

**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>2024/62/90895/W</b>
Site Address:	12, Groves Houses, Gynn Lane, Honley, Holmfirth, HD9 6LA
Description:	Erection of detached garden room
Recommending Officer:	Laura Yeadon

**DECISION – REFUSED**

**I hereby authorise the refusal 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:** 6<sup>th</sup> June 2024

## **Officer Report**

[Website](#)

### **Site Description**

12 Groves Houses is a mid-terraced property located within an area without notation on the Kirklees Local Plan. The property is constructed from stone with a blue slate roof. The property is a double fronted dwelling and appears to have formerly been 2 cottages which have converted into one dwelling. There is a small enclosed yard area to the front of the building which abuts an access path to the front of the terraced row and beyond the path is the amenity space for the property. There is a detached timber outbuilding within this garden area.

### **Description of Proposal**

The application is for the erection of a garden room.

The proposed garden room would be located within the front garden of the property and would extend along the south and western boundaries area in the form of an obtuse angled 'L' shape.

Along the southern boundary the building would measure 5.8 metres and along the western boundary the building would be a length of 7.8 metres. The depth of the building would be 3 metres with the height of the building being 2.5 metres with a flat roof.

Notwithstanding the information submitted on the application form, the plans are annotated to state that the walls would be constructed from coursed natural stone with an aluminium fascia and framed openings.

### **History of negotiations/amendments received**

No negotiations have taken place with the applicant/agent due to the principle of development not being acceptable.

### **Relevant Planning History**

None

### **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 23<sup>rd</sup> May 2024 – no representations received

Holme Valley Parish Council - support the application.

## **Consultation Responses**

K.C. Environmental Health – due to the land being potentially contaminated, a Phase 1 Preliminary Risk Assessment was requested followed by subsequent reports if required

## **Policy**

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 without notation on the Kirklees Local Plan.

The site also falls within the Holme Valley Neighbourhood Development Plan and is within an associated landscape character Area 7 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 12 – Promoting Sustainability
- 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 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 15 – Conserving and enhancing the natural environment

#### Legislation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

## Assessment

The following matters are considered in the assessment below –

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

### 1 – Principle of development:

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

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

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

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

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

- Principle 1 – that “extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene.”
- Principle 2 – that “extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.”

With specific regard to the House Extensions and Alterations SPD the 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 outbuildings, section 5.30 of the adopted SPD states that outbuildings should normally:

- be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings;
- be set back behind the building line of the original building so that they do not impact on the street scene; and
- preserve a reasonable private amenity space appropriate to the potential number of occupants of the house, and follow a general principle that no more than 50% of garden space should be lost.

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

## 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.

Policies LP1, LP2 and LP24 of the Kirklees Local Plan are all relevant, as these policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development within the area and is visually attractive. With reference to extensions, Policy LP24(c) of the Kirklees Local Plan states these should be ‘subservient to the original building’ and ‘in keeping with the existing building in terms of scale, materials and details.’

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.

These are also reinforced within Chapter 12 of the NPPF (Achieving well designed and beautiful places) where paragraph 131 provides an overarching consideration to design stating that "*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make the development acceptable to communities.*" Paragraph 135 goes on to state that planning decisions should ensure developments are sympathetic to local character, including the surrounding and built environment.

The application seeks permission for the erection of garden room.

It is important to note that the garden room would replace an existing building to the front of the property. As the existing building is located forward of the front elevation of the property, this structure requires planning permission, for which no planning application has been submitted.

In terms of the impact of the proposal with regard to the SPD, it is considered that the building could be subservient by being a single storey structure however due to the overall footprint of the building which would be slightly more than 50% of the footprint of the host property, it is not considered that the overall structure would appear to be subservient due to the permanency of natural coursed stone walls and overall site coverage. The building would not be set behind the building line of the host dwelling however it is noted that the land to the rear of the property is outside of the red line boundary of property ownership with the main amenity space being to the front of the dwelling. Whilst it is noted that less than 50% of the garden area would be lost as a result of the proposal, it is not considered that the building would be adequately screened from public vantage point along Gynn Lane and from Groves Houses themselves.

It is noted that the ground level of the proposed building is lower than that of the of the host dwelling however, the sheer footprint of the building, forward of the front elevation of the terraced row, would not be in keeping with character of the terraced row. It is noted that an outbuilding has been constructed forward of the front elevation of No. 10 however this building is not centrally located to the terraced row and is off-set, along the southern boundary of the site. As such, it is considered that the presence of the building would be out of character with the terraced cottages.

It is therefore considered that due to the overall size and footprint of the building would result in an incongruous structure, which would have the

appearance of a permanent structure due to being constructed from stone rather than the use of materials which are of lightweight appearance would alter the character of the host and surrounding properties resulting in a detrimental effect on visual amenity, contrary to Key Design Principles 1, 2 and 9 of the SPD, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan, Policy LP24 of the Kirklees Local Plan and advice within Chapter 12 of the NPPF.

### 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..

Sections B and C of Policy LP24 of the Kirklees Local Plan state 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 135 of the NPPF states that for planning decisions should ensure that developments have a high standard of amenity for existing and future users.

In terms of privacy, the proposed openings would face north and north-easterly. The windows/bi-folding doors within the north-easterly facing elevation would be separated from the front elevation openings within the end terraced dwelling No. 14A at a separation of approximately 14 metres which is significantly shorter than the requirements of the SPD which prescribes a 21 metre separation distance. It is noted that the garden space for the host building is set in front of this neighbouring property and thereby there is already some level of potential overlooking from this space however the use of the garden room accommodation would likely be occupied for prolonged periods of time whereby overlooking at close quarters to the principal elevation of No 14A would fail to protect the amenity of the occupiers of this property.

Due to the building being single storey in height, it is therefore not considered that there would be an undue degree of harm from overshadowing or by being overbearing.

Therefore, it is considered that the proposed works are not acceptable in terms of residential amenity. It is considered there will be an undue impact on neighbouring property 14A in terms of overlooking, and the proposal would not accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3 and 4 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within chapter 12 of the National Planning Policy Framework.

#### 4 – Impact on highway safety:

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

In this case the parking for the property would not be affected by the presence of the building and therefore the proposed development would accord with the aforementioned policies.

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.

A Climate Change Statement has been submitted which identifies mitigation measures as being higher insulation to the walls and roof with energy efficient light bulbs. This is considered acceptable in terms of the type of development proposed.

*Biodiversity* –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.

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.

Policy 13 of the Holme Valley Neighbourhood Development Plan states that all developments should demonstrate how biodiversity will be protected and enhanced.

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 replacement building being a new build and the existing timber outbuilding unlikely to be occupied by roosting bats.

*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.

*Contaminated land* - This site has been identified on the Council’s mapping system as potentially contaminated land due to its situation on the site of a former mill complex (site ref: 135/15). The site is also in an area with a coal mining legacy and has been designated a development high risk area. Environmental Services and cited that combustion and mine gas may affect the proposed development and these matters require investigation to ensure the site is safe and suitable for its intended use. As such, a Phase 1 Preliminary Risk Assessment Report and subsequent reports were advised to be carried out prior to groundworks commencing. However, as the principle of development was not considered acceptable and therefore these reports were not requested.

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 186 and 191 of the National Planning Policy Framework.

#### 6 – Representations:

None

#### 7 – Conclusion:

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

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

**Recommendation**

**REFUSE**

**Decision Authorisation - Delegated Powers**

**Application Number:** 2024/90895

**Officer Recommendation:** Refuse

1. The proposed garden room by virtue of its siting, overall footprint and construction materials would form a prominent and incongruous building failing to sympathetically harmonise with the host and surrounding development and the wider character and appearance of the area. This is contrary to Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan, Policy LP24a of the Kirklees Local Plan and Policies within Chapter 12 of the National Planning Policy Framework.
2. Due to the orientation of the building and the siting of openings and bi-folding doors, there would be lead to a significant degree of overlooking upon the occupiers of 14A Groves Houses. The development would therefore fail to accord with Policies LP1, LP2 & LP24b of the Kirklees Local Plan, Principles 3 and 4 of the Council's adopted House

Extensions & Alterations Supplementary Planning Document as well as policies within chapter 12 of the National Planning Policy Framework

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan			9 <sup>th</sup> April 2024
Existing site plan	2412 - 01		28 <sup>th</sup> March 2024
Proposed site plan	2412 – 03		28 <sup>th</sup> March 2024
Proposed elevation and floor plan	2412 – 02`		28 <sup>th</sup> March 2024
Climate Change Statement	Appendix A		9 <sup>th</sup> April 2024
Design and Access Statement	Dated April 2024		9 <sup>th</sup> April 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 principle of development not being acceptable.

**Report Dated:** 5<sup>th</sup> June 2024

Coal – high

