

**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:	2024/62/90808/W
Site Address:	57A, Sude Hill, New Mill, Holmfirth, HD9 7ER
Description:	Demolition of converted outbuildings and erection of two storey and single storey extension and alterations
Recommending Officer:	Tom Hunt

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 30-May-2024

Officer Report

Site Description

2024/90808 – 57A, Sude Hill, New Mill, Holmfirth, HD9 7ER

The application site relates to a three-storey semi-detached property with an original two-storey side projection and a single-storey, side garage projection. The primary elevation faces away from the highway with a poor quality porch; its lesser side projections extend past its rear elevation (which faces the highway) and have a mix of pitch and mono-pitched roofs and materials. It is constructed traditionally of natural stone and tile to its roofs. Access is via a Parish Council car park and the property has a right of way to facilitate this.

The streetscene is predominately residential with variations in typologies harmonised with use of natural stone. To its south is a Grade II Listed Building (Historic England Listing ref: 1134805). There is a gravelled driveway to the west of the garage which is not within the ownership of the applicant.

Description of Proposal

Demolition of converted outbuildings and erection of two storey and single storey extension and alterations

It is proposed to remove the existing one and two-storey side projections for a two-storey side extension with a small front extension facing away from the highway. This would have a pitch roof, materials and details to match the host for the side extension. There would be a lean-to roof with two skylights and matching materials for the front extension projecting 1.6m by 7.4m width. The side extension would predominantly make use of the existing footprint.

Openings will be to front and rear with replicated details and materials to match the host; a solid external door would be installed to the side elevation. Solar panels would be added to the southwest roof plane and Air Source Heat Pump (ASHP) installed above first floor level between the host and extension's southwest/primary elevation.

History of negotiations/amendments received

The case officer considered the application on review and sought amendments on the location of the ASHP to a more discrete location. The modification of ASHP location is now subject to Permitted Development Rights and can be carried out without planning permission within this application.

Relevant Planning History

2006/92852 Rebuilding and extending single storey lean-to kitchen and outbuilding to form garage.
Conditional Full Permission.

Representations

In accordance with statutory publicity requirements, we have publicised this application via neighbour notification letters, site notice and press publicity which had a final expiry date of 18/05/2024.

No representations have been received.

Amended plans were received however they were not readvertised as they did not change the description of development and did not materially have a detrimental impact on planning considerations.

Consultation Responses

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

- Conservation & Design – No objections.
- Environmental Health – Support. Recommended conditions on land contamination and Noise generation for the ASHP.

Officer Note: The response was submitted prior to the relocation of the ASHP to meet Permitted Development Rights. The ASHP could be lawfully installed, subject to meeting the criteria in Schedule 2, Part 14, Class G – installation or alteration etc of air source heat pumps on domestic premises, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and does not lawfully require a Noise Report to assess impact on residential amenity.

- Holme Valley Parish Council – Support

Policy

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

February 2019) and the Holme Valley Neighbourhood Development Plan adopted 8th December 2021.

The site is unallocated land for development on the Kirklees Local Plan. The site is within the Holme Valley Neighbourhood Plan under Local Character Area

7: River Holme Wooded Valley.

Kirklees Local Plan (LP):

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 26 – Renewable and low carbon energy**
- **LP 30 – Biodiversity & Geodiversity**
- **LP 35 – Historic Environment**
- **LP 52 – Protection and improvement of environmental quality**
- **LP 53 – Contaminated and unstable land**

Supplementary Planning Guidance and other considerations

- Highways Design Guide SPD
- House Extensions and Alterations SPD (2021)
- Planning (Listed Building & Conservation Areas) Act (1990)

HVNDP Policies relevant to this application are:

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

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 and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity and heritage amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology
- 6) Representations
- 7) Conclusion

1 – Principle of development:

1.1 Sustainable Development

Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive and proactive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *“good design should be at the core of all proposals in the district”* and is supported by the House Extensions and Alterations SPD and Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

1.2 – Heritage

The site is located near to a Grade II Listed Building. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

In addition, Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment support the Act.

An analysis of whether harm to the significance of these heritage assets would occur will be assessed and discussed later in the report.

2 – Impact on visual amenity:

In terms of visual amenity, general design considerations are set out in Policy LP02, LP24 and LP35 of the Local Plan, Key Design Principles 1 and 2 of the

House Extensions and Alterations SPD, Policy 1 & 2 of the Holme Valley Neighbourhood Development Plan and Chapters 12 and 16 of the NPPF, which seeks to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, respecting and enhancing the character of the townscape, heritage assets and protect amenity. LP24 also requires extensions to be *“subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details”*.

The proposal would introduce a clearly subservient two-storey side extension as demonstrated by its set down roof line and would be largely within the footprint of the existing side projections. It would remove its poor quality, single-storey side garage with a mono-pitch roof and faced in poor quality materials to create a two-storey side extension with matching materials, fenestration, architectural features and matching pitch roof to host. Therefore, it would have an improved relationship with the host's own design over the existing and be acceptable.

The minimal projection of the front extension would be largely screened away from the highway and would have details to match the host; whilst this would form a slightly more dominant elevation forward of the host, this would be visually of low impact to the streetscene and be acceptable. There would be a minor incongruous glazed section to the western side of the front extension however this would be of low impact and be acceptable.

The solar panels are orientated to maximise solar gain and efficiency as far as to be practicable and are situated away from the highway ensuring low visual impact.

The Conservation & Design Officer was formally consulted and while they raised that there was no heritage impact assessment, the proposal would not have a detrimental impact on the setting of the Listed Building. Whilst Officers mostly concur with this assessment, the installation of solar panels and ASHP does introduce modernising features and some visual clutter leading to less than substantial harm to the Listed Building. As such, public benefits would be required to clearly and demonstrably outweigh the harm under LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

A review of Permitted Development Rights indicate that those interventions could be carried out without the control of this planning application (subject to those criteria being met) however it is noted that the installation of renewable energy would contribute positively to net zero carbon emissions for the wider public benefit. Officers note that the improved high-quality design of the proposal, as previously discussed, would demonstrably indicate that the setting of the Listed Building would be improved with public benefits for visual amenity. Officers concur that the proposal would therefore meet the requirements of LP35 and Chapter 16 in this regard.

The proposal is therefore regarded as acceptable for permission in this regard as it would appear visually in keeping with its immediate setting and offer an improved design to its host building. However the solar panel and Air Source Heat Pump's modern appearance would cause less than harm to the significance of the Grade II Building known as no. 50 Penistone Road. Public benefits to outweigh such harm have been demonstrated. The proposal is therefore compliant to Policies LP24 and LP35 of the Kirklees Local Plan, Government guidance contained within Chapters 12 and 16 of the NPPF and

the Council's duties under the Planning (Listed Building and Conservation Areas) Act.

3 – Impact on residential amenity:

Section B and C of Policy LP24 of the Kirklees Local Plan states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 135f) of the National Planning Policy Framework 2023 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Key Design Principles 3-7 of the Kirklees Householder Extensions and Alterations SPD sets out guidance for Officers in relation to residential amenity.

No. 50 Penistone Road

The closest neighbour to be affected would be no. 50 Penistone Road to the southeast. The building is rotated away from the primary elevation to such a degree that only very oblique views could be achieved and that the proposal would not have detrimental additional impact ensuring the continued privacy of the neighbour. The extension would be positioned sufficiently northwest away from no. 50 to ensure no additional overbearing or overshadowing impact.

No.s 1 and 2 Sude Hill Terrace

Those properties situated to the south and separated by ~14m; those properties are on lower ground level to the host and have existing boundary screening through stone walls and trellis. For those reasons, the openings of the ground floor of the proposed would be adequately screened by this ground level differential and existing boundary treatment for good levels of privacy. The side extension would be aligned with the front elevation of the host and would introduce new window openings to the first storey; despite this, Officers concur that this and the differential in ground levels would not significantly alter the existing oblique views between neighbours in terms of overlooking or loss of privacy. The proposed development would also have its bulk and massing north of those neighbours at sufficient distance so as to avoid overbearing or overshadowing.

No. 57 Sude Hill

The extension would be screened largely by the host and the front extension would minimally project forward of the host and be situated sufficiently at a distance to avoid overbearing and overshadowing. The existing conservatory style porch has its glazed side elevation in part screened by a close boarded timber fence of ~1.6m height from ground; as such the proposed side elevation window (serving a hallway) would not substantially alter the existing

relationship in terms of privacy and overlooking between neighbours and would be acceptable.

Other Residential Properties

It is considered that the proposed development would be sited a sufficient distance away from any other neighbouring properties not referred to above so as to prevent undue harm to these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

Future Occupiers

With reference to Key Design Principle 7 of the House Extensions and Alterations SPD, the proposal would have no significant alteration to the outdoor private amenity space available to future and present occupiers and would have a neutral impact in this regard.

Noise

Officers recognise the potential for noise generation from the ASHP however are limited by lawful provisions allowing neighbours to install ASHP subject to the relevant Class of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This includes meeting specific noise emissions to meet the MCS. A footnote is recommended however to remind applicants, and interested parties, of the Council's powers to control noise from such installations.

The proposal would therefore be in general conformance with LP24b of the Kirklees Local Plan, the Key Design Principles relating to residential amenity of the House Extensions and Alterations SPD and Chapter 12 of the NPPF.

4 – Impact on highway safety:

For a 4 plus bedroom dwelling, the Highways Design Guide SPD advises that they should have three off street parking spaces to avoid on-street parking being oversubscribed and leading to highway issues with safety. The property will remain a four bedroom property with some re-configuration of rooms. An existing garage is to be removed, this does not meet the internal space specifications for garaging modern vehicles and there is some minor encroachment to the existing driveway from the single-storey front extension; nonetheless, adequate space remains to provide adequate off street parking for two vehicles and there appears to be ample off street parking facilities to its west and no highway parking restrictions. For these reasons, this indicates that the proposal would not significantly affect the existing parking spaces within the site, nor would intensify use and therefore would not cause additional harm to highway safety. This would comply with Policies LP21 and 22 of the Kirklees Local Plan, Key Design Principles 15 –16 of the House Extensions and Alterations SPD, Policy 11 of the Holme Valley Neighbourhood Development Plan, the KC Highway Design Guide SPD and Chapter 9 of the NPPF

5 – Other matters:

Climate Change

When determining planning applications, the Council will use the relevant Local Plan policies, 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 supplied with details of its solar panels and ASHP contributing positively towards reductions in carbon emissions. Due to the limited nature of the development proposed, it is not considered that further specific mitigation measures are required to facilitate this development for Key Design Principle 8 and 10 of the House Extensions and Alterations SPD, Policy 12 of the Holme Valley Neighbourhood Development Plan and Chapter 14 of the NPPF.

Biodiversity

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest to a side extension with a relatively modern concrete interlocking tile roof and a monopitched garage roof. As such, the proposal would be 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.

The small scale of the proposal would be within an existing hardsurface with no impacts to existing vegetation or biodiversity. As such, it is proposed that this would require no additional compensation or mitigation to improve biodiversity to make it acceptable in line with KDP 12-13 of the SPD, Policy 13 of the Holme Valley Neighbourhood Development Plan, LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Contaminated and unstable land

The site is within buffer areas for landfill. The Kirklees Council Environmental Health Officer was formally consulted and recommended pre-cautionary conditions to be added, should unexpected land contamination be discovered, to satisfy the aims of LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

6 – Representations:

No representations had been received.

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

Application Number: 2024/90808

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, LP26, LP30, LP35, LP52 and LP53 of the Kirklees Local Plan, Policies of the Holme Valley Neighbourhood Development Plan, Key Design Principles 1-17 of the Council's House Extensions & Alterations Supplementary Planning Document, and Policies within Chapters 2, 4, 9, 12, 14, 15 and 16 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.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Policies of the Holme Valley Neighbourhood

Development Plan, Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

4. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks 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. Groundworks in the affected area shall not recommence until either

- (a) a Remediation Strategy 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. Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought into use until such time as 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 public safety in light of the proximity of the site to an historic landfill site and to comply with LP 53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

FOOTNOTE: 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.

FOOTNOTE: Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they

ensure that the relevant land ownership should be respected and that that the works carried out is lawful.

FOOTNOTE: 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.

FOOTNOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. 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
Location Plan.	Drawing no. 23/901/01.	Unamended	26/03/2024
Existing Block Plan.	Drawing no. 23/901/02.	Unamended	26/03/2024
Proposed Block Plan.	Drawing no. 23/901/05.	Unamended	26/03/2024
Existing Floor and Elevation Plans.	Drawing no. 23/901/03a.	A	26/03/2024
Proposed Floor & Elevation Plans.	Drawing no. 23/901/04b.	B	23/05/2024
Technical Sheet: Midea Thermal R32 Monobloc.	Technical Sheet: Midea Thermal R32 Monobloc.	Original	26/03/2024
Climate Change Statement	-	-	26/03/2024

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. The case officer considered the application on review and sought amendments on the location of the ASHP to a more discrete location. The modification of ASHP location is now located such that it may benefit from permitted development rights.

Report Dated: 30/05/2024

