

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:	2024/62/92175/W
Site Address:	12, Forest Cottages, Bradshaw Road, Honley, Holmfirth, HD9 6RJ
Description:	Erection of two storey rear extension
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: 30-Sep-2024

Officer Report

[Website](#)

Site Description

2 Forest Cottages is an end terraced dwelling which is two storeys in height and constructed from stone with a stone slate roof. The terraced row is comprised of three dwellings with various extensions constructed to the dwellings. No 12 hosts 2 no. single storey outriggers with one of the extensions attaching to the outrigger at No. 11. Amenity space for the property space for the property is to the front and rear. The terraced row is located within the defined Green Belt within the Kirklees Local Plan. It appears from the historical maps that property was formerly 2 no. dwellings known as No. 12 and No. 13 which are now one dwelling.

Limited built forms of development surround the site with open fields beyond.

Description of Proposal

The application is for the erection of a two storey rear extension.

It is proposed that the existing single storey extensions would be replaced with a part single storey and part two storey extension spanning the full width of the rear elevation of the property, spanning the full width of the rear elevation of the property.

The extension would project 4 metres at ground floor level and is set back to 2 metres at first floor level. The eaves height would match the existing with the pitched gabled roof form matching the ridge height of the property.

The application form and annotated plans indicate that the walls would be constructed from natural coursed stone with ashlar heads, cills and corbels to match the existing property. The roof tiles would be artificial stone with the windows and doors being double glazed units.

Officer note: It is important to note that the attached neighbouring property at No. 11 has recently been granted permission for the demolition of the rear extension and erection of rear single and two storey extension under application number 2024/91198. This is an extant permission and has similar dimensions to that proposed within this application. This is an extant permission which has permission to commence works prior to 25th June 2027.

Officer Note: It is noted that on the extant permission the red line boundary included a part of the application site the subject of this application. Both applications have signed certificate A of the application form setting out this land is in their ownership. The certificate of ownership is accepted for a planning application by the LPA in good faith that it is an accurate and correct reflection

of land ownership. There is no information highlighted, and to the LPA's knowledge which conclusively sets out the certificate of ownership signed for this application is incorrect. Likewise none was raised with the LPA as part of the consideration of the previous application. Therefore in this case the certificate of ownership which has been signed is accepted but this should not be considered to provide any conclusive determination of land ownership of the site.

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

None

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.

Final publicity date expired 19th September – no formal representations received

Holme Valley Parish Council – no comments to make – defer to Kirklees officers

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 within the Green Belt on the Kirklees Local Plan and also within a 'low risk' area from former coal mining activity.

The site also falls within the Holme Valley Neighbourhood Development Plan and is within an associated landscape character area 5 – Netherthong Rural Fringe.

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development

- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 57** - The extension, alteration or replacement of existing buildings

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
- Policy 12 – Promoting Sustainability

The application site is within Landscape Character Area 5, Netherthong Rural Fringe.

The key landscape characteristic of the area are:

- The elevation offers extensive views of the surrounding landscape with long distance views towards Castle Hill and Huddersfield and the valley sides afford framed views towards settlements in the valley below.
- Within Netherthong and Oldfield views of the surrounding landscape are often glimpsed between buildings.
- Distinctive stone wall field boundary treatments divide the agricultural landscape.
- Public Rights of Way (PRoW), including the Holme Valley Circular Walk, cross the landscape providing links between settlements. National Cycle Route no. 68 also crosses the area.

The key built characteristics of the area are:

- In Netherthong and Oldfield buildings are grouped around courtyards to provide protection from the elements whilst Deanhouse has a predominantly linear plan.
- Vernacular buildings largely comprise farmhouses, barns and two and three storey weaver's cottages of millstone grit with stone mullioned windows.

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 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.

Legislation

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).

Assessment

The following matters are considered in the assessment below –

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 design 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 9: Construction materials
- 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

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

Single storey rear extensions

Section 5.1 followed by 5.2 of the SPD refers to the general rules, where a rear extension should:

- Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Be set behind the original building, and not projecting beyond the sides;
- Maintain external access to the rear garden;
- Respect the original house and garden in terms of its size and scale;
- Use appropriate materials which match or are similar in appearance to the original house; and
- Not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.

Section 5.6 of the SPD specifically refers to single storey rear extension which should:

- be in keeping with the scale and style of the original house

- not normally cover more than half the total area around the original house (including previous extensions and outbuildings);
- not exceed 4 metres in height; not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

Two storey rear extensions

In section 5.1 followed by 5.2 of the SPD refers to the general rules, where a rear extension should:

- Preserving a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Being set behind the original building, and not projecting beyond the sides; and
- Maintaining external access to the rear garden.
- respect the original house and garden in terms of its size and scale;
- use appropriate materials which match or are similar in appearance to the original house; and
- not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.

Section 5.8 goes onto refer to Two-storey rear extensions will be considered based on the extent of overshadowing, loss of privacy and outlook. Generally, two-storey rear extensions should:

- be proportionate to the size of the original house and garden;
- not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings);
- not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties;
- not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary;
- be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre; and
- not adversely affect habitable room windows where they adjoin a neighbour's boundary

The above listed policies and guidance within the House Extensions and Alteration SPD are taken into account within the 'Impact on Visual Amenity' and 'Impact on Residential Amenity' sections of this report.

Principle of development – Green Belt

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

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

Policy L57 of the Kirklees Local Plan is relevant and states the following:

‘Proposals for the extension, alterations or replacement of buildings in the Green Belt will normally be acceptable provided that:

- a. in the case of extensions the original building remains the dominant element both in terms of size and overall appearance. The cumulative impact or previous extension and of other associated outbuildings will be taken into account. Proposals to extend buildings should have regard to the scale and character of the original part of the building’*

Turning to national planning policy detailed within the NPPF, the following is relevant:

Paragraph 152: *‘Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.’*

Paragraph 153: *‘When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.’*

Paragraph 154: *‘A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: c) the extension or alteration of a building, providing the new building is in the same use and not materially larger than the one it replaces’*

Is the development inappropriate in the Green Belt?

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt (para 143), the most relevant in this case being to assist in the safeguarding the countryside from encroachment. Paragraph 152 states that inappropriate development should not be approved except in very special circumstances. Certain forms of development are exceptions to ‘inappropriate development’. These are set out within paragraphs 154 and 155 of the NPPF.

In terms of the impact of the proposal on the Green Belt, the proposed works would increase the internal accommodation of the property by removing the 2 no. existing porches and extending the living room and kitchen at ground floor and extending the 2 no. rear facing bedrooms at first floor. It is noted that the neighbouring property No. 11 has also been granted for a ground and first floor projections of similar dimensions to that proposed as part of this application. It was considered that as part of the assessment of the application to No. 11 that the limited projection of 4 metres at ground floor level and 2.1 metres at first floor level that the works would have a limited impact on the openness of the Green Belt. Given that there have been no material changes to planning policy since the assessment was made on No. 11, it is not considered that the impact on the Green Belt from this proposal would greatly vary from that which the consented development to the neighbouring property would have.

Therefore, it is considered that the scale of the proposal would not be disproportionate when viewed in context with the terraced row and therefore is considered acceptable in terms of Policy LP57 of the Kirklees Local Plan and Chapter 13 of the NPPF.

Impact on visual amenity:

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.

With regard to the proposal and the impact of the scheme on visual amenity, the front of the property is not proposed to be extended with the works proposed to the rear of the property.

In terms of the SPD, the rear extension would be proportionate to the size of the original property by being smaller than the footprint of the existing property; would not cover more than 50% of space around the property and whilst it would project more than 3 metres at ground floor (4 metres), it is set back to 2 metres at first floor. The extension would not be set in from the boundaries of the site

however, this would result in a development that would not be visually attractive and would be an elongated form of development, out of keeping with the terraced row. It is noted that the visual appearance would be more prominent than the extension to No. 11 due to being wider (formally 2 no. properties) and located closer to the roadside, however, it is not considered that the resultant visual appearance would be so harmful that there would be sufficient grounds to refuse the application. The extension would have a gabled roof whereby the original roof form would be clearly visible.

The proposed construction materials would be walling to match the existing property and artificial stone slates for the roof. In order to retain the extension in keeping with the existing property, a condition shall be attached to the decision notice to ensure that the materials would match the existing. This would ensure compliance with Key Design Principles 1, 2 and 9 of the SPD.

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

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 extension would project 4 metres at ground floor level and 2 metres at first floor level. Key design principle 5 of the SPD recommends that the 45-degree rule should be treated as a starting point in assessing impact for all extensions, i.e. a line drawn from the midpoint in the nearest adjacent habitable room window at an angle of 45 degrees should preferably not intersect the extension. In this instance, the plans demonstrate that the 45 degree line would not be cut. Permission has been granted on the attached neighbouring property with similar dimensions to those proposed within this application and therefore, it is considered that in terms of overshadowing and/or being overbearing the proposal is acceptable.

With regards to overlooking, the proposed openings would be within the rear elevation of the extension with no proposed openings within the side elevation of the extensions. The openings would face the rear garden area of the property and therefore, there are minimal concerns.

It is important to note that the plans approved for No. 11 included a door within the side elevation of the ground floor element of the extension which was on the boundary with No. 12 which would be blocked by the presence of the extension subject to this application. Whilst the construction of this extension would eliminate the door to No. 11 from being used, the elimination of this door would likely result in this door being walled up. This is not a matter for the LPA to resolve and is a civil matter between relevant landowners. It is considered the impact of the door no longer being usable would not be significant upon the amenity of no.11 given alternative access is in place and consented in any event.

The re routing of a private right of access to facilitate the development is a separate civil matter between the relevant land owners and is a matter which is afforded little weight in the consideration of this application.

It is considered the impact of the development, in the event no.11 does not undertake the extant consent, would not be of such significance to the residential amenity of no.11 that it would justify refusal of the proposal the subject of this application in this case.

Therefore, it is considered that the proposed extensions are 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.

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 works would have no impact on parking provision for the property as there is no vehicle access within the rear garden of the site. The existing parking area for the terraces is located between the side elevation of the application site and Bradshaw Road. As there would be no additional bedrooms formed with the first floor extension being an extension to the existing bedrooms, it is not anticipated that this would create significant harm for the demand for off street parking or on 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.

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 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.

A Climate Change Statement has been submitted which identifies mitigation measures for the proposed works. These include high levels of insulation , locally sourced materials and solar gain from glazing. These measures are considered acceptable for the size of development proposed.

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.

Representations:

None

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: 2024/92175

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 and LP57 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 9, 14, 15, 16 and 17 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations, Policies 1, 2 and 13 of the Holme Valley Neighbourhood Development Plan and to accord with Policies within Chapters 2, 12, 13 and 14 of the National Planning Policy Framework.

3. 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 and be retained thereafter.

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 and advice within the National Planning Policy Framework.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership or access. Any arrangements / agreements for

re routing or extinguishing an existing right of access is a separate legal matter between to relevant land owners.

NOTE: The granting of planning permission does not convey with it, the right to build on land not owned by the applicant, or across which a right of access exists. It is the applicant's responsibility to ensure that they are legally entitled to carry out the approved development.

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists, or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan, existing site plan, floor plan and elevations	24.011(EX)01		1 st August 2024
Proposed site plan, floor plan and elevations	24.011(AL)01		1 st August 2024
Climate Change Statement	24-011/Climate Change Statement		1 st August 2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

The Case Officer did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Report Dated: 27th September 2024

Coal – low

