

**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:	2024/62/91171/W
Site Address:	42, Underbank Old Road, Holmfirth, HD9 1EA
Description:	Erection of single storey front extension (within a Conservation Area)
Recommending Officer:	Molly Storer

DECISION – FULL CONDITIONAL 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 05-Jul-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/91171
Location	42, Underbank Old Road, Holmfirth, HD9 1EA
Proposal	Erection of single storey front extension (within a Conservation Area)
Publicity end date	21 st June 2024
Number of representations received	The proposal was advertised as affecting the setting of Holmfirth Conservation Area via site notice and newspaper advertisement and also advertised via neighbourhood letters. Six representations were received which will be discussed in the representations section of the report. An assessment of the impact of the development upon the setting of the Conservation Area is also undertaken in the following report.
Kirklees Local Plan Allocation/Designation	Unallocated in the Kirklees Local Plan. However, the site is located within the Strategic Green Infrastructure Network and within Holme Valley Neighbourhood Development Plan area, designated Landscape character area LCA 4: River Holme Settled Valley Floor. It is also located within the Underbank Conservation Area.
Extension to Time (EoT)	Yes – 5 th July 2024
Recommendation	Conditional Full Permission

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

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations

during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

Policy

National

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

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed and beautiful places
- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- NPPF Chapter 15 – Conserving and enhancing the natural environment
- NPPF Chapter 16 – Conserving and enhancing the historic environment

Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity
- **LP 35** – Historic Environment
- **LP 31** – Strategic Green Infrastructure Network

- **LP 51** – Protection and improvement of air quality

Holme Valley Neighbourhood Development Plan (HVNDP):

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

Landscape character area LCA 4: River Holme Settled Valley Floor.

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

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	Yes	The original plans proposed a two storey extension to the rear elevation of the property. After consulting Conservation and Design officers they were unable to support any extensions to the rear of the property as it would disrupt the linear nature of the rear of this row of terraces and be out of keeping with the original house and the area. The agent submitted amended plans with the rear extension omitted from the scheme, additional small windows to the upper ground floor and first floor landing and patio doors to the rear lower ground floor. Due to the reduction of the proposal, re-notification was deemed unnecessary.
Parish/Town Council comments sought	Yes	Holme Valley Parish Council – Defer to Kirklees officers.
Planning History	No	

Consultations required	Yes	K.C. Conservation and Design – informally consulted and stated they would not support any extensions to the rear of the property. This is due to the fact it would disrupt the linear nature of the row of terraces and be out of keeping with the original house and the area. However, they do support the extension to the front.

Assessment

The application seeks permission for the erection of a front extension. The amended plans include the installation of patio doors in lieu of the originally submitted rear extension.

The extension will have a height to the eaves of 2.1m and an overall height of 2.9m with a lean-to pitched roof form.

The extension will project 1.9m from the front east elevation and have a width of 2.2m. The extension will be constructed from natural stone with a slate roof to match the existing property and will have one roof light an entrance door on the north side elevation.

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

Single storey front extensions permitted where:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
The house is set well back from the pavement or is well screened	Although the house is not set back from Underbank Old Road the front of the property is set at a lower land level than this road and therefore will not be overly visible from the road.	
The extension is small, subservient to the original building, well-designed and would not harm the character of	The extension has a limited projection and will be in keeping with existing structures	

the original house or the area	along this elevation and street scene.	
The materials and design match the existing features of the original house	Construction materials of natural stone with a slate roof to match the existing dwelling. The rear patio style window will complement the existing design.	
The extension would not unreasonably affect the neighbouring properties	Due to the extension adjoining the neighbours front extension at No.38 and having a separation distance of 4.35m to No.40 it is considered that the extension will not unreasonably affect these neighbours.	

Design and Visual Amenity:

LCA 4: River Holme Settled Valley Floor

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

Key Landscape Characteristics are:

- Framed views from the settled valley floor to the upper valley sides and views across to opposing valley slopes and beyond towards the Peak District National Park.
- Boundary treatments comprised largely of millstone grit walling. The stone walling which runs parallel with Upperthong Lane is representative of local vernacular detailing.
- A network of Public Rights of Way (PRoW) including the Holme Valley Riverside Way which follows the River Holme from Holmbridge through Holmfirth and downstream. National Cycle Route no. 68 follows minor roads through Upperthong towards the centre of Holmfirth before climbing the opposing valley slopes.
- Mill ponds reflect industrial heritage and offer recreation facilities.

Key Built Characteristics are:

- Mill buildings, chimneys and ponds, including Ribbleden Mill with its chimney, associated mill worker houses and ashlar fronted villas link the area to its industrial and commercial heritage and are a legacy of the area's former textile industry.
- Terraced cottages and distinctive over and under dwellings feature on the steep hillsides with steep ginnels, often with stone setts and narrow roads.
- Narrow winding streets with stepped passageways, stone troughs and setts characterise the sloping hillsides above Holmfirth town centre.
- Small tight knit settlements on the upper slopes are characterised by their former agricultural and domestic textile heritage.
- There are mixed areas of historic and more recent residential and commercial developments.

Summary of local street scene/character:

The application site relates to 42 Underbank Old Road, a split level property, with a two storey appearance at Underbank Old Road level, and to the rear elevation overlooking Low Gate, the property is 3 storey, elevated above the access road accessed via steps. The house is a mid terraced dwelling, with the front elevation overlooking Underbank Old Road and Well Hill Road. The rear and west facing elevation can be accessed by Low Gate, a private access road. The property is nestled into the topography which comprises of a steeply sloping banking with other similar dwellings.

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

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on the Local character and street scene	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Policy 1 & 2 of the HVNDP • Chapter 12 NPPF	Due to the front elevation being set a lower land level than Underbank Old Road and having a limited height the extension will not be particularly visible from public viewpoints. Furthermore, the extension will be in keeping with existing structures along this elevation and street scene.	✓

		The proposed additional glazing will be mostly to the rear of the property and will be in keeping with the nature of the local character and street scene.	
Impact on the Conservation Area	• Policy LP35 • Policy 1, 2 & 3 of the HVNDP • Chapter 16 of the NPPF	Due to listed buildings being a sufficient distance from the application site, with intervening development and due to the scale and nature of the development which is small in scale and matches the appearance of the original dwelling and neighbouring extensions, it is considered that there will be no significant impact to the character of the Conservation Area or its setting.	
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Policy 1 & 2 of the HVNDP • Chapter 12 of the NPPF	Due to the extension being limited in scale and being constructed from matching materials it is considered it will not have a negative impact on the original house. The proposed additional glazing will also match the appearance of glazing on the original house so will be in keeping.	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Policy 1 & 2 of the HVNDP	Matching materials. In the event that planning permission is approved, a condition to ensure materials match is recommended.	✓

	Chapter 12 of the NPPF		
Window proportions	- KDP 1 and 2 of the SPD - Policy LP24 Design (a), (c) and (d) of the KLP - Policy 1 & 2 of the HVNDP - Chapter 12 of the NPPF	A small window is proposed to the upper ground floor and first floor landing. Patio doors to the rear elevation. A rooflight and door to the porch. These will all align with existing proportions.	✓
Accessibility for all users	- KDP 17 of the SPD - Policy LP24 Design (f) - Policy 1 & 2 of the HVNDP - Chapter 12 of the NPPF	Private domestic extension – no alterations to general access arrangements.	✓

The design of the proposal is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Residential Amenity:

Properties that are most likely to be affected by the proposal are:

40 Underbank Old Road – property to the north of the application site – impact to this property will be assessed below.

38 Underbank Old Road – property to the south of the application site – due to this property having an existing front porch along the boundary with No.42 and the extension not proposing any windows facing onto this property, it is concluded that residential amenity will not be significantly impacted for this neighbour.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on privacy of neighbours (to	- KDP 3 & 4 of the SPD - Policy LP24 Design (d) (iv)	Although there is an additional entrance door proposed to face in the direction of the	✓

sides, rear and front)	• Policy 2 of the HVNDP • Chapter 12 of the NPPF	neighbouring property, this will not face onto any habitable windows. In addition to the separation distance of 4.35m it is considered that privacy will not be significantly impacted.	
Impact on light and outlook of neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Policy 2 of the HVNDP • Chapter 12 of the NPPF	Due to the limited height and scale of the extension as well as the separation distance it is considered that there will be no significant loss of light nor will it have an overbearing impact.	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Policy 1 & 2 of the HVNDP • Chapter 12 of the NPPF	Acceptable level of remaining garden space located to the rear of the site.	✓

The proposal is therefore acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Highways and Parking:

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on highway safety	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	N/A	N/A
Parking provision	• KDP 15 of the SPD	No additional bedrooms are proposed and the	✓

	• Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	proposal would not affect existing parking arrangements, therefore it is considered the proposal is acceptable in terms of parking onsite.	
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	None shown on plan however sufficient space within site boundary.	✓

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

Other matters:

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on trees	• KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF	N/A	N/A
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Policy 13 of the HVNDP • Chapter 15 of the NPPF	While the site is within a bat alert layer, the small scale alteration to the host is not considered to have significant impacts to roosting potential. It is recommended that in this case an appropriate approach of the LPA is the inclusion of an informative note upon and	✓

		grant of permission which alerts the applicant of their private responsibilities if any signs of bats or potential to disturb those protected species are found.	
Carbon Budget / Climate change statement	• KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • Policy 12 of the HVNDP • Chapter 14 of the NPPF	Small scale domestic development to an existing dwelling. As such, no special measures required in terms of the planning application with regards to carbon emissions. A Climate Change Statement has been submitted with this application.	✓
Drainage and Flood Risk	• KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP	The rear garden and landscaping would be retained to allow for run-off. The site is not located within an identified Flood Risk Zone 2 or 3 area.	✓

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

Representations, including Parish/Town Council comments:

Summary of Representation	Officer response	Addressed ✓ / X / N/A
Front and rear extension will be out of character with the locality and will not conserve the terrace.	It is considered that the front extension is in keeping with similar front extensions on this row of terraces. The rear extension have been omitted from the proposal.	✓
Rear extension will obstruct view and would affect light.	Rear extension omitted from plans following the assessment as laid out in the report above.	✓
No objection to porch. Rear extension would change look of the terraces and would affect light levels.	Rear extension omitted from plans following the assessment as laid out in the report above.	✓

Extension would negatively affect the character of the area.	It is considered that the front extension is in keeping with similar front extensions on this row of terraces.	✓
Objection to the rear extension due to impacts to privacy and parking arrangements.	Rear extension omitted from plans following the assessment as laid out in the report above.	✓
Concerns regarding measurements of the rear extension.	Rear extension omitted from plans following the assessment as laid out in the report above.	✓

Conclusion:

Regard has been given to the duties of the LPA in relation to Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character of appearance of Conservation Areas. In this case the proposal is considered to preserve the character given its scale, and distance from the Conservation Area.

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

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: **CONDITIONAL FULL PERMISSION**

Decision Authorisation - Delegated Powers

Application Number: 2024/91171

Officer Recommendation: Approve

Conditions and Reasons

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

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

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building and thereafter retained.

Reason: In the interests of visual amenity and to accord with Policies LP2, LP24 and LP35 of the Kirklees Local Plan, principles 1 and 2 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and policies within Chapters 12 and 16 of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed plans and elevations	2428-0301-P05	2	26/06/2024
Existing plan, elevations and location plan	2428-0101-P01	-	01/05/2024
Application form	-	-	01/05/2024
Climate change statement			01/05/2024
Heritage impact statement			01/05/2024

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. Amended plans were sought to remove a two storey extension from the rear elevation as it was considered that this element would disrupt the linear nature of the street and would be out of keeping with the original house and the area.

Report Dated:

26/06/2024