

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:	2023/62/93649/W
Site Address:	25, Greenlaws Close, Upperthong, Holmfirth, HD9 3HN
Description:	Demolition of existing garage and erection of two storey side extension with associated external alterations
Recommending Officer:	Molly Storer

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: 19-Mar-2024

OFFICER REPORT

Site Description

25 Greenlaws Close is a stone built terrace dwelling located in a residential cul-de-sac in the area of Upperthong. The property benefits from a driveway to the front and side and has an enclosed rear garden. The property also hosts an attached garage at the end of the driveway.

Surrounding the site is predominantly residential in character, whereby the dwellings appear to vary in design and form. The common construction material is stone. The site is also situated adjacent to the Upperthong Conservation Area on the Kirklees Local Plan.

Description of Proposal

The applicant is seeking permission for the demolition of existing garage and erection of two storey side extension with associated external alterations. The extension would project 2.4m from the original side wall of the dwelling with a 1.1m set back at first floor and a corresponding set down of the roof. The existing garage would be demolished and the extension would lie flush with the rear of the dwelling. It would have an eaves height of 5.9m with an overall height of 7.4m.

The walls would be constructed using Marshalls Cromwell stone and the roof would be constructed from blue Marley tiles to match the existing property.

Relevant Planning History

None

History of negotiations

Amended plans were submitted which included a reduction in height, a high level window added to the garage and a rear door added to the proposed utility.

Representations

The application was advertised by neighbour letters, site notice and advertised in the newspaper which collectively expired on 22/02/2024.

As a result of the above publicity, ten representations have been received and are summarised as follows:-

- Objection – Detrimental visual impact of the proposed development
- Objection – Concerns that the impact of the area will be tarnished given the existing close proximity of the properties on the road. Undue impact to the neighbouring properties on a lower ground level in terms of privacy and overbearing. Access and parking issues.
- Objection – Impacts to right of access where the drive is already limited.
- Objection – Increasing pressure on parking and impact to neighbouring properties who have shared access.
- Objection – Concerns that the extension will overbear and encroach right up to the property boundaries and will make access problematic for neighbours.
- Objection – The locality is already has high levels of on street parking
- Objection – Concerns regarding the impact the extension will have on the community in terms of traffic safety and access issues. This includes a strain on the parking situation and an increased challenge for bin collection services.
- Objection – Further impact to the issue of parking, increased challenge for bin collection services and access to houses being blocked.
- Objection – Impacts of noise, disturbance and encroachment to neighbours. Also extra pressure on roadside parking.
- Support – Acknowledgement that it would be a good improvement to the existing dwelling and would adapt to the family's needs.
- Support – Consider the development would improve the quality of the house and the area.

The representations received are noted, and are addressed within the following report.

Consultation Responses

Holme Valley – Oppose, stating the following:

The side extension would be fully to the boundary of the shared drive so this development would negatively impact access to the neighbouring properties. This is an area where limited on-street parking on a bend with poor visibility are already an issue, further narrowing vehicular access for numbers 11, 15 and 17 would mean insufficient access for those properties.

Policy

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

Upperthong Conservation Area is located adjacent to the western boundary of the site.

In addition, the site falls within the Holme Valley Corridor Strategic Green Infrastructure Network as indicated within the Kirklees Local Plan.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 31** – Strategic Infrastructure Network
- **LP 35** – Historic Environment
- **LP 51** – Protection and improvement of Local Air Quality

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

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 policies most relevant in this case are:

- Policy 1 – Protecting and Enhancing the Landscape Character of Holme Valley
- Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- Policy 11 – Improving Transport, Accessibility and Local Infrastructure
- Policy 12 – Promoting Sustainability
- Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain

The application site is within Landscape Character Area 4 – River Holme Settled Valley Floor as identified with the neighbourhood plan.

Key landscape characteristics of the area are stated to be:

- 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 characteristics of the area are stated to be:

- 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.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2023, and 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 2 - Achieving Sustainable Development

- Chapter 4 – Decision-Making
- 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

Assessment

The following matters are considered in the assessment below:

1. Principle of development
2. Impact on visual amenity (including impact on historic environment)
3. Impact on residential amenity
4. Impact on highways
5. Other matters
6. Representations
7. Conclusions

Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the 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 chapter 2 of the National Planning Policy Framework.

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

Impact on visual amenity:

Key Design Principle 1 of the House Extensions & Alterations SPD does state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. Furthermore, Key Design Principle 2 of the House Extensions & Alterations SPD goes onto state that 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 details.

Paragraphs 5.15, 5.19 & 5.21 of the House Extensions & Alterations SPD are of relevance with regards to the side extension as they require the development proposed to be located and designed to minimise the impact on the character of the area, reflect the original building in terms of materials and detailing and ensure adequate space is retained to provide a sense of space.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area. This development falls adjacent to the Upperthong Conservation Area and the impact on this will be assessed below.

Furthermore, this relates to Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment. LP35 states that:

‘Development proposals affecting a designated heritage asset...should preserve or enhance the significance of this 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 extension is proposed to be set back at first floor level with a corresponding set down of the roof form and would retain an access to the rear garden. The materials proposed include the use of stone for the walling with tiles for the roof covering which would match the main house the impact of the proposed development upon the Conservation Area is not considered to lead to harm given the siting within an existing housing estate and that it would be read in the context of the more recent addition of the housing estate.

It is considered that the proposed works would adhere to the aesthetic appearance of the surrounding area, both visually and spatially and therefore it can be concluded that the proposed extension would not lead to harm to the visual amenity of the area or indeed the significance of the adjoining Conservation Area in this case.

Notwithstanding this conclusion, it is noted the proposal would not see a 1m gap retained from the side of the boundary of the site, whilst this would have an improved impact visually it is not considered it could be a justifiable reason for refusal in this case. The proposal is therefore considered acceptable, having regard to the recommendations in paragraph 5.22 of the House Extensions and Alterations SPD.

Therefore, having taken into account the above, it is considered that the proposal would harmonise, to an acceptable degree, with the host property, the surrounding development and the wider street scene, and would not lead to harm to the significance of the Upperthong Conservation Area, complying with Policies LP24 and LP35 of KLP, the aims of the Councils House Extensions and Alterations SPD, Policies 1-3 of the Holme Valley Neighbourhood Development Plan and Chapters 12 and 16 of the NPPF.

Impact on residential amenity:

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to “provide a high standard of amenity for

future and neighbouring occupiers; including maintaining appropriate distances between buildings.”

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Policy 2(10) of the HVNDP also states that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers.

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.”

Paragraph 5.22 of the House Extensions and Alterations SPD sets out that two storey side extensions should retain a gap of 1m from the side boundary of the site.

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

Impact on 27 Greenlaws Close

The extension is proposed to be constructed on the opposite side of the host property to the adjoining dwelling and as such would have no significant impact in terms of overbearing, overshadowing or overlooking.

With regards to the impact on the adjoining 27 Greenlaws Close, the scheme is considered acceptable in terms of privacy, overshadowing and overbearing impact having regard to the principles of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring

occupiers and policies within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable in relation to this neighbouring property.

Impact on 4 Manor House Farm

The extension would be separated from the neighbour to the rear by the rear garden. Given the distances and spatial relationship, the proposed extension would result in no significant overbearing or overshadowing. The new first floor windows would be no closer than the existing first floor windows so would have no further significant impact to privacy. As such, there would be no significant increase in overlooking created.

With regards to the impact on the neighbouring 4 Manor House Farm, the scheme is considered acceptable in terms of privacy, overshadowing and overbearing impact having regard to the principles of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and policies within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable in relation to this neighbouring property.

Impact on 20 Greenlaws Close

The property on the opposite side of Greenlaws Close occupies a position some 12m from the site. Given the separation distance, the proposed extension is not considered to result in significant levels of overlooking, overshadowing or overbearing. With regards to the impact on the neighbouring 20 Greenlaws Close, the proposal is considered to be acceptable in terms of impact to this property, having regard to the principles of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and policies within chapter 12, paragraph 135 of the NPPF.

Impact on 11 & 15 Greenlaws Close

Key design principle 5 of the House Extensions and Alterations SPD sets out that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property. Key design principle 6 sets out that extensions and alterations should not unduly reduce the outlook from a neighbouring property.

Whilst there is a separation provided by the neighbours detached garage and driveways, given the gap between the properties would be approximately 10m and there is a land level difference with the neighbouring property occupying a lower position, it is considered that the extension would result in an overbearing addition thereby affecting the amenities of the occupiers of the properties to the south of 25 Greenlaws Close.

It is noted that there is a single high level window in the proposed garage in the side elevation of the ground floor. Given the close proximity of this window

and the windows of habitable rooms at 11 & 15 Greenlaws Close in addition to the change in ground levels it is considered that there would be a level of overlooking / loss of privacy created by this element of the proposed development.

Notwithstanding the potential for obscure glazing of this opening, to mitigate the impact of this window, significant concern remains with regard to the impact of the additional massing and scale of the development in relation to these properties. The development would cause a level of overshadowing over and above that of the existing dwelling particularly when coupled with the fact nos 11 and 15 are at a lower land level. On balance, this impact is not considered to be of such significance as to justify refusal on this ground given the orientation of the site.

However, the resultant impact in terms of the proposal would be significant in relation to the overbearing impact and it is considered that the development would be such that it would be unduly oppressive and have a harmful impact in relation to the outlook from these properties. The close proximity of the proposal, coupled with the level of massing immediately opposite the front of nos.11 and 15 would be significant and further exacerbated by the fact that both nos. 11 and 15 are at a lower ground level.

With regards to the impact on the neighbouring 11 & 15 Greenlaws Close, the scheme has been considered in terms of privacy, overshadowing and overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP and policies within chapter 12, and in particular paragraph 135 of the NPPF. The proposals are concluded to be unacceptable.

Having considered the above factors, the proposal is considered to result in an adverse impact upon the residential amenity of numbers 11 and 15 Greenlaws Close, therefore not complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of these properties, Policy 2 of the Holme Valley Neighbourhood Development Plan, principle 6 of the Councils House Extension and Alterations SPD and Paragraph 135 (f) of the National Planning Policy Framework.

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.

The submitted application sets out the intention to utilise the existing parking area created in the front amenity space of the host property, and also an area to the front of the extension for the purposes of vehicular parking. Following any development being undertaken, bin storage would need to be to the front

rather than rear of the dwelling, although it is noted this appears to be a situation undertaken already.

Although the proposal would not create any additional bedrooms it would remove reduce parking provision on site. The extension would also impact upon access to neighbouring properties 11 & 15 Greenlaws Close who share a way of access to their driveways. This is an existing situation, which is highlighted as being secured by deeds for the affected properties. The scheme details 2 spaces within land under the applicants ownership. Any change to access and parking arrangements currently undertaken would be a civil matter between the relevant land owners and could take place in any event in principle, such as through the erection of fencing to the boundaries of the site.

Concerns have been raised in relation to access arrangements and impact of the development upon existing rights of access for neighbouring properties. Whilst the proposal would have a level of impact to the usability of the access and it appears the shared driveway may be utilised by neighbouring occupiers at times, this is a civil matter were these rights of access to be blocked / impeded and it is considered it would be unreasonable of the LPA to refuse permission on such a basis in this case.

On balance the development is considered to be acceptable in terms of impact upon access and highway safety having regard to policies LP21, LP22 and LP24 of the KLP, Policy 11 of the HVNDP, Chapter 9 of the NPPF, Principles 15 and 16 of the Kirklees House Extensions and Alterations SPD and the aims of the Highways Design Guide SPD.

Other matters:

Carbon Budget

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.

Principles 8-11 of the House Extensions and Alterations SPD relate to planning for climate change. Of note:

- Principle 8 (Energy Efficiency) states: "Extensions and alterations should, where practicable, maximise energy efficiency."

- Principle 9 (Construction Materials) states: “Extensions and alterations should seek to use innovative construction materials and techniques, including reclaimed and recycled materials where possible.”
- Principle 10 (Renewable Energy) states: “Extensions and alterations should consider the use of renewable energy.”
- Principle 11 (Water Retention) states: “Extensions and alterations should consider designing water retention into the proposals.”

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. 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:

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.

It has been noted that the proposal will not see the removal of any existing trees or hedgerows on site.

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.

There are no other matters for consideration.

Conclusion:

This application to erect a two storey extension to the side of 25 Greenlaws Close has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations SPD, the National Planning Policy Framework and other material considerations.

The proposed side extension, by reason of the elevated land level and limited separation of approx. 10m, would result in an overbearing impact and be

oppressive, having a harmful impact upon the outlook of 11 & 15 Greenlaws Close. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP6 of the House Extensions & Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

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:** 2023/93649**Officer Recommendation:** Refuse**Reasons for refusal**

1. The proposed side extension by virtue of its massing, siting and scale together with the elevated ground levels in relation to nos.11 & 15 Greenlaws Close would have an unacceptably harmful overbearing and oppressive impact to the occupiers of those properties and detrimental impact to the outlook of those properties. To permit the proposal would be contrary to Policy LP24(b) of the Kirklees Local Plan, policy 2 of the Holme Valley Neighbourhood Development Plan, principle 6 and paragraph 5.22 of the House Extensions & Alterations SPD and paragraph 135 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Climate Change Statement	-	-	03/01/2024
Proposed floor plans and elevations	24/979/04	-	15/02/2024
Location plan	TQRQM23182163150539	-	18/12/2023
Existing floor plans and elevations	24/979/03	-	15/02/2024
Proposed block plan	24/979/05	-	15/02/2024

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 Planning 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.

Report Dated

19/03/2024