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:	**2024/62/90463/W**
Site Address:	84, Ridings Fields, Brockholes, Holmfirth, HD9 7BG
Description:	Erection of single storey extension to front with balcony above, single storey attached garage and associated alterations
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: 07-Nov-2024

Officer Report

Weblink

Site Description

The application site is a detached dwelling constructed from artificial stone with a concrete tiled roof. The dwelling is set up and back from the roadside, accessed from a private driveway off Ridings Fields and is sited within a generous plot which wraps around the property itself. The property hosts an integral garage with a hardstanding area to the front and side of the dwelling. The bedrooms for the dwelling are located at ground floor level with the main living accommodation at first floor level.

Topography of the area is steeply sloped with the land to the rear of the property sloping steeply upwards towards the northern boundary with the adjacent property to the south-west being set on a much lower ground level.

Properties within Ridings Fields vary in terms of design with bungalows, two storey and three storey dwellings within the street scene with stone and artificial stone being the predominant construction material.

Description of Proposal

The application is for the erection of a single storey extension to front with balcony above, single storey attached garage and associated alterations.

Single storey extension to front with balcony above

The proposed front extension would extend from the recessed section of the property at a total of 2.4 metres which would be 0.9 metres beyond the front elevation of the property which hosts the integral garage. The total width of the extension would be 7.6 metres with a total height of 2.9 metres to the top of the flat roof. The proposed construction materials would be reconstituted stone to match the existing with the roof being a single ply membrane.

It is proposed that a balcony would be located above the extension, on the flat roof which would be enclosed by frameless glass balustrade to a height of 0.8 metres.

Single storey attached garage

The proposed garage would be located on the side elevation of the property lying flush with the front elevation of the dwelling being a total width of 5.8 metres and depth of 6.6 metres with an eaves height of 2.4 metres rising to 4.9 metres to the ridge of the pitched roof. The proposed construction

materials would be reconstituted stone for the walls with render to the side elevation of the garage with roof tiles to match the existing.

Associated alterations

The proposed alterations would be the conversion of the existing garage to a bedroom with the garage door partially blocked up with matching materials and a door and window inserted. It is also proposed that internally, 2no. bedrooms would be enlarged by virtue of the front extension with the existing external canopy removed to facilitate the construction of the front extension.

History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format. However, at the request of the applicant, the plans were amended to add the front extension with balcony above rather than having a freestanding balcony as originally submitted. The plans were received on 30th September 2024. The amended plans added and have seen a change to the description of development to reflect the works proposed and neighbour letters we resent indicating the change the plans and the publicity period extended for a further 21 days to allow for comments.

Relevant Planning History

2017/93868 Erection of single storey garage, first floor front balcony and alterations to existing garage to form living accommodation *Conditional Full Permission*

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 25th October 2024 – no representations received

Holme Valley Parish Council - support the application.

Consultation Responses

None required

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 however it is within a 'bat alert' layer and area defined as the Strategic Green Infrastructure Network within the Kirklees Local Plan and also within an area which is at high risk of ground movement as a result of former mining activity.

The site also falls within the Holme Valley Neighbourhood Development Plan and is within an associated landscape character area 7, the River Holme Wooded 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 31** – Strategic Green Infrastructure Network
- **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 13 – Protecting Wildlife and Securing Biodiversity Net Gain

The application site is within Landscape Character Area 7, River Holme Wooded Valley.

The key landscape characteristics of the area are:

- Glimpsed views towards the wider landscape through gaps between built form.
- Views across the wooded valley floor from elevated vantage points such as from Christ Church New Mill and Holy Trinity Church Hepworth.
- Stone boundary walls are common features.
- A network of Public Rights of Way (PRoW) crosses the landscape including a section of the Barnsley Boundary Walk, the Kirklees Way and the Holme Valley Circular Walk.

The key built characteristics of the area are:

- Settlements characterised by a close association between built form and landscape.
- Industrial heritage features such as weirs and mill buildings.
- Mounds and hollows, which are the remains of shallow tunnels created for coal mining, as well as piles of shale material and the remains of plateways (flat stones laid across fields to assist with vehicle movement), are also found across the moorland and fields.

Supplementary Planning Documents:

- 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 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

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) 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 other key designs 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 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 extensions, single storey side extensions and balconies, 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.

Balconies

Section 5.5 refers to balconies whereby sub-paragraph 5.28 advising that these should be:

- Positioned, and screened if required, so that they do not overlook neighbouring homes or gardens.
- Sited away from locations that are sensitive to additional noise levels or disruption.

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.

In terms of the acceptability of the front extension and the SPD, the house is set well back from the pavement and is screened somewhat by its siting, set away from the street scene. Whilst the size of the extension is large when considering the fact it is sited to the front of the dwelling, this is viewed in the context of the host property, taking account the fact it is from an elevation which is stepped back from the frontmost part of the host property. Given the single storey design of the proposal, and the context of the site it would be viewed within it is considered that refusal on the basis of the visual impact upon the locality and host property could not be substantiated in this case.

The balcony would sit above the front extension and would be of lightweight appearance due to the use of frameless glass and would comply with the requirements of the SPD by having a limited affect on the character of the area. The combination of the balcony and extension is not considered to have a detrimental visual impact, regard is given when making this conclusion to the fact a public right of way is sited to the front of the site. The site is at a higher land level than the right of way and it is noted that balcony features have been added to a property to the south of the site. The visual impact of the proposal is therefore not considered to be significant when viewed in the context of the site and having regard to the fact the site is set back, with a reasonably sized front amenity space separating the development from the highway.

The single storey side extension would not extend more than two thirds of the width of the original house. Whilst the extension would not be set back from the front elevation of the property, it would be clearly read as an extension to the property by being single storey in height and subservient. The roof form of the garage would replicate the existing in terms of roof pitch and whilst the use of render on the side elevation is not a material would not match the host property, this elevation would not be readily visible within the street scene and is therefore considered acceptable. Therefore, in terms of the structure as a whole, this is considered acceptable in terms of visual amenity.

The conversion of the integral garage would result in the existing garage door being replaced with a door and window. These openings are proportionate to those proposed within the front extension and therefore acceptable.

The extensions and alterations when viewed cumulatively 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), policies within Chapter 12 of the National Planning Policy Framework and policies 1 and 2 of the Holme Valley Neighbourhood Development Plan.

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.

82 Ridings Fields site to the south-east of the application site and is a large detached dwelling. Due to the construction of the garage, the separation distances between the properties would be reduced however there are no openings within the side elevation of this property that would be impacted on by the construction or presence of the side extension. This neighbouring property is positioned forward of the application site and therefore there would be limited harm to this property.

No. 88 is the adjacent property to the south-west of the site. Due to topography, this property is set on a much lower ground level than the application site. Whilst the front extension and balcony above would reduce the separation distance by 0.9 metres, a distance of approximately 16 metres would be retained. Given the difference in levels and the vegetation along the shared boundary, it is considered that the balcony would have an acceptable impact in this case. It is noted that given the relationship between this property and the host property there would not be a significantly different impact from the proposal from that which could arise in any even by use of the amenity space which serves the host property.

There are no properties to the north-west of the site or beyond the rear boundary that would be affected by the proposal.

Therefore, it is considered that the proposed extensions, balcony and associated works 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 and Policy 2 of the Holme Valley Neighbourhood Development Plan.

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.

In this case the integral garage would be lost due to the garage conversion however this provision would be replaced with the single storey extension which would provide garage provision. There is also parking available to the front of the property and the driveway. As the bedroom numbers would total 6 no. bedrooms, to meet the requirements of the SPD, 4 no. parking spaces would be required. It is considered that this can be accommodated within the site and therefore there would be minimal harm to highway safety.

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.

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.

Policy 12 of the Holme Valley Neighbourhood Development Plan, the NPPF and guidance documents/SPDs to meet targets to achieve net zero carbon emissions.

A Climate Change Statement has been submitted with the application which notes proposed mitigation measures which are considered proportionate to the works proposed.

Biodiversity – Paragraphs 174, 180, 181 and 182 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 requires that proposals protect Habitats and Species of Principal Importance ad this is reflected within Policy 13 of the Holme Valley Neighbourhood Development Plan.

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.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the fact that albeit the extension will connect into the existing roof, the property in this case appears to be well sealed and maintained with little opportunity for bats.

However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

Strategic Green Infrastructure Network – The site is within the Strategic Green Infrastructure Network and therefore Policy LP31 is of relevance in this instance. The role of the Network is to safeguard and enhance green infrastructure networks, green infrastructure assets and the range of functions they provide. As the 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.

Coal High Risk - The application site falls within an area at high risk of ground movement as a result of past mining activities as determined by the Coal Authority. Whilst falling within a high risk area the Coal Authority identify the development type as that which does not need submission of a Coal Mining Risk Assessment. 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 policy LP53 and paragraphs 174 and 183 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.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals do not accord with the development plan and/or the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

Recommendation **APPROVE**

Decision Authorisation - Delegated Powers

Application Number: 2024/90463

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 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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP31, LP51 and LP53 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 15, 16 and 17 of the Council's adopted Supplementary Planning

Document on House Extensions and Alterations and to accord with Policies within Chapters 2, 4, 12, 14 and 15 of the National Planning Policy Framework and Policies 1, 2 and 13 of the Holme Valley Neighbourhood Development Plan.

3. The external walls of the front extension and the front elevation of the side 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 to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework and Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan.

4. The materials of construction of the roof of the side extension hereby approved shall in all respects match those used in the construction of the roof of the existing building and be retained thereafter.
Reason: In the interests of visual amenity and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework and Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan.

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.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and 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.

NOTE: It is recommended that the development includes a bat brick at the top of the gable in the new build. Bat roost opportunities should also be sited away from artificial lighting and should not be located above windows. www.bats.org.uk/publications

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan and existing floor plans	17.0994 – AL 01		19th February 2024
Existing elevations	17.0994 – AL 02		19th February 2024
Proposed elevations and floor plans	24.014(AL)01 – Rev: B		30th September 2024
Climate Change Statement	Appendix A		26th February 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.

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format. However, at the request of the applicant, the plans were amended to add the front extension with balcony above rather than having a freestanding balcony as originally submitted. The plans were received on 30th September 2024. The amended plans were uploaded to the website with a change to the description of development to reflect the works proposed and neighbour letters we resent indicating the change the plans and the publicity period extended for a further 21 days to allow for comments.

Report Dated: 6th November 2024

Coal – high