holme Valley Neighbourhood Development Plan

The following policies of the plan are considered most relevant:-

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

The site lies within Landscape Character Area 4 – River Holme Settled Valley Floor
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 and beyond towards the Peak District National Park.
- Boundary treatments comprised largely of millstone grit walling. The stone walling which runs parallel with Upperthong Lane is representative of local vernacular detailing.
- A network of Public Rights of Way (PRoW) including the Holme Valley Riverside Way which follows the River Holme from Holmbridge through Holmfirth and downstream. National Cycle Route no. 68 follows minor roads through Upperthong towards the centre of Holmfirth before climbing the opposing valley slopes.
- Mill ponds reflect industrial heritage and offer recreation facilities.

Key built characteristic of the area 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.

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

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 5th September 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flood risk and coastal change

- Chapter 15 – Conserving and enhancing the natural environment.

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity (including any heritage considerations)
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters – e.g. trees/ecology (e.g. bats)
5) Representations
6) Conclusion

1 – Principle of development: Policy LP1 of the Local Plan 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 NPPF. LP1 goes on further to stating that:

> "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."

The site lies within part of the Strategic Green Infrastructure Network. Under Policy LP31, development proposals should ensure:

i. The function and connectivity of the green infrastructure network is retained or replaced;
i. New or enhanced green infrastructure is designed and integrated into the development scheme where appropriate;
ii. The scheme integrates into existing and proposed cycling, bridleway and walking routes, particularly the Core Walking and Cycling Network, by providing new connecting links where opportunities exist;
iii. The protection and enhancement of biodiversity and ecological links, particularly within and connecting to the Kirklees Wildlife Habitat Network.

The development would lead to a net increase in built footprint and the amount of hardstanding, but the majority of the plot would remain undeveloped and it would not intrude into the adjacent woodland. It is considered therefore that it would not affect the function or connectivity of the network. The scale and layout of the development would not be conducive to providing new green infrastructure or new connecting links to the Core Walking and Cycling Network. The development is therefore considered to be appropriate in principle under LP31. Implications for biodiversity will be considered in detail later in the assessment.

Of particular relevance to householder development is Policy LP24(c) which requires that extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials, and details and minimise impact on residential amenity of future and neighbouring occupiers. Any implications for highway safety will also be considered as required by Policies LP21-22.

The Householder Extensions and Alterations SPD is a material consideration and any departure from the proposals contained within it must be clearly justified.

The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations

2 –Impact on visual amenity:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. 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). 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 within the House Extensions and Alterations SPD set out general guidelines for assessing impact on character and visual amenity:

> KDP 1 – Local character and the street scene – Extensions and alterations should be in keeping with the appearance, scale, design and local character of the area and the street scene.
>
> KDP 2 – Impact on the original house – Extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.

Paragraph 4.4 states that the council “will support innovative and modern design approaches which are of high quality and appropriate to the local context”.

Rear extensions (part 5.1) should normally preserve at least half the original rear garden, be in keeping with the style of the house, not exceed 4m in height or project more than 3m (for terraced or semi-detached dwellings), eaves to be 2.5m or less, and retain a 1m gap before the property boundary.

First-floor or upward extensions are not explicitly covered by the SPD but paragraph 5.25 states that the design of dormer windows and roof extensions should reflect the
character of the area, the surrounding buildings and the age, appearance and materials of the existing house. Under part 5.5, balconies and roof terraces should not be allowed where they would negatively affect local character.

Policies 1 and 2 within the Holme Valley NDP are relevant to built development generally although they do not explicitly mention domestic extensions.

The proposed extension would dominate the original house and therefore not accord with KDP 2. An extension that dominates the original house may still be acceptable if the development contributes positively to the local townscape, which will depend on a large number of factors, to be assessed below.

Development in the vicinity of the site lacks a strong uniformity. Avondale and the three neighbouring plots to the north, which are important in forming the visual context, are however of a style typical of the inter-War period (1920s and 1930s) and display a degree of commonality in their design (such as having hipped blue slate roofs).

It is considered that the overall scale and volume of the extensions, and the formation of a gable roof in place of a hipped one, would give rise to a development that would not only overwhelm the existing house but would relate poorly both to the inter-War development further north on Wood Lane and the 19th century development to the south. This effect would be exacerbated by:

- The very high, imposing and almost featureless side wall, which would be prominent from further up Wood Lane as the property is set forward of the next dwelling;
- The large central upper floor window in the front elevation which relates poorly to the existing ground floor windows in terms of its scale and positioning;
- The internal balcony / roof terrace, which would be a strikingly modern feature that would not fit in with the character of the area.

It is considered that the proposal would not result in a development that is modern, high-quality and appropriate to the local context.

There is one local precedent for a first-floor extension with an internal balcony close to the site, at 103 Huddersfield Road. The permission under which this was built is reference 2005/93192. This was approved before the adoption of the Local Plan and the House Extensions and Alterations SPD. A further difference between the
2005 permission and what is being now proposed for this property is that in the case of the 2005 scheme the internal roof terrace would face west, towards rising land and towards Hightown Lane, a street with very little traffic.

By contrast, the development now being proposed would be clearly visible from viewpoints lower down Wood Lane and from Huddersfield Road.

Officers are mindful of the recently introduced Class AA permitted development rights which allow the upward extension of a property without full planning permission being obtained. There is however a prior notification procedure to be followed, in which the Council is obliged to consider impact on neighbouring properties and external appearance before determination. This means that the Council is not obliged to accept any form of first-floor extension over a
bungalow. Moreover, the scheme now being considered would extend to the rear as well as upwards so it would not qualify as permitted development under Class AA.

The proposed development would not result in the loss or degradation of any of the features of importance listed within the landscape character assessment for the Holme Valley (except for the loss of a relatively short stretch of boundary wall) and would have minimal impact on the wider rural landscape. It is considered however that the development would fail to respect local built environment character or strengthen sense of place as required by Holme Valley NDP policy 2(1&2).

Whilst the proposal would relate poorly to the older development on the southern side of Wood Lane, which lies within the Holmfirth Conservation Area, it would not directly adjoin those parts of the Conservation Area that lie to the east, including 142-150 Huddersfield Road and the adult education centre; the former telephone exchange, a larger and more prominent building, is situated between them. It is considered on balance that whilst the development would not enhance the local environment, its impact on the setting of the Conservation Area would be negligible.

In conclusion, it is considered that whilst the development would not have a detrimental effect on the setting of the Holmfirth Conservation Area, it would have a negative effect upon the townscape and visual amenity, contrary to the aims of Policy LP24(a), Holme Valley NDP policy 2(1&2) and the House Extensions and Alterations SPD. It would not result in a development that contributes to the NPPF's aim of achieving beautiful and well-designed places.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area

of private outdoor space is retained. 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.

The change from a single- to a two-storey structure would, it is considered, not give rise to a development that would compromise the privacy of neighbouring properties. The neighbouring property above (to the west of) the site is at a much higher level and there is a large separation distance. The outlook to the east would be towards the former telephone exchange.

It is considered that the scale of the development would not give rise to an overbearing impact. Whilst it is likely that it would result in some additional obstruction to direct sunlight to the front garden of Cliff View (to the north), that property's main amenity space is to their rear and it would be difficult to substantiate a refusal on this factor.

The development would allow a garden of reasonable size to be retained and it is considered that future users of the development would enjoy an acceptable standard of amenity.

In conclusion, the aims of LP24(b&c) and the House Extensions and Alterations SPD would be met in so far as they relate to residential amenity.

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 6 of the Holme Valley Neighbourhood Development Plan details that adequate parking should be provided.

The Highway Officer has expressed concerns over the feasibility of the access arrangements and has expressed the view that owing to the narrowness of Wood Lane (approximately 3.5m at this point) vehicles might not be able to turn in or out of the driveway even with the access widened to 4m as shown on the latest plan.

Under Part 2, Class B, of the General Permitted Development Order, the formation and laying out of a means of access to the public highway (if not a trunk or classified road) does not require planning permission. Any associated excavation or land-raising works would normally be classed as an engineering operation and would therefore not be covered by Part 2, Class B, so would require planning permission unless deemed to be "de minimis". In this case, it is unclear whether this threshold would be crossed since the plans do not set out, by means of sections or spot heights before and after development, the

precise nature or scale of the works that would need to be undertaken to form usable parking spaces.

However, Wood Lane however carries very little traffic. The worst-case scenario is that an access would be created which would require a motorist to undertake complex manoeuvres (that is, more than a single or two-point turn) to negotiate it. This would give rise to an inconvenience to the occupier of the property, but would not have the effect of impeding the flow of traffic, and it is considered it would not materially increase the risk of accidents. Adequate intervisibility in both directions could be secured in perpetuity by means of a condition. Subject to this it is considered that there would be no material increase in safety hazards to users of the Public Right of Way.

The development would only benefit from one parking space (whereas a three-bedroomed house should normally have two), but this is judged an improvement on the present situation which does not allow even one car belonging to the owner of Avondale to be parked clear of the highway.

It is therefore considered that the free and safe use of the highway would not be materially affected and the aims of LP21-22 would be met.

Policy LP53 and paragraph 189 of the NPPF advises that likely implications for land stability arising from a proposed development should be considered at the planning stage. The Highway Structures Team were consulted on this application and advise that a condition be imposed requiring full details of any modification to the retaining wall adjacent to Wood Lane. Taking a precautionary approach, this is considered a reasonable requirement and would be imposed in the event of an approval.

5 – Other matters:

Climate Change:

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11

request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

The Local Plan pre-dates 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 submitted Climate Change Statement proposes the use of locally-sourced materials and insulation going beyond current requirements. Measures of this nature (with further details) could be the subject of a condition if officers were minded to approve. The aims of reducing carbon emissions as set out in LP24(d) and Holme Valley NDP policy 2(1&2) would thereby be supported.

Ecology & Strategic Green Infrastructure Network:

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. 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. 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.

The site is in the Bat Alert Layer and in an area in which there are Swift nesting records. The site in its present condition is likely to have very limited biodiversity value. If officers were minded to approve, enhancements (such as bat boxes) could be secured by condition in line with the aims of LP30 & LP31 of the KLP and Holme Valley NDP policy 13.

<u>6 – Representations</u>: One representation was made as a result of publicity. Concerns relating to highway safety have been examined in the main part of the Assessment but are highlighted here with officer responses.

- Visual impact will be significant and incompatible with the present street scene. Negative impact on Conservation Area, including from possible removal of part of boundary wall.

  Response: Concerns about visual impact are considered to be substantiated. It is considered however that the impact on the setting of

the Conservation Area would, at most, be slight, and certainly not sufficient in itself to justify a refusal of permission.

- No tracking plans or similar have been provided to demonstrate that vehicles can appropriately manoeuvre from the parking area. The adjacent lane is narrow and steep with a footpath and degrading road surface.

Response: For the reasons set out in detail in section (4) of the Assessment, it is considered that it would be difficult to substantiate a refusal on this factor alone.

Holme Valley Parish Council: Oppose - The scale and design are not in-keeping with existing building, The climate statement is insufficient and there is concern for the retaining wall.

Response: The Parish Council's objections are considered to be substantiated in as far as they relate to scale and design. The measures aimed at reducing carbon emissions are considered to be proportionate to the scale and type of the development. The stability of the retaining wall could be secured by an appropriate condition.

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. For the reasons set out in this report, it is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

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 PERMISSION

Decision Authorisation - Delegated Powers

Application Number: **2023/93387**

Officer Recommendation: REFUSAL

Reason for refusal

By virtue of the overall scale and height, formation of a gable roof in place of a hipped roof, creation of a visually imposing northern side wall, large central upper floor window in the front elevation which relates poorly to the existing ground floor windows and the internal balcony the development proposal would detract from the appearance of the townscape having a harmful impact upon the visual amenities of the existing dwelling and failing to harmonise with the character of the locality. The development would be contrary to Policy LP24(a) of the Kirklees Local Plan, Key Design Principles 1 & 2 of the Council's adopted House Extensions and Alterations SPD, Policy 2 of the Holme Valley Neighbourhood Development Plan, and would not result in a development that contributes to the aim of achieving beautiful and well-designed places as set out in policies contained within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			16-Nov-2023
Location plan			16-Nov-2023
Survey drawing	5871CM/1		28-Nov-2023
Plans and elevations as existing	2023/039/01		16-Nov-2023
Plans and elevations as proposed	2023/039/06	C	05-Jun-2024
Photomontage			28-Nov-2023
Climate change statement			16-Nov-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. The case officer raised concerns early in the process about the design and scale of the proposal. The applicant submitted amended plans but these were not considered to address officer concerns.

Report Dated: 21-Jun-2024