

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:	2024/62/90326/W
Site Address:	New House Farm Cottage, Shaw Lane, Holmfirth, HD9 2PY
Description:	Erection of single storey extension
Recommending Officer:	Molly Storer

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: 15-Apr-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/90326
Location	New House Farm Cottage, Shaw Lane, Holmfirth, HD9 2PY
Proposal	Erection of single storey extension
Publicity end date	28 th March 2024
Number of representations received	2 – Amended plans were not required to be advertised due to the limited nature of the amendments which reduced the size of the scheme and amended the front openings.
Kirklees Local Plan Allocation/Designation	Unallocated in the Kirklees Local Plan. Within the Strategic Green Infrastructure Network and within Holme Valley Neighbourhood Development Plan area, designated Landscape character area LCA 4: River Holme Settled Valley Floor.
Extension to Time (EoT)	No
Recommendation	Conditional Full Permission

	NO	YES
Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)	✓	
Contrary to previous decision	✓	
Called in by Ward Member	✓	
Significant number of representations received	✓	

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

Policy

National

National Planning Policy Framework (NPPF) December 2023
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed places
- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 31** – Strategic Green Infrastructure Network
- **LP 51** – Protection and improvement of air quality

Holme Valley Neighbourhood Development Plan (HVNDP):

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

Landscape character area LCA 4: River Holme Settled Valley Floor

Supplementary Planning Document ‘House Extensions and Alterations’ (2021).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- 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 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- 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

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	Yes	Amendments were sought due to the original plan showing that the proposal would cut the 45 degree line with the neighbouring property's ground floor window, and to ensure openings aligned. The amended plans show the extension to be built 1m off the boundary line and will not cut the 45 degree line.
Parish/Town Council comments sought	Yes (Holme Valley Parish Council)	Support
Planning History	Yes	91/04858 – Conversion from 2 flats to 2 dwellings - Conditional Full Permission. 2002/90076 – Erection of 2 storey garage building – Conditional Full Permission. 2003/92942 – Erection of two storey and single storey extensions – Conditional Full Permission. 2015/93587 - Erection of single storey front extension and raised patio – Refused. The design of the extension with a more sympathetic addition of a door to match that of the adjoining property instead of a large window as shown on the 2015 application should be noted as an amendment / improvement proposed within this application. In addition there has been a change in the policy context within which this application is required to be determined, with the adoption of the Kirklees Local Plan and also

		the House Extensions and Alterations SPD.
Consultations required	No	N/A

Assessment

The application seeks permission for the erection of a front extension.

- 2.14 metre projection from the front of the property
- 3.255 metre width
- 2.5 metres to the eaves
- 3.3 metres overall height

The Kirklees SPD sets out that front extensions should comply with certain parameters set out at paragraph 5.14 on page 27 (and listed below) and if they do not, they need to be justified:

Single storey front extensions permitted where:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
The house is set well back from the pavement or is well screened	Yes- the house is well set back from the road and pavement beyond the host property's large driveway.	
The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area	Yes – Whilst the projection of 2.14m could be considered large in some circumstances, it is noted that in this case the development would match a front extension at the adjoining property. The proposed extension would follow on from this extension creating a sympathetic and visually coherent addition.	
The materials and design match the existing features of the original house	Yes - the construction materials will be coursed stone with ashlar details with a stone slate roof to	

	match the existing property.	
The extension would not unreasonably affect the neighbouring properties	Yes – A gap of 1m will be retained between the extension and neighbouring property. This will be explored further in the residential amenity section of the report.	

Design and Visual Amenity:

LCA 4: River Holme Settled Valley Floor

The River Holme flows in its valley from Holmbridge through Hinchliffe Mill and Holmfirth to Thongsbridge. Mixed semi-natural woodlands are found in places along the river with further woodland pockets on the valley sides. Above the settled valley floor, the upper slopes are characterised by pastoral fields divided by stone walling.

Key Landscape Characteristics 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 Characteristics 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.

Summary of local street scene/character:

New House Farm Cottage is a three storey terraced dwelling in the area of Holmfirth. Due to the topography of the site the house is situated at a higher ground level than the road and is accessed via a sloped driveway and steps. The surrounding development consists of terrace properties varying in scale many of which have been extended or altered in some form.

Consideration has been given here in terms of the proposals impact on the local character and street scene, including subservience, terracing and building line.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on the Local character and street scene	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF • Policy 1 & 2 of the HVNDP	Although the extension will face onto the street, and will project 2.14 metres, it would be constructed from the same materials as the original dwelling and other dwellings on the street. Furthermore the design is in keeping with the extension to front upon the adjoining property, as such it is considered that it would not cause material harm to the local character or street scene.	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF • Policy 1 & 2 of the HVNDP	Considered to be acceptable on the basis of being single storey and constructed from matching materials.	✓

Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF • Policy 1 & 2 of the HVNDP	Single storey and having limited projection (2.14m) and width which would cover less than half the width of the original dwelling and will align with the existing front extension of the adjoining property. The height of the eaves and overall height will also match that of the existing front extension. Therefore it is considered acceptable in this case.	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	Coursed stone with ashlar details for the walls and stone slate roof to match the existing property.	✓
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF • Policy 1 & 2 of the HVNDP	Lean-to roof design following on from the existing front extension.	✓
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF • Policy 1 & 2 of the HVNDP	There will be bifolding doors on the southeast facing front elevation which will replace large, full length windows which exist on this elevation. There will also be two roof lights within the roof slope of this elevation.	✓
Accessibility for all users	• KDP 17 of the SPD • Policy LP24 Design (f)	Private domestic extension – no alterations to general access arrangements	✓

	• Chapter 12 of the NPPF • Policy 1 & 2 of the HVNDP		
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Whilst the scale of the extension to front, in other circumstances may not be considered subservient design, weight is afforded the individual site characteristics and context the development would be viewed with the adjoining property already developed in a manner similar to that as proposed. As such in this case it is considered this is suitable justification that the extension to front can be concluded as acceptable with regard to its visual impact. The design of the proposal is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

It should be noted that since the previous refusal a change in policy approach has been introduced by the adopted SPD insofar as a 'comply or justify' principle is taken in assessing development.

In this case it is considered suitable justification exists to warrant the LPA taking a different approach in determining this application than the previous (2015) application. Furthermore, the design of the scheme is considered to have been improved from that as proposed within the 2015 proposal with the introduction of an entrance door which clearly reads as the porch / entrance to the now divided properties (from one large dwelling).

Residential Amenity:

The main properties affected are:

- The Ridings – Adjoined end of terrace property to the southwest. Impact to this property will be assessed below.
- 1 New House Farm – Adjoined terrace property to the northeast. The existing front extension will screen the proposed extension and therefore it will not impact privacy nor will it create any significant additional overbearing or overshadowing to this property. It is therefore considered that the proposal will not cause any undue residential amenity impacts to this property.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on privacy of neighbours (to sides, rear and front)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv)	There will be no windows located in the southwest elevation which faces onto The Ridings therefore it is considered	✓

	• Chapter 12 of the NPPF • Policy 2 of the HVNDP	that privacy to this property will not be affected.	
Impact on light and outlook of neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF • Policy 2 of the HVNDP	Amended plans show that the extension will retain a gap of 1m to the boundary. As a result of the amendments put forward the 45 degree line is not intersected from the centre of the cill or worse meaning the the neighbours ground floor habitable window will not be significantly affected. In regard to overshadowing due to the orientation of the properties, the neighbouring dwelling will experience some shadowing during the early morning of the summer months however this is not considered to be significant in this case. It is therefore considered that there will not be a significant impact upon the amenity of neighbouring occupiers in this regard.	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF • Policy 2 of the HVNDP	Due to the limited scale of the extension it is considered that the extension will not reduce the amount of amenity space by a significant amount and refusal on this basis could not be substantiated. The proposal is therefore considered acceptable in this regard.	✓

The scale of the development is not considered to be significant with regard to overbearing / oppressive impact given the level of projection and the single storey design of the development. As such it is concluded that the proposal is acceptable with regard to impact upon residential amenity and the development accords with policy LP24 of the adopted Kirklees Local Plan, the SPD, Holme Valley Neighbourhood Plan and the NPPF.

Planning history:

Since the previous refusal (2015/93587) the Unitary Development Plan has been replaced by the Kirklees Local Plan and the House Extensions and Alterations SPD as well as the Holme Valley Neighbourhood Development Plan also form part of the local policy against which this application is required to be determined against. As such there is a different policy context against which the development is to be assessed.

A change in policy to a 'comply or justify' approach which is incorporated in the SPD means that in this case there is considered to be justification for the granting of planning permission. The agent set out what they consider to be justification of the proposal by moving the development further away from the boundary to ensure the 45 degree line with the neighbouring property was not cut. Furthermore, the design of the proposal has been improved from the 2015 proposal whereby a door has been incorporated on the front elevation in the place of a window and the proposal is stated to be addition to a mid-terrace property whereas in the 2015 application it read as an addition to part of the adjoining property therefore improving the overall design.

Highways and Parking:

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on highway safety	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF • Policy 11 of the HVNDP	N/A	✓
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP	Property hosts a driveway – no additional bedrooms proposed, and most of the existing parking arrangements would be unaffected. As	✓

	- Chapter 12 of the NPPF - Policy 11 of the HVNDP	such the proposal is considered in this respect and two parking spaces would be retained.	
Provision for waste storage	- KDP 16 of the SPD - Policy LP24 Design (d) (iv) - Chapter 12 of the NPPF	None shown on plan however sufficient space within site boundary	✓

The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Other matters:

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on trees	- KDP 13 of the SPD - Policy LP24 Design (d) (i) (iv) Policy LP33 Trees - Chapter 12 of the NPPF	N/A	✓
Impact on ecology	- KDP 12 of the SPD - Policy LP30 - Chapter 15 of the NPPF - Policy 12 of the HVNDP	The site is within a bat alert layer. However the small scale alteration to the host would not have significant impacts to roosting potential. It is recommended that an informative note be attached to notify the applicant of their responsibilities if any bats, signs of bats or potential to disturb those protected	✓

		species are found. Strategic Green Infrastructure Network - proposed works would be within the confines of the residential curtilage, it is not considered that the proposed works would be detrimental to the aims of Policy LP31 of the Local Plan	
Carbon Budget / Climate change statement	• KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • Chapter 14 of the NPPF • Policy 12 of the HVNDP	Small scale domestic development to an existing dwelling. As such, no special measures required in terms of the planning application with regards to carbon emissions. A Climate Change Statement has been submitted with this application.	✓
Drainage and Flood Risk	• KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP	The rear garden and landscaping would be retained to allow for run-off. The site is not located within an identified Flood Risk Zone 2 or 3 area.	✓

The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

Representations, including Parish/Town Council comments:

Summary of Representation	Officer response	Addressed ✓ / X / N/A
Objection – concerns over obstruction to natural light to neighbouring property.	Overshading to neighbouring properties is discussed in the residential amenity section of the report.	✓
The house has previously been extended and verbal agreement that no	It is considered this is a matter which can be afforded little weight in the consideration of this application	✓

further development would be closer to neighbouring property.	which is assessed on the basis of its own merits.	
Impact to outdoor amenity space to neighbouring occupiers.	It is considered the impact of the development upon outdoor amenity spaces of neighbouring properties would not be significant in this case and refusal of permission on such a basis could not be substantiated having regard to the scale and nature of the development proposal.	✓
Impact upon value of neighbouring properties.	It is considered little weight can be afforded this matter as a consideration that is material to the determination of this application having regard to the nature of the development proposal.	✓
Impact of the development upon well-being.	The LPA has a general duty under section 149 Equality Act 2010 to have due regard to eliminating conduct that is prohibited by the Act, advancing equality of opportunity and fostering good relations between people who share a protected characteristic and people who do not share that characteristic. The recommendation set out in this report is considered to be in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest. Furthermore the LPA has had regard to the Human Rights Act 1998, and in particular; article 8 - Right to respect for private and family life and article 1 of the First Protocol - Right to peaceful enjoyment of property and possessions.	✓
Support – will increase privacy to the application property and neighbours due to the removal of a window facing the neighbouring property.	Impacts to privacy is discussed in the residential amenity section of the report.	✓

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: **CONDITIONAL FULL PERMISSION**

Decision Authorisation - Delegated Powers

Application Number: 2024/90326

Officer Recommendation: Approve

Conditions and Reasons

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

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule 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 to accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

3. The external walls and roofing materials of the extension 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 in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Climate change statement	-	-	12/02/2024
Proposed site plan	NHFC05	-	13/02/2024
Location plan	NHFC01	-	12/02/2024
Proposed plans and elevations	NHFC04	A	12/04/2024
Existing plans and elevations	NHFC03	-	12/02/2024
Existing site plan	NHFC01	-	13/02/2024
Application form	-	-	12/02/2024

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 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. It was considered necessary to seek amended plans to improve the overall design of the proposal and to limit the impact on the neighbouring property.

Report Dated: 15/04/2024