

**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:	2024/62/92094/W
Site Address:	13, South Lane, Holmfirth, HD9 1HN
Description:	Erection of raised platform area (Within a Conservation Area)
Recommending Officer:	Molly Storer

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: 24-Oct-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/92094
Location	13, South Lane, Holmfirth, HD9 1HN
Proposal	Erection of raised platform area (Within a Conservation Area)
Publicity end date	The proposal was advertised as affecting the setting of Holmfirth Conservation Area via site notice and newspaper advertisement and also advertised via neighbourhood letters which expired on 25 th October 2024. Three representations were received. An assessment of the impact of the development upon the setting of the Conservation Area is undertaken in the following report.
Number of representations received	Three representations were received – these will be discussed in the representations section of this report.
Kirklees Local Plan Allocation/Designation	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 Holmfirth Conservation Area.
Extension to Time (EoT)	Yes EoT Date: 29 th October 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 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 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 no.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	After visiting the site and it was considered that the original scheme involving a full-width, recreational terrace would increase overlooking and would not be supportable. The agent responded with amended plans showing the raised area significantly reduced and justified the scheme by amending it to be used for fire egress and maintenance only – this could be conditioned to any grant of approval.
Parish/Town Council comments sought	Yes	Holme Valley Parish Council – No Comment. Defer to Kirklees conservation officers.
Planning History	No	
Consultations required	Yes	K.C. Conservation and Design – No objections

Assessment

The application seeks permission for the erection of raised platform area.

This will require part of the roof to be removed to create an open roof raised platform. A fire door will be installed to access the raised platform.

Other alterations involve a new entrance door and window to the front of the property in their original locations to be completed by utilising permitted development (PD) rights (not assessed under this application).

The Kirklees SPD sets out that balconies / terraces should comply with certain parameters set out at paragraph 5.5 and if they do not, they need to be justified:

Balconies and roof terraces should be:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Positioned, and screened if required, so that they do not overlook neighbouring homes or gardens	Yes – In this instance although the raised area will be in close proximity to other neighbours the stone coping measuring 1.5m in height will screen the area for the most part. It is also intended that this raised area is used for emergency access and maintenance only which would be secured by condition.	
Sited away from locations that are sensitive to additional noise levels or disruption	Yes, it is sited to the rear of the property and in any case will be conditioned to be used for emergency access and maintenance only.	

Design and Visual Amenity

The application site relates to 13 South Lane, a mid-terrace three storey property located in the area of Holmfirth. The application property and other properties on the same terrace are of a similar design and style whereby the primary construction material is natural stone with stone roof tiles.

The site is situated on South Lane, a steep hill where the land slopes upwards from west to east. The property itself benefits from a small amount of garden amenity space to the rear which is enclosed by retaining walls constructed from natural stone.

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	<ul style="list-style-type: none"> • KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Policy 1 & 2 of the HVNDP • Chapter 12 NPPF 	No significant impact given the proposed development is to the rear and is of low impact on the street scene. The local character of the area includes properties with raised areas.	✓
Impact on the Conservation Area	<ul style="list-style-type: none"> • 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 due to it being located to the rear of the building, it is considered that there will be no significant impact to the character of the Conservation Area or its setting. This conclusion is drawn in light of the response of the Conservation Team.	✓
Impact on original house	<ul style="list-style-type: none"> • KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Policy 1 & 2 of the HVNDP <ul style="list-style-type: none"> • Chapter 12 of the NPPF 	Although the proposal would involve removing part of the roof this is proposed to the rear and erected from natural stone to match the existing property. In addition, the built-up walls surrounding the raised area would also be formed of natural stone to limit visual impact. Due to the small scale of the raised area it would be subservient to the original house.	✓
Height, scale and massing	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Policy 1 & 2 of the HVNDP <ul style="list-style-type: none"> • Chapter 12 of the NPPF 	Scale and massing is limited due to the relatively small 1.5m width and 1.7m projection in relation to the dwelling. The height of the raised area would align with the second floor of the original house.	✓
Facing materials and detailing	<ul style="list-style-type: none"> • KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Policy 1 & 2 of the HVNDP 	Materials would be of a residential nature. Natural stone will be used to match the original dwellinghouse. A condition to ensure this is the	✓

	<ul style="list-style-type: none"> Chapter 12 of the NPPF 	case would be included on any grant of permission.	
Window proportions	<ul style="list-style-type: none"> 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 	No additional windows are assessed as part of this application. The new door to access the raised area will be a fire door which is deemed acceptable by officers.	✓
Accessibility for all users	<ul style="list-style-type: none"> 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 	Private domestic extension which would not change the existing access into / around the property.	✓

The design of the proposal is therefore concluded as being acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, Holme Valley Neighbourhood Development Plan (having regard to LCA 4), the Council's adopted House Extensions and Alterations SPD policies within the NPPF.

Residential Amenity:

The main properties affected are:

17 South Lane – property located to the southeast of the application site – due to the raised platform area being located on the opposite side to this property and being screened by the rest of the applicants property it is considered that there would be no significant overshadowing or overlooking impacts .

9 & 11 South Lane – properties to the west of the application site – Impact to these properties will be assessed below.

There are no properties located to the rear/north of the application site and properties to the south are screened by the applicant property.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
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Impact on privacy of neighbours (to sides, rear and front)	<ul style="list-style-type: none"> • KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Policy 2 of the HVNDP • Chapter 12 of the NPPF 	It is considered that the raised platform area would be in close proximity to amenity space at No.9 & 11 and therefore it was not considered acceptable to have a recreational terrace in this position. Amended plans show that the sides of the raised area will be built up by 1.5m and a condition will be attached to ensure that the area is used for emergency access and maintenance only to reduce any privacy impact to these properties.	✓
Impact on overbearing/overshadowing light, outlook of neighbours	<ul style="list-style-type: none"> • KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Policy 2 of the HVNDP • Chapter 12 of the NPPF 	Due to the raised area being constructed within the roof slope and given the small scale nature of the development the impact on light and outlook will not have a significant impact.	✓
Remaining garden space of application property	<ul style="list-style-type: none"> • KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Policy 2 of the HVNDP • Chapter 12 of the NPPF 	This would be within the roof slope and leave sufficient remaining garden space.	✓

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	<ul style="list-style-type: none"> • KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF 	There are no proposed changes to highway access with the proposal. The development is considered to be acceptable in relation to highway safety.	✓
Parking provision	<ul style="list-style-type: none"> • KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF 	The proposed development would not serve as an additional bedroom, meaning the presumed potential occupants is to remain as existing. This results in existing car parking arrangements to be acceptable.	✓
Provision for waste storage	<ul style="list-style-type: none"> • KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF 	Waste storage and collection to remain as existing.	✓

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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • KDP 12 of the SPD • Policy LP30 • Policy 13 of the HVNDP • Chapter 15 of the NPPF 	Whilst the site is in an area with a known presence of bats the proposed development would not affect the eaves / roof of the property. A Bat informative is recommended to be attached in the	✓

		instance of any grant of permission.	
Carbon Budget / Climate change statement	<ul style="list-style-type: none"> • KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • Policy 12 of the HVNDP <ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • KDP 14 of the SPD <ul style="list-style-type: none"> • 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 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
<ul style="list-style-type: none"> • Would result in overlooking to the garden directly impacting neighbours privacy. • Negative impact on the Conservation Area. 	<p>It is considered that the amended plans showing the built up areas surrounding the raised area and the confirmation that this area will be used only for emergency access and maintenance overcomes overlooking concerns.</p> <p>With regards to Conservation concerns, Conservation officers were satisfied that due to the development taking place to the rear of the property and not being visible from public viewpoints that this would not impact the Conservation Area.</p>	✓
<ul style="list-style-type: none"> • Harm to the Conservation Area and would set a precedence. 	<p>With regards to Conservation concerns, Conservation officers were satisfied that due to the development taking place to the rear of the property and not being visible from public</p>	✓

	viewpoints that this would not impact the Conservation Area.	
<ul style="list-style-type: none"> • Concerns regarding a retaining wall. • Incorrect redline boundary. • Overlooking. 	<p>Paragraph 184 of the National Planning Policy Framework states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. As such, in this case, it is considered it would be unreasonable of the LPA to insist upon submission of further details relating to land stability given the requirement to gain of building regulations approval in relation to the development proposal.</p> <p>Certificate A of the submitted application form has been signed with regards to land ownership. This is accepted in good faith as being accurate and correct and it is considered there is no reason for the LPA to require further investigation as to whether the correct certificate of ownership upon the application form has been signed in this case.</p> <p>It is considered that the amended plans showing the built up areas surrounding the raised area and the confirmation that this area will be used only for emergency access and maintenance overcomes overlooking concerns.</p>	✓

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 development is not considered to lead to harm given the scale and having regard to the response of the Conservation Team.

adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

FOOTNOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). 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	Date Received
Location and Block plan	DB1200 - 001 -P01	25/07/2024
Existing plans	DB1200 - 002 -P01	25/07/2024
Proposed plans	DB1200-003 - P02	15/10/2024
Planning statement	-	25/07/2024
Conservation and heritage statement	-	01/08/2024
Climate change statement	-	25/07/2024
Application form	-	25/07/2024

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 scheme was reduced in size / scale and confirmation of its intended use provided to mitigate overlooking.

Report Dated: 24th October 2024