

**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:	2024/62/92140/W
Site Address:	16, Town Gate, Upperthong, Holmfirth, HD9 3UX
Description:	Erection of detached garage (within a Conservation Area)
Recommending Officer:	Laura Yeadon

DECISION – CONDITONAL 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.

Emma Thompson

AUTHORISED OFFICER

Date: 08-Nov-2024

Officer Report

[Website](#)

Site Description

16 Town Gate is a two storey dwelling located within the Upperthong Conservation Area within the Kirklees Local Plan. The property sits at right angles to Town Gate with the principal elevation facing westerly. A driveway runs along the front of the property and spans the full depth of the plot. The main amenity space for the property is to the north beyond which are open fields which are defined as being within the Green Belt.

Surrounding property is comprised of varying designed modern and more traditional dwellings which are predominantly stone however render is also evident.

Description of Proposal

The application is for the erection of a detached garage.

The proposed garage would be located along the western boundary of the site and would be single storey in height. The front section of the building would be a garage with the rear section being a store.

The building would be set back from the northern elevation of the property by approximately 3.3 metres and would have a front width of 3 metres, rear width of 3.7 metres and depth of approximately 8 metres. The maximum eaves height would be 2.6 metres with an overall height of 3.2 metres.

It is proposed that the garage/store would be constructed from natural coursed stone for the walls and stone slates for the roof.

History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format. However, following a consultation response from the Council's Tree Officer, it was requested that an Arboricultural Impact Assessment (AIA) and an Arboricultural Method Statement (AMS) were submitted to support the application. The document was received on 17th October and has been reviewed by the Council's Tree Officer and forms part of the submitted documents for assessment as part of the application.

Relevant Planning History

2013/91198 Works to trees(s) within a Conservation Area
Granted

2018/92738 Works to trees in CA

Granted

2018/93539 Demolition of existing front porch, garage and outbuilding and erection of single storey front and two storey side extension (within a Conservation Area)
Conditional Full Permission

2021/90927 Work to trees within a CA
Granted

2024/90667 Work to trees in 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

Holme Valley Parish Council - No Comment. Defer to Kirklees conservation officers.

Consultation Responses

K.C Conservation and Design – informal discussions – materials to match, timber doors and windows recommended with conservation type roof lights

K.C. Arboricultural officer – Arboricultural Impact Assessment (AIA) and an Arboricultural Method Statement (AMS) requested – following the submission of these, no objection subject to appropriate conditions in relation to excavations and roots of T2.

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 not specifically allocated but within the Upperthong Conservation Area and is within the Strategic Green Infrastructure Network.

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 28** – Drainage
- **LP 31** – Strategic Green Infrastructure Network
- **LP 33** - Trees
- **LP 35** – Historic environment

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 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 characteristic 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.

The Conservation of Habitats and Species Regulations 2017

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 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space

- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

With specific regard to the proposed development the SPD states that in terms of outbuildings, the SPD states:

Section 5.30 of the adopted SPD states that outbuildings should normally:

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

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

2 – Impact on visual amenity and Conservation Area:

Policy 1 of the Holme Valley Neighbourhood Development Plan (HVNDP) sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA 7, detailed in the 'Policies' section of this report)

Policy 2 of the HVNDP states that new development should protect and enhance local built character and distinctiveness, strengthen the local sense of place by respecting the existing grain of development in the surrounding area, use local materials and detailing which add to the quality or character of the surrounding environment, respect the scale, mass, height and form of existing buildings in the locality and their setting.

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. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

In terms of the impact of the scheme on the Conservation Area, Section 72 of the Listed Buildings & Conservation Areas Act (1990) is relevant and requires that special attention shall be paid in the exercise of planning functions to the

desirability of preserving or enhancing the appearance or character of the Conservation Area. This is mirrored in Chapter 16 of the National Planning Policy Framework and also PLP 35 of the Kirklees Local Plan.

The proposed building would be for residential purposes and would be a garage and store to the host property, 16 Town Gate. The garage would be set on a higher ground level than the finished floor level of the property due to the topography within the around the site however it would be single storey in height.

In terms of the compliance with the SPD, the garage would be subservient in footprint and scale to the original building; would be set back from the entire property away from the roadside to minimise the impact on the street scene; and a reasonable amount of amenity space would be retained following the construction of the building. Therefore, the proposal is considered to comply with the spirit of the SPD.

Due to the siting of the garage structure, set so far back from the roadside, it is not considered that it would compete with the host building for significance within the Conservation Area. Informal discussions took place with the Conservation and Design Officer whereby no concerns raised with the proposal in terms of the setting of the Conservation Area. Whilst it is noted that Officer's wish to impose a condition relating to timber openings within the garage structure, given that these were not conditioned on the previous application to extend the property, it would be unreasonable to impose this condition in this case. However, it is considered that the garage door which faces the roadside and public vantage points should be conditioned to be timber with conservation style roof lights within the roof slope.

The proposed construction materials of coursed natural stone for the walls and stone slates for the roof are considered appropriate in this case.

The building is not considered to harm the significance of the setting of the Conservation Area and therefore the works would comply with Policy LP35 of the Kirklees Local Plan and policies within Chapter 16 of the NPPF.

The garage/store is considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity and Conservation Area, in accordance with the requirements of policies LP1, LP2, LP24 and LP35 of the Kirklees Local Plan, having regard to principles 1, 2, 7 and 9 of the Supplementary Planning Document on House Extensions (SPD), policies within Chapter 12 of the National Planning Policy Framework and policies 1, 2 and 3 of the Holme Valley Neighbourhood Development Plan.

3 – Impact on residential amenity:

Policy 2 of the HVNDP sets out that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings and prevent or reduce pollution as a result of noise, odour, light

and other causes. Light pollution should be minimised and security lighting must be appropriate, unobtrusive and energy efficient.

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

The submitted Heritage Statement states that the building would be a domestic garage and Officers consider that the building would be within domestic curtilage. The openings would be limited to a garage door within the south facing elevation, glazed openings within the north elevation with a window and roof lights within east facing elevation. No windows are proposed within the west elevation which is on the boundary with the adjacent property No. 22 and therefore there are no concerns regarding overlooking to this property. The solid garage door would not cause overlooking, the openings within the south elevation would face the boundary with the fields beyond the curtilage and the side elevation opening would face the garden area of the property. As such, in terms of overlooking, the proposal is acceptable.

With regards to overshadowing and/or being overbearing, the garage would be located on the boundary with No. 22 and would be set inside a dry stone wall. The submitted details indicate that 0.4 metres of walling would be visible above the boundary wall and fencing boundary treatment and the roof of the garage would slope away from this neighbour. Given the separation distance between the proposed structure and the adjacent property, it is not considered that the proposed works would result in significant harm from overshadowing or by being overbearing.

Therefore, it is considered that the proposed garage is acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

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

In this case the garage is not of sufficient internal dimensions to accommodate a vehicle however there is sufficient space on the driveway for the parking of vehicles. This would accord with the aims of Policy LP22 and the SPD and is considered acceptable in this case.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

5 – Other matters:

Climate Change - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

A Climate Change Statement has been submitted as part of the application which outlines mitigation measures which are considered proportionate to the works proposed.

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.

Trees – Protected trees are located within the site which are protected by virtue of being located within the Conservation Area. Initial concerns were raised with regard to the protection of these trees and therefore it was requested that an Arboricultural Impact Assessment (AIA) and an Arboricultural Method Statement (AMS) was submitted. On receipt of the document, it was reviewed by the Council's Tree Officer who has confirmed that there is sufficient detail to

demonstrate the impact on the trees and that the proposed building is within the RPA of T2 which whilst isn't ideal but may be achievable without any impact to the trees rooting system. As mentioned in the AIA there presence of roots in the proposed footing area which is likely to be minimal but it cannot be confirmed until ground is broken. The AIA suggests trial pits to be dug using hand dig techniques and Officers agree that providing the trial excavations is overseen by the project arboriculturalist. As such a condition has been requested which shall be imposed onto the decision notice.

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, LP21, LP22, LP24, LP28, LP31, LP33 and LP35 of the Kirklees Local Plan, principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 15, 16 and 17 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations, to Policies within Chapters 2, 4, 12, 14, 15 and 16

of the National Planning Policy Framework and Policies 1, 2, 3 and 13 of the Holme Valley Neighbourhood Development Plan.

3. The external walls and roofing materials of the garage hereby approved shall in all respects match those used in the construction of the host building.

Reason: In the interests of visual amenity and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD, advice within the National Planning Policy Framework and Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan.

4. The garage door within the south elevation shall be constructed from timber and shall be retained as such thereafter.

Reason: In the interests of visual amenity and wider Conservation Area and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD, advice within the National Planning Policy Framework and Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan.

5. The roof lights shown within the east facing elevation roof slope shall be 'conservation' type and shall be retained thereafter.

Reason: In the interests of visual amenity and the wider Conservation Area and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD, advice within the National Planning Policy Framework and Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan.

6. Any excavation within the RPA of T2 is performed using hand tools rather than machinery and that the process is overseen by the project Arboriculturalist and if significant roots are observed then a pile and beam foundation will be utilised to bridge any roots offering them future space to grow.

Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy LP33 of the Local Plan and advice within the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	O/S SE1208SE Ref:		30 th July 2024
Tree Location Plan	O/S SE1208SE Ref:		30 th July 2024
Proposed site plan, elevations and floor plan	01		30 th July 2024
Heritage Statement	0077/02/V1 15-07-2024		30 th July 2024
Climate Change Statement	Appendix A		6 th August 2024

Plan Type	Reference	Version	Date Received
Upperthong garage examples	0077/03/V1 13-07-2024		5 th August 2024
Tree Survey, Impact Assessment and Method Statement	Treefellas Arboriculture Limited – Ref: 1088		17 th October 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.

Following a consultation response from the Council's Tree Officer, it was requested that an Arboricultural Impact Assessment (AIA) and an Arboricultural Method Statement (AMS) were submitted to support the application. The document was received on 17th October and has been reviewed by the Council's Tree Officer and forms part of the submitted documents for assessment as part of the application.

Report Dated: 4th November 2024

Coal – none