

**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>2024/62/91842/W</b>
Site Address:	Crow Hill Lodge, Carrs Road, Marsden, Huddersfield, HD7 6JH
Description:	Installation of solar panels on the roof and replacement windows (within a Conservation Area)
Recommending Officer:	Laura Yeadon

**DECISION – CONDITIONAL FULL PERMISSION**

**I hereby authorise the approval/refusal\* (delete as appropriate) of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.**

John Holmes

***AUTHORISED OFFICER***

**Date: 26-Sep-2024**

## **Officer Report**

[Weblink](#)

### **Site Description**

Crow Hill is a country estate set on the outskirts of Marsden and is within the defined Marsden Conservation Area within the Kirklees Local Plan. Crow Hill itself is a large property which appears to be let as holiday accommodation and appears to date back to the Victorian era.

Crow Hill Lodge, which is the property subject to this application sits to the west of the main house and is a detached two storey dwelling and is within the estate and grounds of the main dwelling, also appearing to be a holiday let. Access to the main house is taken from Carrs Road whereby gate posts annotate that the access is shared for Crow Hill, West Wing and Crow Hill Lodge.

To the south and the east of the property and estate is open countryside. Built development is located within Marsden to the north and west. The site is located within the Marsden Conservation Area and within the defined Green Belt, Strategic Green Infrastructure Network and the wildlife habitat network. There are a number of trees within close proximity to the dwelling which are protected by virtue of the property being located within the Conservation Area.

### **Description of Proposal**

The application is for the installation of solar panels on the roof and replacement windows.

#### *Solar panels*

It is proposed that 16 no. solar panels would be located on the south-west facing elevation of the dwelling. The proposed panels would be Aiko Neostar 2S panels referenced as product type AIK-A-MAH54-455-AB-G2 within the submitted data sheet. The information states that the dimensions of each panel would be 1134mm x 1757mm with the depth being 30mm. The panels would be installed as 2 no. rows of 8 no. panels.

#### *Replacement windows*

The existing windows are constructed from timber and it is proposed that these would be replaced with Kommerling uPVC openings finished in a cream colour. The data information submitted with the application states that that these are a slimline frame and opening sash with Pilkington KS glass and meet or exceed energy ratings in accordance with the latest Building Regulations.

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

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

## **Relevant Planning History**

History specific to The Lodge:

- 1987/02688 Outline application for residential development  
*Refused – appeal dismissed*
- 1996/93612 Erection of detached garage and photograph studio  
*Conditional Full Permission*
- 1998/92706 Erection on 2 storey photographic studio with garage  
*Conditional Full Permission*
- 2009/90007 Change of use from photography studio and 1 apartment and 1 dwelling (within a Conservation Area)  
*Conditional Full Permission*
- 2021/92517 Change of use of land to be incidental to the enjoyment (garden) of Crow Hill Lodge, erection of detached garage and associated works (within a Conservation Area)  
*Conditional Full Permission*
- 2022/91098 Works to trees within a Conservation Area  
*Granted*

## **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.

Final publicity date expired 14th September 2024 – no representations received

Parish/ Town Council – not applicable

## **Consultation Responses**

K.C Conservation and Design – informal comments – minimal concerns

## **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).

The site is within the Marsden Conservation Area and the defined Green Belt on the Kirklees Local Plan. In addition, the site is located within the Strategic Green Infrastructure Network and the wildlife habitat network and with the 'bat alert' layer on the Council's mapping system. The site is not within a coal mining risk area.

#### Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 24** – Design
- **LP 26** – Renewable and low carbon energy
- **LP 30** – Biodiversity and geodiversity
- **LP 31** – Strategic Green Infrastructure Network
- **LP 35** – Historic environment
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 57** – The extension, alteration or replacement of existing buildings

#### 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 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

#### Legislation

- The Town & Country Planning Act 1990 (as amended)
- The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- The Planning and Compulsory Purchase Act 2004.

## Assessment

The following matters are considered in the assessment below –

### 1 – Principle of development:

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 8: Energy efficiency
- Key design principle 10: Renewable energy
- Key design principle 12: Natural environment
- 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 Key Design Principle 8 (energy efficiency), opportunities should be

considered to achieve energy efficiencies and plan for climate change. This includes, amongst other things, ensuring that roof structures include south facing slopes to facilitate the installation of solar panels.

Key Design Principle 10 relates specifically to renewable energy and states that:

*Proposals should have regard to opportunities to include renewable microgeneration technologies such as solar photovoltaics, solar water heating (aka solar thermal), ground, air and water source heating/cooling systems and hydro-electric generation.....*

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.

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. This is echoed within policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

#### *Impact on the Green Belt:*

The general principle of extending and making alterations to a property are assessed against Policy LP57 of the Kirklees Local Plan and advice within Chapter 13 of the NPPF regarding design. These require, in general balanced considerations of visual and residential amenity and other material considerations.

The site is within the Green Belt and therefore the main issues are:

- Whether the proposal would be inappropriate development for the purposes of the NPPF and Kirklees Local Plan
- The effect of the proposal on the openness of the Green Belt, and on the character and appearance of the area
- If found to be inappropriate development, whether the harm by reason of inappropriateness is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify development

#### *Is the development inappropriate in the Green Belt?*

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt, the most relevant in this case being to assist in safeguarding the countryside from encroachment. Paragraph 153 of the NPPF states that inappropriate development should not be approved except in very

special circumstances. Certain forms of development are exceptions to 'inappropriate development'. These are set out within paragraphs 154 and 155 of the NPPF.

Within paragraph 149, one of the exceptions to this is the extension or alterations of a building providing that this does not result in disproportionate additions over and above the size of the original buildings. In this instance, there are no additions to the existing building proposed.

*The effect of the proposal on the openness of the Green Belt and on the character and appearance of the area:*

The solar panels would be installed on the south-west facing elevation of the two storey Lodge. The information states that the dimensions of each panel would be 1134mm x 1757mm with the depth being 30mm. The panels would be installed as 2 no. rows of 8 no. panels. Replacement windows are also proposed.

There would be no increase to the footprint of the building and non-reflecting coated panels can be secured via an appropriate condition to ensure that the proposal does not detract from its Green Belt setting. The host building would remain the dominant element in terms of size and overall appearance.

As the proposed works are considered to comply with current Green Belt policy, it is not considered that very special circumstances would be required in this instance.

Taking the above into account, it is considered that the effect on the Green Belt would be minimal. Accordingly, the proposal is considered to comply with Chapter 13 of the National Planning Policy Framework and Policy LP57 of the Kirklees Local Plan.

In this case, the principle of development is considered acceptable, and the proposal shall be assessed against all other material planning considerations. These issues along with other policy considerations will be addressed below.

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

In addition to the policy / legislation detailed in part 1 of this report. Policy LP35 of the Kirklees Local Plan is relevant stating that: '*Development proposal affecting a designated heritage asset should preserve or enhance the significant of the asset. In cases likely to result in substantial harm or loss will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.*'

Furthermore, the NPPF sets out a principal consideration concerning design in Chapter 12, paragraph 131 which states 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 development acceptable to communities.'*

Kirklees Local Plan Policies LP1 and LP2 and more significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

Policy LP26 states that renewable and carbon energy proposals will be supported and planning permission granted would not have either individually or cumulatively unacceptable impact on protected species, designated sites of importance for biodiversity or heritage assets.

16 solar panels are proposed in this case, positioned as 2 no. rows of 8 no. panels. They would be black in colour and would sit within the existing roof plane as shown on the submitted plans.

Paragraph 198 of the NPPF requires that the applicants describe the significance of any heritage assets affected, including any contribution made by their setting.

Paragraph 205 of the NPPF states that: *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*

Paragraph 208 goes on to state: *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."*

In addition, with specific reference to heritage and climate change, Policy LP35 states that consideration should be given to the need to *'identify opportunities, including use of new technologies, to mitigate, and adapt to, the effects of climate change in ways that do not harm the significance of heritage assets and, where conflict is unavoidable, to balance the public benefit of climate change mitigation measures with the harm caused to the heritage assets' significance.'*

In this instance, the application is accompanied by a Planning and Heritage Statement which acknowledges that the site is within a defined Conservation Area. The panels would be within the roof plane which is finished in slate and the plans indicate that the panels would sit comfortably within the roof slope. Given the siting of the panels and replacement within a predominantly rural and isolated setting, it is not considered that the works would cause harm to the host property or wider street scene and would therefore accord with Key Design Principles 1 and 2 of the SPD.

In terms of the Conservation Area, given the isolated location of the property and existing screening, it is not considered that the proposed works would cause significant harm to the locality or wider Conservation Area.

Notwithstanding this, there would be an element of harm as a result of the proposal through the loss of timber windows and the introduction of the solar panels which is such that it could not be concluded the development lead to no harm. In this case the proposal is considered to lead to less than substantial harm. The public benefits for this small level of identified harm are considered to be the improved thermal efficiency and reduction in carbon emissions resulting from the development proposal. This level of benefit it considered to outweigh the small level of harm identified to be present in this case.

It is therefore considered that there would not be a significantly harmful impact given the extent of works which can take place in terms of solar panels to the south-western roof slope and replacement windows and that the proposal would preserve the setting of the Conservation Area. The proposal is therefore considered to be acceptable having regard to Policies LP24, LP26 and LP35 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the SPD and policies within Chapters 12 and 16 of the NPPF.

### 3 – Impact on residential amenity:

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.

There are no additional openings proposed within the building and the replacement uPVC openings would replace the existing being similar in colour in cream (as referenced within the submitted Statement). As there are no additional openings, it is not considered that altering the frames and glazing would cause any increase in harm from overlooking.

The proposed solar panels would be located away from neighbouring whereby views afforded to the panels would be limited and therefore, it is considered that the proposed works would have an acceptable impact on neighbouring properties.

Therefore, it is considered that the proposed solar panels and replacement windows are acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties and would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan 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. In this case as the works would be located to the roof and walls of the building,

there would be no significant impact on the current operation of the highway and parking arrangements within the vicinity of the site.

#### 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. 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.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

*Biodiversity* – Paragraphs 180, 186, 187 and 188 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

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

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

*Strategic Green Infrastructure Network* – The site is within the Strategic Green Infrastructure Network and Wildlife Habitat 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.

#### 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:** 2024/92140

**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, LP24, LP26, LP30, LP31, LP35, LP51 and LP57 of the Kirklees Local Plan, principles 1, 2, 5, 10, 12, 16 and 17 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapters 2, 4, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. The solar panels hereby approved shall be non-reflective and retained as such thereafter.

**Reason:** To conserve the significance of the Conservation Area and to conserve and protect the character of the Green Belt in accordance with Policies LP24, LP35 and LP57 of the Kirklees Local Plan and Chapters 13 and 16 of the National Planning Policy Framework.

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

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	2920 (LOC) – Rev: A		5 <sup>th</sup> August 2024
Proposed site plan and elevations	2920 (100) 01		31 <sup>st</sup> July 2024
Solar panel details	2920 (100) 03		31 <sup>st</sup> July 2024
Window replacement details	2920 (100) 02		31 <sup>st</sup> July 2024
Planning, Heritage Statement	2920 – July 2024		31 <sup>st</sup> July 2024
Climate Change Statement	Appendix A		31 <sup>st</sup> July 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 did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

**Report Dated:**

25<sup>th</sup> September 2024

Coal – none

