

**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:	2024/62/92157/W
Site Address:	6, St Mary's Road, Honley, Holmfirth, HD9 6BQ
Description:	Erection of two storey side extension (within a Conservation Area)
Recommending Officer:	Joanna Rednall

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 29-Oct-2024

The Site

6, St Mary's Road is a semi-detached property located within the Honley Conservation Area. The property is constructed from natural stone with a slate tile roof. The property is accessed off Crown Street which is a privately owned highway which is also a registered Public Right of Way (HOL/229/10). The property benefits from a driveway to the front with private amenity space to the side.

The Proposal

The applicant is seeking planning permission for erection of two storey side extension (within a Conservation Area).

The extension projects ~2.8m from the side/ south facing elevation and follows the boundary angle to the front elevation of the extension which projects ~1.8m from the side of the host. The extension is two storeys in height with an eave height of ~5.5m and ridge height of ~6.8m. The extension is set in ~0.8m from the rear elevation of the host and set back from the front by ~4.3m.

The extension would be constructed from stone with a slate tile roof.

Internally, the extension serves an extended kitchen/dining space to the ground floor and an additional bedroom to the first floor. The total number of bedrooms on site would be increased to 3.

Planning History

There is no planning history for the site which is considered relevant to the current proposal.

History of Negotiations

Upon review of the scheme, officers sought further information regarding the impact of the extension on neighbouring properties. The applicant's agent provided a justification and revised site plan showing the position of neighbouring properties windows in relation to the development.

Publicity & Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters, a site notice and press notice.

Final publicity date expired: 25th October 2024.

No representations were received as a result of the publicity.

Holme Valley Parish Council – support.

Consultations

No statutory consultations were requested for this application.

Allocation & Policies

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 the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan (LP)

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway Safety
- LP22 Parking Provision
- LP24 Design
- LP30 Biodiversity
- LP35 Historic Environment

Holme Valley Neighbourhood Development Plan

The following policies of this plan are considered most relevant:

Policy 1 – Protecting and Enhancing the Landscape Character of the 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

The application site is within Landscape Character Area 6 - Honley Village Centre.

Key landscape characteristic of the area are

- Wooded valleys associated with Mag Brook and Magdale.
- Glimpsed views of a wider rural backdrop are often framed by built form. The sloping topography creates a strong connection between the centre of Honley and the wider agricultural setting with strong visual links up to Oldfield. The area affords long distance views to Castle Hill.
- Stone wall field boundary treatments
- A network of Public Rights of Way (PRoW) follows the routes of local lanes or field boundaries with some giving access to Mag Brook and Honley Wood Bottom.

Key built characteristic of the area are

- Honley's historic core is dominated by 18th and 19th century stone dwellings with distinctive yards or folds.
- The south-west of Honley has more eclectic architecture with largely 20th century residential properties in cul-de-sacs. These are generally in-keeping with the historic townscape due to scale and use of traditional materials.
- Weaver's cottages with rows of mullioned windows are found throughout area.
- Former mill buildings associated with Mag Brook have been redeveloped for commercial or residential use and form local heritage features.

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. Considered to be of relevance to the consideration of this application are policies within the following chapters:

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- Chapter 2 – Achieving sustainable development
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)
Holme Valley Neighbourhood Development Plan

Legislation

The Town & Country Planning Act 1990 (as amended).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area (including impact upon historic environment)
2. Impact upon residential amenity
3. Impact upon 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 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

Impact on Honley Conservation Area

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.

Paragraph 205 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset the Local Planning Authority should give great weight to the heritage asset’s conservation irrespective of the level of harm.

At paragraphs 205 – 207 the NPPF is clear, that where development leads to substantial harm, this is necessary to achieve substantial public benefits that outweigh that harm or, in the case of less than substantial harm this should be weight against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In this context, preservation means not harming the interest of the building itself, or the wider conservation area within which it is set. In this case, the extension is a minor increase to a dwelling. The extension is two-storeys in height appears modest in scale to the host and is constructed from matching materials to the original property. The impact of this work would therefore have a neutral impact on the significance of Honley Conservation Area.

In this case, the principle of development in this application is acceptable and shall be assessed against the applicable material planning considerations within the following report.

2 – Impact on character and appearance of the area

Policy LP24 (Design) of the Council's adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

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.

Policy 1 of the Holme Valley Neighbourhood Plan HVNP sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA), in this case Netherthong Rural Fringe (LCA5).

Policy 2 of the HVNP 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. Furthermore this policy sets out that development should sit in with and neither dominate or have a detrimental; impact on its surroundings and neighbouring properties.

Paragraph 5.19 of the House Extensions and Alterations SPD sets out that two-storey side extensions can have a significant effect on the character of the original house and the street. Adequate space between buildings should be retained to provide a sense of space which is important to the character of an area. It goes on, at paragraph 5.20, to state that two-storey side extensions should:

- not take up all or most of the space to the side of a house;
- maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property; and
- be set back at least 500mm from the front wall of the house.

The proposed extension is considered to have an acceptable visual impact. The materials of construction would be traditional and would be constructed from stone for the walls and slates for the roof. These materials are considered to be acceptable and in keeping with the setting of the Conservation Area.

The extension is small in scale and set well back from the front wall of the house. Due to this, the development would not appear overly prominent from public vantage points. The ridge set down from the host property to ensure a subservient appearance that does not over dominate the original house.

While the extension would occupy a substantial proportion of the side amenity space at the application property, the applicant's agent has justified the proposed siting by noting that it would retain a useable external space to the front of the extension/ side of the dwelling and preserve the entire driveway area. In terms of a 1m gap to the boundary, the adjacent properties are set at a lower ground level which would allow for a sense of space to be retained and avoids a terracing affect. This is considered acceptable in this case as an adequate and useable proportion of private outdoor space for occupiers of the dwelling would be retained.

It is therefore considered that in terms of visual amenity, the proposed would comply with Policy LP24 and LP35 of the Kirklees Local Plan, the adopted House Extensions and Alterations SPD, and advice within the National Planning Policy Framework.

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. 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.

Policy 2 of the HVNP 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.

The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that: *“extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours”*.
- Principle 4 – that: *“extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook.”*
- Principle 5 – that: *“extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property”*.
- Principle 6 – that: *“extensions and alterations should not unduly reduce the outlook from a neighbouring property.”*

The properties potentially affected by the proposed development are those which directly neighbour the site, these being:

5, St Mary's Road

This neighbour adjoins the application property to the north.

Due to the siting of the extension, this neighbour is not considered to be impacted with regard to overlooking/overbearing/loss of privacy. This is because the main body of the application property would screen the development from this neighbour. The development is therefore considered to have an acceptable impact upon this neighbour's amenity.

11 – 9 Swifts Fold

These neighbours are located at a lower ground level to the south of the application site. The proposal would have the two-storeys side extension's bulk and massing built up to the boundary which is accentuated by the difference in land levels.

Further information submitted by the applicant's agent shows the existing windows of neighbouring properties that face the application property and confirms none of these windows would be detrimentally harmed with regard to loss of light. The additional window to the ground floor would serve a dining

area and a window to the first floor serving a bedroom which does not face these neighbouring properties. The SPD considers that the minimum recommended distances to windows should be 12m or 21m depending on rooms windows are serving; it does direct Officers to have regard to matters such as the topography of the site and that in certain situations, overlooking could be avoided by obscure glazing if warranted. While proposed additional windows would be closer to the neighbours separated by a minimum distance of 3.5m, the proposed arrangement of those windows avoiding direct views, considering the change in ground level, as well as the potential for boundary treatment to be erected along the neighbouring boundary, would ensure no undue harm in relation to overlooking and loss of privacy is caused as a result of the development.

Other residential properties

It is considered that the proposed development would be sited a sufficient distance away from any other neighbouring properties not referred to above so as to prevent undue harm to these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

Future Occupiers

With reference to KDP 7 of the House Extensions and Alterations SPD, the proposal would still retain an adequate and proportionate, outdoor private amenity space available to future and present occupiers.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and policies within chapter 9 of the NPPF 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.

The proposed development would intensify the domestic use of the dwelling, taking the total number of bedrooms on site from 2 to 3. Key Design Principle 15 of the SPD recommends for the 2-3 bedroom dwelling to provide a minimum of 2 off-street car parking spaces. As a result, the requirement for parking provision would not be affected as a result of the development. The property benefits from a driveway to the front which provides sufficient off-street parking for the application property. This area is already hard surfaced and there is no impediment to its use.

The proposal does not propose any changes highway access. It is therefore considered that the proposal is acceptable in relation to highway safety.

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.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, principle 15 of the Council's Street Design Guide and chapter 9 of the National Planning Policy Framework.

5 – Other matters:

Climate Change

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.

Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. A Climate Change statement has been submitted with this application.

6 – Representations:

None received

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: 2024/92157

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 91 of the Town and Country Planning Act 1990 (as amended).

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

Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP21, LP22, LP24 & LP35 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the

Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

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

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

3. The rooflights hereby approved shall be Conservation style or similar and fitted flush to the roof plane. Glazing shall have a thickness of no more than 16mm at 4:8:4 ratio. The rooflights approved by this condition shall be retained thereafter.

Reason: In the interest of preserving the heritage value of the Conservation area, in accordance with the requirements of Policy LP35 of the Kirklees Local Plan Chapters 2, 12 and 16 of the National Planning Policy Framework and pursuant to the requirements of S16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
EXISTING + PROPOSED_SITE + LOCATION PLAN	24_895 102	-	31/07/2024
AS EXISTING PLANS + ELEVATIONS	24_895 100	-	31/07/2024
AS PROPOSED PLANS + ELEVATIONS	24_895 101	-	31/07/2024
AS PROPOSED_ STREET SCENE JUSTIFICATION	24_895 103	-	17/10/2024
Heritage Statement	-	-	20/08/2024
Climate Change Statement	-	-	20/08/2024
Application Form	-	-	31/07/2024

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.

Upon review of the scheme, further information was sought regarding the impact of the extension on neighbouring properties. The applicant's agent provided a justification and revised site plan showing the position of neighbouring properties windows in relation to the development.

Report Dated: 28/10/2024

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