

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:	2024/62/90055/W
Site Address:	23, White Wells Gardens, Scholes, Holmfirth, HD9 1TZ
Description:	Erection of front and rear extension, first floor side extension, relocation of the integral garage, infilling of existing entrance porch, alterations to windows and erection of glazed garden room to side
Recommending Officer:	Laura Yeadon

DECISION – CONDITIONAL FULL PERMISSION

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

John Holmes

AUTHORISED OFFICER

Date: 24-Apr-2024

Officer Report

[Weblink](#)

Site Description

23 White Wells Gardens is a two storey dwelling located within an area without notation on the Kirklees Local Plan. The property is constructed from stone with a concrete tiled roof and has uPVC openings. The property hosts a ground floor lean-to projection to the front of the property, as well as another larger projection to the side which is single storey in height and hosts a garage and secondary utility room, under a pitched roof. The garage is accessed via a driveway with amenity space to the front, side and rear. Beyond the rear elevation is an area of Urban Greenspace where a Mill Pond is located.

Surrounding development is predominantly residential and consist of mainly detached dwellings of similar age and construction materials which vary in terms of design.

Description of Proposal

The application is for the erection of front and rear extension, first floor side extension, relocation of the integral garage, infilling of existing entrance porch, alterations to windows and erection of glazed garden room to side.

Front and rear extension

It is proposed that the single storey garage section of the property would be modified. The footprint of the garage would be extended to the front and rear. The existing front elevation of the existing garage is set back from the front elevation by approximately 4.2 metres and it is proposed to be brought forward to sit back from the main body of the house by approximately 2.8 metres. To the rear of the property the garage structure, as existing projects 2 metres from the rear of the main building and it is proposed that this is extended to approximately 4.2 metres. Construction materials would be to match.

The footprint of this structure appears to be identical to that approved under application number 2022/91603 which is an extant permission.

First floor side extension

It is proposed that a first floor extension would be located above part of the extended ground floor structure. It is proposed that the first floor element would lie flush with the front and side elevations of the structure and would have a rear elevation which would lie flush with the rear elevation of the main building.

The eaves height would be set above the existing eaves by approximately 0.2 metres and the roofline of the extension would be set down from the existing roofline by approximately 0.8 metres. Construction materials would be to match.

A first floor extension above the existing garage was demonstrated on the submitted proposed plans for the approval of details under the prior notification application for an additional storey under application 2021/90160. The Officer Report was clear that the approval of details did not include this element of the scheme as this extension formed part of a separate planning application for planning permission that was subsequently withdrawn.

Relocation of integral garage

It is proposed that the internal accommodation would be reconfigured to enable the relocation of the garage provision. It is proposed that the main living areas would be contained within the extended side garage and part of the existing ground floor of the main dwelling and garage would be formed within the body of the existing dwelling. The internal dimensions of the garage would be 3.6 metres in width and 5 metres in depth. It is proposed that the existing ground floor window would be removed and replaced with a garage door.

This would be the same as that approved under application number 2022/91603 which is an extant permission.

Infilling of existing porch

It is proposed to extend the canopy to the front elevation to extend the full width of the front elevation of the property. The elevations, eaves height and roof height would be a continuation of the existing with construction materials to match.

This would be the same as that approved under application number 2022/91603 which is an extant permission.

Alterations to windows

There are proposed alterations to the window openings within the north-west elevation of the property to enlarge these openings. As these openings are within the rear elevation of the property and the property hosts permitted development rights to change existing openings, these do not require planning permission.

Glazed sun room

A side extension is also proposed that would attach to the side elevation of the modified single storey structure. The extension would be set back from the revised front elevation of the garage by 2.5 metres and set in from the rear elevation by 2.6 metres, projecting to the side by 2.6 metres. The extension would be mainly glazed with a flat roof at a height of approximately 2.5 metres.

This would be the same as that approved under application number 2022/91603 which is an extant permission.

History of negotiations/amendments received

Following the original submission of the scheme, a Planning Statement was submitted by the Agent to accompany the submitted plans. This was received by the LPA and is taken into consideration as part of the assessment of the proposal.

It was requested by the Case Officer that the plans were amended slightly include windows within the ground floor of the proposed kitchen to avoid a stark expanse of stonework which would be clearly viewed from the front elevation of the property. An amended plan was received on 25th March 2024.

For the avoidance of doubt, it was requested that a date stamped photograph was submitted to demonstrate that no construction works had commenced to implement application 2021/90160 (for the prior notification for an additional storey). The requested photograph was received on 4th April 2024 and demonstrated that works had not commenced on site.

Relevant Planning History

- 2021/90160 Prior approval for enlargement of dwellinghouse by erection of additional storey
Details approved – lapsed permission – not implemented
- 2021/90169 Erection of first floor extension and single storey side extension
Withdrawn
- 2022/91603 Erection of single storey side extension and relocation of existing garage
Conditional Full Permission – extant permission – not implemented to date

It is noted that it would not be possible to implement both the development proposal and the works granted permission by application 2022/91603 given the works would be undertaken upon the same area of the site.

Representations

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters.

Final publicity date expired 29th February 2024 – no representations received

Holme Valley Parish Council - support the application.

Consultation Responses

K.C. Environmental Health – no objection subject to a condition being attached to the decision notice in relation to the reporting of unexpected contamination and footnotes in relation to construction working times.

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 Holme Valley Neighbourhood Development Plan.

The site is without notation on the Kirklees Local Plan.

The site also falls within the Holme Valley Neighbourhood Development Plan and is within an associated Landscape Character Area 8 Settled Slopes of the Holme Valley.

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** - Biodiversity and geodiversity
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 53** – Contaminated and unstable land

Neighbourhood Development Plans:

- Holme Valley Neighbourhood Development Plan (2020-2031)

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

- 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 8, Settled Slopes of the Holme Valley.

The key landscape characteristics of the area are:

- Strong rural setting and agricultural character with pastoral farmland on the rising valley slopes.
- There is a strong connection to the surrounding rural landscape from long distance and panoramic views over the wooded valley floor to the opposing valley sides as well as glimpsed views of the rural backdrop through gaps between the built form, especially within Totties and Scholes.
- Stone walls and hedgerows form field boundaries and line single lane roads.
- Short sections of the Kirklees Way, the Barnsley Boundary Walk and the Holme Valley Circular Walk cross the area. A short section of National Cycle Route no. 627 also crosses the north-east of the area.

The key built characteristics of the area are:

- Older settlements are characterised by their agricultural and industrial past and there are isolated farmsteads on the valley slopes.
- Scholes and Wooldale are the largest of the settlements and contain some services and older and more modern development.
- Vernacular building materials include millstone grit walls with grey slate roofs.

Supplementary Planning Documents:

- Highways Design Guide SPD
- House Extensions and Alterations SPD

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, 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 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment

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).

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – 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.”

- Principle 2 – 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 detail.”

With specific regard to the House Extensions and Alterations SPD the key design principles for consideration are:

- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

With specific regard to the proposed development the SPD states that in terms of front, single storey side and rear extensions and also first floor side extensions, the SPD states:

Front Extensions

The SPD also clearly refers to front extensions in section 5.2 and the potential impact they could have on the character of the area and visual amenity. The SPD advises that front extensions will not normally be supported unless:

- The house is set well back from the pavement or is well screened; and
- The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area; and
- The materials and design match the existing features of the original house; and
- The extension would not unreasonably affect the neighbouring properties.

Single storey side extensions

In Section 5.17 of the SPD refers to the general rules, where single storey side extension should:

- not extend more than two thirds of the width of the original house;
- not exceed a height of 4 metres;
- and be set back at least 500mm from the original building line to allow for a visual break.

Single storey rear extensions

Section 5.1 followed by 5.2 of the SPD refers to the general rules, where a rear extension should:

- Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Be set behind the original building, and not projecting beyond the sides;
- Maintain external access to the rear garden;
- Respect the original house and garden in terms of its size and scale;
- Use appropriate materials which match or are similar in appearance to the original house; and
- Not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.

Section 5.6 of the SPD specifically refers to single storey rear extension which should:

- be in keeping with the scale and style of the original house
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings);
- not exceed 4 metres in height; not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

First floor side extensions

Section 5.21 of the SPD states that space between houses are important to ensure that sense of space is retained along with the local character and attractive appearance of the area and that a terracing effect is not created between detached dwellings.

Section 5.22 states that two storey and first floor side extensions should:

- ideally be smaller in relation to the original house;
- be set back at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridgeline from the original house;
- have a roof design that follows the form of the existing roof; and
- retains a gap of at least 1 metre to boundary walls to avoid a terracing effect and to retain rear access to gardens.

The above listed policies and guidance within the SPD are taken into account within sections below of this report.

On the basis the development has an acceptable impact upon visual amenity, residential amenity and access / highway safety considerations, as well as all other relevant considerations, the principle of development is considered to be acceptable in this case.

2 – Impact on visual amenity:

Policy 1 of the Holme Valley Neighbourhood Development Plan (HVNDP) sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA 7, detailed in the 'Policies' section of this report)

Policy 2 of the HVNDP 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.

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Note: The original property appears to include the attached single storey garage and therefore, the building as existing, appears to be the original property.

The works to extend the existing garage structure to the front and rear, construct the side elevation sun room, relocate the integral garage and extend the front canopy have all been previously assessed under application number 2022/91603 whereby, following a full assessment on visual amenity took place. This permission is an extant permission which expires 287th July 2025 and therefore, the works to create these additions can be implemented at any time until that date.

Given that these elements of the proposal have been considered against the adopted SPD, Local Plan, NPPF and Holme Vally Neighbourhood Development Plan, it is not considered necessary to re-assess these elements as these were previously considered acceptable.

The Agent has submitted a Planning Statement which sets out the previous approvals of permission on the site and the reasons why these permissions have not been implemented to date.

Therefore, in terms of this application, the main consideration is the impact of the first floor extension over the extended ground floor structure. The extension

would lie flush with the ground floor (as extended) front elevation and existing side elevation of the structure, lying flush with the existing rear elevation of the property. Therefore, the depth of the extension would not span the full depth of the structure below and would not project any further to the rear than the main body of the dwelling.

In terms of the compliance of this element of the scheme against the adopted SPD, it is considered that the first floor extension would be visually smaller than the main body of the house by being set back from the front elevation of the property and having a roofline set down from the main body of the property and retaining a gap of 1 metre between the side elevation of the extension and the site boundary. It is therefore considered that the proposed first floor extension would comply with the requirements of the SPD in terms of Section 5.22 of the SPD.

It is proposed that the construction materials for all the proposed works would match the existing and would be sandstone for the walls with concrete tiles for the roof. The proposed roof of the sun room would be a single ply membrane.

Whilst the existing garage structure would be extended to the front and rear with the front extension squared off with an infill extension it is considered that there would be a sufficient amount of space amenity space around the property to retain adequate outdoor space. Therefore, this would comply with the Key Design Principle 7 of the SPD.

To create access into the relocated garage, the existing soft landscaping to the front of the dwelling would be lost. This part of the estate is characterised by areas of open front gardens with little boundary treatments it is proposed that the finish would be 'grasscrete' which would be more visually appealing than a hardstanding mass of tarmac or similar materials and would therefore be compliant with Key Design Principles 1, 2, 13 and 15 of the SPD.

The extensions are considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, having regard to principles 1, 2, 7 and 9 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Policy 2 of the HVNDP sets out that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings and prevent or reduce pollution as a result of noise, odour, light and other causes. Light pollution should be minimised and security lighting must be appropriate, unobtrusive and energy efficient.

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.

In terms of the impact of the works on visual amenity, it was previously considered that the works, with the exception of the first floor extension would have an acceptable impact. As addressed above, given that these works have already been assessed and approved with the decision being extant, it is not considered that these element require a re-assessment.

In terms of the proposed first floor extension, openings are proposed within the front and rear elevations with no openings within the side elevations. As the front elevation would be set back from the main body of the house, there would be no reduction in separation distances with facing properties, therefore there are minimal concerns.

Due to the orientation of the site, the rear elevation of the property faces the side elevation of 43 Wickledon Gate at an oblique angle where first floor side elevation openings are located in this neighbouring property. The proposed alterations to the fenestration details within the rear elevation do not require planning permission and are therefore considered acceptable.

The openings proposed within the first floor rear elevation would be a small bedroom window and en-suite window. Given that these openings would be within an elevation that would lie flush with the existing and that there is dense screening in place, it is not considered that the harm from these openings would be so severe that there would be sufficient grounds to refuse the application due to the impact of these openings.

In terms of the scheme causing harm from overshadowing and being overbearing, due to the location of the extensions and being located a comfortable distance from the shared boundaries with no increase in footprint over and above the extant permission, it is considered that the works would cause undue harm.

Therefore, it is considered that the proposed extensions are acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure

acceptable levels of off-street parking are retained are also considered to be of relevance.

It is proposed that the works would result in a relocation of the integral garage accommodation. The Council's adopted Highways Design Guide states that internal garage provision should be 3m x 6m to accommodate a modern vehicle. In this instance the existing garage has internal dimensions of 2.8m x 5m and therefore falls short of the required dimensions within the Design Guide. The proposed garage provision would also fall short of the required measurements being 3.5m x 5m. As such, there would be no loss of parking in relation to the garage. Notwithstanding the internal dimensions, due to the creation of the 'grasscrete' driveway, it is considered that there is sufficient space on the driveway for the parking of 3 no. vehicles as required by the SPD for a 4 bedroom property. Therefore, the proposal would comply with Key Design Principle 15 of the SPD and Key Design Driver 20 of the Highways Design Guide.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

5 – Other matters:

Climate Change - 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.

In addition, Policy 12 of the HVNDP seeks to ensure that energy efficient designs are used in all new buildings.

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 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.

A Climate Change Statement was submitted with the application which address climate change issues by providing mitigation measures. In this instance, it is proposed that amongst other things, the insulation levels will be in excess of

those dictated by Building Regulations and that any stone released by on site demolition would be reused. In terms of the scope of development within the site, it is considered that the measures contained within the Statement are acceptable.

Biodiversity – Paragraphs 180, 186, 187 and 188 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan and Policy 13 of the HVNDP require that proposals protect Habitats and Species of Principal Importance. Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

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 paragraphs 186 and 191 of the National Planning Policy Framework.

6 – Representations:

None

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government’s view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the

development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2023/9055

Officer Recommendation: Approve

Conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30 and LP51 of the Kirklees Local Plan, Key Design Principles 1 – 16 of the Council's adopted House Extensions and Alterations SPD, Key Driver 20 of the Kirklees Highways Design Guide SPD, Policies 1, 2, 11, 12 and 13 of the Holme Valley Neighbourhood Development Plan and policies within Chapters 2, 4, 9, 12, 14 and 15 of the National Planning Policy Framework.

3. The external walling and roofing materials of the extensions hereby approved shall in all respects match those used in the construction of the existing building and be retained thereafter.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD, Policy 2 of the Home Valley Neighbourhood Development Plan and policies within Chapter 12 of the National Planning Policy Framework.

4. The development hereby approved shall not be brought into use until all areas indicated to be private drives and parking areas on Drawing No. 20.04(2-)005 Revision C are laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for parking thereafter.

Reason: In the interests of visual amenity and traffic safety, to mitigate flood risk arising from surface water run-off, to ensure adequate space within the site for vehicle movements and parking and to comply with Policies LP21, LP22 and LP24 of the Kirklees Local Plan, Policies 2 and 11 of the Holme Valley Neighbourhood Development Plan, Principles 14 and 15 of the Council's adopted House Extensions and Alterations SPD and Chapters 9 and 12 National Planning Policy Framework.

5. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 183 and 184 of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: No construction related noise shall be audible beyond the site boundary outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan, existing site plan, elevations and floor plans	20.040(2)-001 – Rev: A		19 th January 2024
Proposed site plan, elevations and floor plans	20.040(2)-005 – Rev: C		25 th March 2024
Planning Statement	Space Architecture and Design Limited		29 th February 2024
Climate Change Statement	Appendix A		16 th January 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 Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Following the original submission of the scheme, a Planning Statement was submitted. It was requested by the Case Officer that the plans were amended slightly include windows within the ground floor of the proposed kitchen. For the avoidance of doubt, it was requested that a date stamped photograph was

submitted to demonstrate that no construction works had commenced to implement the previously recently lapsed application 2021/90160 for the prior notification for an additional storey. The requested photograph was received on 4th April 2024 and demonstrated that works had not commenced on site.

Report Dated: 19th April 2024

Coal – low