

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:	2024/62/91978/W
Site Address:	8, Greenfield Road, Holmfirth, HD9 2BJ
Description:	Installation of roof mounted solar panels (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.

John Holmes

AUTHORISED OFFICER

Date: 09-Sep-2024

Officer Report

[Website](#)

Site Description

8 Greenfield Road is a semi-detached property located within the Holmfirth Conservation Area. The property is set up from the roadside, separated by a front garden and is two storeys in height and constructed from stone. The property benefits from a single storey extension to the side with a roof terrace above.

Surrounding development consists of mainly residential properties to the north, south and west with a mixture of both residential and commercial properties to the east.

Description of Proposal

The application is for the installation of roof mounted solar panels.

Officer note: It is noted that a previous permission was granted consent for the erection of a side extension with terrace over, detached garage and solar panels under application number 2015/93654. This included solar panels on the south facing elevation of the property. This permission has been implemented by virtue of the construction of the side extension and thereby, these panels can be installed as per that permission. Therefore, the proposed panels on the western side elevation of the roof form the main consideration for this application.

5 no. panels are proposed on southern (front) elevation with 3 no. panels on the western (side) elevation of the roof slope. The submitted details indicate that these would be LONGI LR5 -54HTB 415-435M which have a black coloured finish. Each panel would be approximately 1.1m in height and 1.7m in width.

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

2014/93781 Erection of two storey side extension, detached garage and solar panels (within a Conservation Area)
Conditional Full Permission

2015/93654 Erection of side extension with terrace over, detached garage and solar panels (within a Conservation Area) (modified proposal)

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.

Final publicity date expired – 27th August 2024

Holme Valley Parish Council - support the application.

Consultation Responses

None required

Policy

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

The site is with the Holmfirth Conservation Area on the Kirklees Local Plan. The site is also within the Strategic Green Infrastructure Network, within an area at low risk from former coal mining activity and also a 'bat alert' layer on the Council's mapping system.

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 26 – Renewable and low carbon energy
- LP 30 - Biodiversity and geodiversity
- LP 35 – Historic environment
- 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 3 – Conserving and Enhancing Local Heritage Assets
- Policy 8: Facilitating Development in Holmfirth Town Centre and Honley District Centre and Brockholes and New Mill Local Centres
- Policy 10: Protecting Local Green Space
- Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain

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 20th December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 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
- 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
- 1) Impact on visual amenity and Conservation Area
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) 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 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 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 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.

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.

The proposed solar panels would be located on the south facing front elevation of the property and the west facing side elevation of the property. There is a permission in place to install solar panels on the front (south) elevation of the property by virtue of planning application 2015/93654 as works have commenced to implement this permission.

The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations

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.

8 solar panels are proposed in this case, 5 to the front elevation and 3 to the side elevation. They would be black in colour and would sit within the existing roof planes 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 Supporting and Heritage Statement which acknowledges that the site is within a defined Conservation Area. The Statement identifies the previous permission and that the panels to the front elevation benefit from an implemented permission.

The panels would be installed within the existing roof plane which is constructed from roof slates and therefore, the black panels would sit comfortably within the roof plane. Imagery has been submitted within the Statement identifying other properties with solar panels within the south elevation roof planes of properties when viewed across the valley and therefore, the panels would not introduce a new feature to the wider street scape in accordance with Key Design Principles 1 and 2 of the SPD.

In terms of harm to the Conservation Area, the principle of the panels to the front south facing elevation has been established and therefore, any additional harm would be from the panels within the side elevation. Given the location on the side of the property, due to siting and topography is not considered to cause significant harm to the locality or wider Conservation Area. Whilst the panels would be clearly in view from public vantage points along Upperthong Lane, it is not considered that the harm from the presence of the panels would justify refusal of the application in this case. The Statement cites that to mount the panels to the south elevation only would not create the necessary output to service the house and that the limitations of the hipped roof restrict the solar panel surface area.

As the works are not considered to cause undue harm to the Conservation Area, there is no requirement to demonstrate public benefits in this case.

It is therefore considered that there would not be harmful resultant impact of the proposal given the extent of works which can take place in terms of solar panels to the southern roof slope and the proposal would preserve the setting of the Conservation Area in light of the extent of works which can take place in any event. The proposal is therefore considered to be acceptable having regard to Policies LP24, LP26 and LP35 of the Kirklees Local Plan, Policies within the Holme Valley Neighbourhood Development 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 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.

The neighbouring property to the western side of the application site has a gabled side elevation with a pitched roof and there are no openings within this elevation. Therefore, there would be limited harm to the occupiers of this property. There are no properties directly to the rear of the site and therefore it is considered that the impact of the side elevation panels are considered acceptable. As cited previously, panels to the front elevation are approved by virtue of the implementation of a previous scheme.

Therefore, it is considered that the proposed solar panels 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 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.

This is due to the fact the extension would have no impact on the existing roof structure of the host property as the proposal is single storey.

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 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.

Coal legacy – The site is located within the Coal Authority’s “Development Low Risk Area”. There is no statutory requirement to consult the Coal Authority regarding development within the “Development Low Risk Area”, instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. 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 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 would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2024/91978

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, LP6, LP21, LP22, LP24, LP26, LP30, LP31, LP51 and LP53 of the Kirklees Local Plan, Policies 1, 2, 3, 8, 10 and 13 of the Holme Valley Neighbourhood Development Plan, Key Design Principles 1,2 8, 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.

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			15 th July 2024
Proposed elevations	2355 – 01		15 th July 2024
Supporting and Heritage Statement	July 2024		15 th 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.

Coal - low