

**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:	<b>2024/62/90887/W</b>
Site Address:	24, Town Gate, Upperthong, Holmfirth, HD9 3UX
Description:	Erection of two storey side and single storey rear extensions (within a Conservation Area)
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.**

Teresa Harlow

***AUTHORISED OFFICER***

**Date: 29-May-2024**

## **Officer Report**

[Website](#)

### **Site Description**

24 Town Gate is a two storey semi-detached property located within the Upperthong Conservation Area, as defined within the Kirklees Local Plan. The property is set back from the roadside, separated by a paved driveway and front garden. Due to the property being set so far back within the plot there is limited garden space to the rear. Construction materials consist of local coursed stone to the ground floor with render to the first floor with a blue slate roof. There is a detached garage located on the eastern boundary which is forward of the front elevation and has a garage door facing westerly. There is also a small extension to the rear of the property.

Surrounding development consists of mainly residential dwellings with the exception of the Public House opposite the site. The properties vary in age, style and design with the predominant construction material being stone. The rear boundary of the property forms the boundary with the Conservation Area and also a large expanse of Green Belt. This is an open field that appears laid to grass.

### **Description of Proposal**

The application is for the erection of a two storey side and a single storey rear extension with the side extension also creating front extension and canopy.

At ground floor the proposed two storey side extension would project forward of the front elevation by 1.2 metres, projecting to the side by 2.8 metres. The extension would span the depth of the dwelling lying flush with the rear elevation of the existing dwelling. At first floor, the side extension would be set back from the existing front elevation by 0.4 metres and would also span the full depth of the dwelling, lying flush with the rear elevation. The eaves height of the extension would be set down from the existing by 0.4 metres with the overall ridge height set down from the existing by 0.5 metres. The roof form would be retained as a hipped roof. It is proposed that the construction materials would match the existing being local coursed stone to the ground floor, render to the first floor with blue slates for the roof.

It is proposed that the existing single storey rear extension is removed and replaced with an oak framed extension with a blue slate roof. The extension would be built up to the shared boundary with the attached property No. 26 and would project 2.6 metres from the rear elevation of the property being a total width of 4.4 metres. The eaves height would be 2.4 metres rising to a height of 3.4 metres to the ridge of the lean-to roof.

### **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, following informal discussions with the Conservation and Design Team, the Agent amended the detailing to the front (south) elevation by moving the wall line to clearly demarcate the existing building and the window detailing revised to match that at the first floor. In addition a document was submitted demonstrating other porch extension in the Conservation Area. The amended plans were received on 30<sup>th</sup> April 2024 and form the basis of this assessment.

### **Relevant Planning History**

2000/90616 Erection of detached garage (within a Conservation Area)  
*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, site notice and newspaper advertisement. The amended plans altered the detailing to the front elevation of the property and as the changes were considered to be minimal, it was not considered necessary to re-advertise the scheme.

Final publicity date expired 18<sup>th</sup> May 2024 – no representations received

Holme Valley Parish Council - support the application

### **Consultation Responses**

K.C Conservation and Design – informal discussions – no objection following discussions with the Agent and amended plans being received.

### **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 27<sup>th</sup> February 2019) and Holme Valley Neighbourhood Development Plan.

The site is within the Upperthong Conservation Area on the Kirklees Local Plan.

The site also falls within the Holme Valley Neighbourhood Development Plan and is within an associated landscape character area 4, the River Holme Settled Valley Floor.

#### Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping

- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 35** – Historic environment
- **LP 51** – Protection and Improvement of Local Air Quality

#### 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 12 – Promoting Sustainability
- Policy 13 - Biodiversity

The application site is within Landscape Character Area 4, the River Holme Settled Valley Floor.

The key landscape characteristics of the area 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.

The key built characteristics of the area 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.

#### 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 20<sup>th</sup> December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 16 – Conserving and enhancing the historic 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 27<sup>th</sup> February 2019).

#### **Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity and Conservation Area/ Listed Building
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

#### 1 – Principle of development:

The site is within the Upperthong Conservation Area. Section 72 of the Listed Buildings & Conservation Areas Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area. This is mirrored in Chapter 16 of the National Planning Policy Framework and LP35 of 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 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 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, side and rear 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.

### 2- storey side extensions

In Section 5.19 of the SPD refers to side extensions and the potential impact they could significantly have on the character of the original house and the street. Adequate space between buildings should be retained to provide a sense of space which is important to the character of an area. 5.20 states two-storey side extensions should:

- not take up all or most of the space to the side of a house;
- maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property;
- and be set back at least 500mm from the front wall of the house.

### 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.

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

## 2 – Impact on visual amenity and Conservation Area:

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 4, 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.

The works include the construction of a two storey side extension with a single storey extension to the front of the dwelling and a replacement single storey rear extension.

The property is a semi-detached property, originally constructed pre-1955. The pair of dwellings are set well back from the roadside and have a stone facing ground floor elevations with render at first floor with blue slate roofs.

In terms of the impact of the proposed works in relation to the SPD, the front extension would be located on a house that is set well back from the pavement.

The extension is considered to be small in scale with a limited projection and single storey in height and is not considered to harm the character of the house or surrounding area. In addition, the construction materials would match the existing and the extension is not considered to unreasonably affect neighbouring properties. As such, it is considered that this element of the scheme is acceptable in terms of visual amenity and the SPD.

With regards to the two storey side extension, the proposed site plan demonstrates that not all of the land to the side of the property would be covered by the extension; a 1 metre gap would be retained and the first floor section of the extension would be set back from the front elevation of the property and; the roof line would be set down from the existing roof line. Therefore, the extension would have a clear visual appearance of being an addition to the property and would also appear subservient. It is therefore considered that this element of the proposal is acceptable in terms of visual amenity as well as being broadly SPD compliant.

The existing single storey rear extension to the property is proposed to be demolished and replaced with an oak framed extension being limited in projection due to the rear boundary and being part width of the rear elevation of the existing dwelling. Due to its location on the rear elevation of the property it would not be visible from within public vantage points on Town Gate. The extension would be in keeping with the scale and style of the original house; would not cover more than half the total area around the original house; would not project more than 3 metres and would not exceed 4 metres in height, therefore complying with section 3.6 of the SPD. Whilst a 1 metre gap would not be retained between the rear elevation of the extension and the boundary, the properties along the northern side of Town Gate are characterised by being positioned close to the northern boundaries and therefore, it is not considered that this would be to the detriment of visual amenity and is also considered acceptable.

In terms of the impact of the scheme on the Conservation Area, the property is a more modern addition to the Conservation Area and is not of a traditional design. The extensions are considered to have a neutral impact on the Conservation Area due to their siting and minor amendments have been made to the front elevation of the extension to improve the overall visual impact of the scheme. Policy LP35 requires proposals to maintain local distinctiveness and preserve and enhance the significance of heritage assets. Given the size and scale of the works proposed it is not considered that the works would be harmful to the host property or the character and appearance of the wider Conservation Area.

With regard to the Holme Valley Neighbourhood Development Plan, it is considered that the works would respect the key characteristics of the existing building especially due to using matching construction materials whereby "blue" roofs are encouraged whilst protecting the amenity for both present and future occupiers.

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, LP35 & LP24 of the Kirklees Local Plan, having regard to principles 1, 2 and 9 of the Supplementary Planning Document on House Extensions (SPD), Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and policies within Chapters 12 and 16 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 this case, the extensions would be located to the front, side and rear of the property. The proposed ground floor front extension would reduce the separation distance between the host property and the facing Public House by 1.2 metres however this extension proposed a WC and therefore it is likely that this opening would be obscurely glazed. However, the separation distance between the proposed opening and this facing property would be approximately 31 metres which far exceeds that separation distances prescribed within the SPD.

Within the side elevation, a ground floor opening is proposed which would serve a non-habitable room and faces the blank section of side elevation to the adjacent property and is therefore also acceptable. To the rear of the property the openings would face open fields with no other residential property within close proximity and it is also considered to be acceptable. As such, in terms of overlooking and privacy, the proposed works are considered acceptable.

In terms of overshadowing and/or being overbearing, the properties that would be most affected by the extensions are the attached neighbouring property, No. 26 and the adjacent detached property No. 22. In terms of the impact on No. 22, this property has 2 no large openings within the side elevation that sit forward of the building line to the application site. Due to the siting of the proposed extension, it is not anticipated that these openings would be blocked by the proposed side extension and these are internally screened. As there are no other openings within the first floor of this property, it is considered that the impact of the proposal on this neighbour is acceptable.

In terms of the impact of the proposed rear extension, whilst this would sit on the shared boundary No. 26, the extension projects towards the north and is limited in its projection to 2.6 metres. This minimises the impact of the presence of the extension on the neighbouring property in terms of overshadowing and/or being overbearing. The neighbouring property would continue to enjoy an expanse open outlook to the north.

Key design principle 5 of the SPD recommends that the 45-degree rule should be treated as a starting point in assessing impact for all extensions, i.e. a line drawn from the midpoint in the nearest adjacent habitable room window at an angle of 45 degrees should preferably not intersect the extension. In this instance, whilst the extension would be sited on the boundary and therefore the 45 degrees would be cut, given that the property hosts permitted development rights, an extension similar to that proposed, on the boundary with the same projection could be constructed without the requirement of planning permission.

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, Policy 2 of the Holme Valley Neighbourhood Development Plan as well as policies within Chapter 12 of the National Planning Policy Framework. In terms of the proximity of the rear extension to the boundary with the neighbouring property, this has given weight to the fallback position to build a similar scheme utilising permitted development rights.

The assessment has also taken into account that the rear extension has windows very close to third party land (field) to the north. The existing extension, whilst not as deep in projection, also has clear glazing towards this land. The presence of windows close to the boundary is considered not to hamper the use of this land. This also takes into account what could be built without a formal application for planning permission.

#### 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.

The resultant property would host 4 no. bedrooms and therefore to comply with the SPD, 3 no. off street parking spaces would need to be provided within the curtilage of the property. There is an existing garage which could accommodate 1 no. vehicle and due to the layout of the site, there is sufficient space to accommodate a further 2 no. vehicles off-street.

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. Policy 12 of the HVNDP applies.

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 has been submitted which outlines the proposed mitigation measures. Given that the application is for household development, the measures proposed are considered acceptable.

#### 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:** 2024/90887

**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, LP35 and LP51 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 15, 16 and 17 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations, Policies 1, 2 and 12 of the Holme Valley Neighbourhood Development Plan and to accord with Policies within Chapters 2, 4, 12, 14 and 16 of the National Planning Policy Framework.

3. The external walls and roofing materials of the extensions hereby approved, save for the oak frame to the rear extension, 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 Policies LP1, LP2, LP24 and LP35 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD, Policy 2 of the Holme Valley Neighbourhood Development Plan and advice within the National Planning Policy Framework.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed site plan	3373 (0-)03		9 <sup>th</sup> April 2024
Location plan, existing and proposed site plans, elevations and floor plans	3373 (0-)02 A		30 <sup>th</sup> April 2024
Climate Change Statement	Appendix A		26 <sup>th</sup> March 2024
Heritage Statement	3373		26 <sup>th</sup> March 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, following informal discussions with the Conservation and Design Team, the Agent amended the detailing to the front (south) elevation by moving the wall line to clearly demarcate the existing building and the window detailing revised to match that at the first floor. In addition a document was submitted demonstrating other porch extension in the Conservation Area. The amended plans were received on 30<sup>th</sup> April 2024.

**Report Dated:** 29<sup>th</sup> May 2024

Coal – none