

**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:	2024/62/92187/W
Site Address:	Stonewell House, Park Head Lane, Holmfirth, HD9 2LB
Description:	Erection of detached outbuilding
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.

Emma Thompson

AUTHORISED OFFICER

Date: 10-Oct-2024

Site Description

The application site relates to Stonewell House, a detached property built over three floors utilising the attic space. The property is constructed from stone with a concrete tiled roof and was built in 2007 within the extended back garden of Oaklands. Stonewell House lies in a cluster of dwellings of varying age, scale and appearance.

The original property is built on a hillside above the Holme Valley, resulting in the properties to the west and south being at a lower level. The property is currently used as a holiday accommodation which sleeps 12 people however approval was granted in 2023 for a change of use to a permanent residential dwelling.

As part of the 2023 approval, planning permission was also granted for a single storey extension and balcony.

Description of Proposal

Planning permission is sought for a detached outbuilding.

The measurements of the proposed outbuilding are as follows:

- 9.8m in length
- 7.1m in width
- 2.75m in height with a flat roof design
- There will also be an entrance way attached which will measure 1.8m x 1.5m

The proposed outbuilding would be built from materials to match the host property using natural stone and will provide a pool room.

History of negotiations/amendments received.

The agent was contacted regarding the use of the site. The agent was informed that condition 4 on extent permission 2023/91728 requires that the construction of the outbuilding shall not commence until the commercial letting use of the site has ceased.

It did not appear from these works have yet taken place; therefore the agent was asked to advise on the extent of built form which is going to take place on the site and whether the pool room is intended to be used as part of a dwelling or for a commercial letting use.

The agent responded confirming that the property is going to become the applicant's permanent home (in line with the 2023 permission). Both the approved extension and the pool room are to be used fully in conjunction with the C3 use of the site, and not as part of any commercial letting use.

Relevant Planning History

2007/93308 – Erection of 1 detached dwelling – Conditional Full Permission

2023/91728 - Material change of use from commercial letting to dwellinghouse and erection of single storey rear extension with balcony and external alterations - Conditional Full Permission

Representations

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters.

These expired on the 12th September 2024 – three representations were received. These will be summarised below and will be discussed further in the representations section of the report.

Representation 1 – Objection:

- Concerns are also in relation to application 2022/93713 which has previously been approved.
- Boundary treatment could be removed as a result of the works.

Representation 2 – Objection:

- Noise levels on weekends due to the house being used as a holiday let.
- Foundation work may disturb the roots of the trees on the site.

Representation 3 – Objection:

- Noise volume increases due to the house being used as a 'party house'.
- As winter is on its way bad weather may erode the soil and there is no retaining wall.

Holme Valley Parish Council – Object;

There is concern for overdevelopment on this site. The climate mitigation statement for the building is also insufficient.

Consultation Responses

No consultees required.

Policy

The site is unallocated on the Kirklees Local Plan, falls within an area with a known presence of bats and also an area at low risk of ground movement as a result of former mining activity.

The site also falls within the Holme Valley Neighbourhood Development Plan and is within an associated landscape character area (ref: - LCA4, 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 30** - Biodiversity and geodiversity
- **LP 51** – Protection and Improvement of Local Air Quality

Neighbourhood Development Plans:

- Holme Valley Neighbourhood Development Plan (2021-2031)
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

The application site is within Landscape Character Area 4, the River Holme Settled Valley Floor.

The Key characteristic of the area is 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. Where the built-up characteristics are terraced cottages, narrow streets within small tight knit settlements.

Supplementary Planning Documents:

- House Extensions and Alterations SPD
- Highways Design Guide 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 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

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 –

- 1) Principle of development
- 1) Impact on visual amenity
- 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 key designs principles for consideration are:

- 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 9: Construction materials
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

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

In this instance, the erection of an outbuilding can be acceptable in principle, subject to the assessment of the impact on visual amenity as well as highway safety and any other impacts that may arise.

2 – 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 4, detailed in the 'Policies' section of this report)

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

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

5.6 of the Supplementary Planning Document refers to the general rules in relation to outbuildings, and its states:

"Outbuildings, such as garden offices, detached garages and granny annexes, can have as much of an impact on the appearance of the building as any other extension. Wherever possible these should reflect the style, shape and architectural features of the existing house and not be detrimental to the space around the building"

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;
- 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."

With regard to the detached outbuilding, although the footprint will be relatively large the property is set within a big plot meaning that there will be an adequate amount of garden space retained and the site will not appear cramped. Furthermore, given the large scale of the house, being three storeys in height, the single storey outbuilding will appear subservient to the scale of the original building.

The outbuilding will also be located to the rear of the property and due to the sites positioning off a private road the structure will not be visible from public viewpoints and it will not disrupt the street scene.

With regard to the design of the proposed outbuilding, it will have a similar design to the southern end of the host dwelling that was approved under application 2023/91728. It will host a low-profile flat roof design and the same pattern of solid wall and glazing to the external elevations. The proposed outbuilding will not project any further to the west than the front elevation of the host dwelling.

With regards to the HVNDP, the property is a modern detached stone property within an area of mixed style properties both in age and design. Although the characteristics within the River Holme Settled Floor are traditional in design, the outbuilding would retain the current materials used on the property and the small scale and discrete siting of the outbuilding would ensure no adverse impact on the identified key characteristics of the landscape character area.

Although the Holme Valley Parish Council are not in support of the application this is due to a concern that the site may be overdeveloped, and that the climate change mitigation statement is insufficient however the plans show that over 50% of the existing garden would be retained and the climate statement is deemed to be sufficient for the nature of the development.

The outbuilding 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.

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.

Stonewell house is a detached property surrounded by seven residential properties to all boundaries. The outbuilding will be set in from the eastern and western boundaries by 12m and 3m respectively and therefore will not overshadow properties in these directions. There will only be a 1m gap maintained with the site boundary to the south however this site boundary is defined by a wall and mature landscape planting which will act as natural screening along the boundary. Furthermore, given the low height of the outbuilding it is considered that the development would not have any adverse impact on the amenity of the neighbours to the south.

With regards overlooking the windows to the proposed outbuilding would be limited only to the east facing elevation, and the outlook from this would be directly onto the garden of the host dwelling and not towards any neighbouring property.

With regards to noise this assessment is in regard to the application site being used as a family home rather than being retained as commercial short term let, therefore, it is considered appropriate that if the outbuilding is built this will require implementation of the change of use. A condition will be attached to any grant of permission that ensures the change of use takes place before the outbuilding is constructed.

In order to further ensure residential amenity is protected it is considered that the roof of the new outbuilding should not be used as additional amenity space/terrace. As such a condition is imposed.

Therefore, it is considered that the proposed outbuilding 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, Policy 2 of the HVNDP, 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 there are no highway issues as the drive / parking arrangement is not being affected by the proposal and can still accommodate 2/3 cars, as such would meet the aims of Policy LP22 of the Kirklees Local

Plan with respect to highway safety and advice in Chapter 12 of the National Planning Policy Framework.

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. Policy within the HVNDP follows these principles.

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

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

Biodiversity –

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Policy within the HVNDP follows these principles.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology &

Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the fact the outbuilding would have no impact on the existing roof structure of the host property as the proposal is single storey. Therefore, the proposal would meet the aims of Chapter 15 of the National Planning Policy Framework

6 – Representations:

Three objections to the proposal have been received:

Representation 1 – Objection:

- Land stability
- Boundary treatment could be removed as a result of the works.

Officer response:

In this case sufficient information is submitted to allow the LPA to make a determination in relation to land stability. This is a matter which would be dealt with at the building regulations stage and the applicant would need to satisfy themselves the development can be undertaken such that it would not have a detrimental impact to existing retaining structures and would not lead to loading of land which is unsupported. As set out at paragraph 190 of the NPPF: *‘where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.’* An informative note advising land stability is a matter they need to consider in implementing any development is recommended to be included upon any grant of permission. With regards to boundary treatment there are no protected trees along the boundary so these could be removed without permission from the LPA.

Representation 2 – Objection:

- Noise levels on weekends due to the house being used as a holiday let.
- Foundation work may disturb the roots of the trees on the site.

Officer response:

A condition will be attached to any grant of permission which ensures that construction of the outbuilding shall not commence until the commercial letting use of the site has ceased. With regards to boundary treatment there are no protected trees along the boundary so these could be removed without permission from the LPA.

Representation 3 – Objection:

- Noise volume increases due to the house being used as a 'party house'.
- As winter is on its way bad weather may erode the soil and there is no retaining wall.

Officer response:

A condition will be attached to any grant of permission which ensures that construction of the outbuilding shall not commence until the commercial letting use of the site has ceased. Sufficient information is submitted to allow the LPA to make a determination in relation to land stability. This is a matter which would be dealt with at the building regulations stage and the applicant would need to satisfy themselves the development can be undertaken such that it would not have a detrimental impact to existing retaining structures and would not lead to loading of land which is unsupported. An informative note advising land stability is a matter they need to consider in implementing any development is recommended to be included upon any grant of permission

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: 2024/92187

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, to accord with Policies LP1, LP2, LP21, LP22, LP24 of the Kirklees Local Plan, principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 15 and 16 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and to accord with Policies within Chapters 2, 4, 12, 14 and 15 of the National Planning Policy Framework.

3. The external walls of the outbuilding hereby approved shall in all respects match those used in the construction of the existing building and 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 Council's adopted Supplementary Planning Document on House Extensions, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and to accord with Policies within Chapter 12 of the National Planning Policy Framework.

4. Construction of the outbuilding hereby approved shall not commence until the commercial letting use of the site has ceased, the outbuilding hereby approved shall be used in connection with the use of the site as a dwelling house as defined by Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: So as not to detract from the amenities of the adjoining property by reason of loss of privacy and to accord with policies LP1, LP2 & LP24 of the Kirklees Local Plan, principle 3 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations, Policy 2 of the Holme Valley Neighbourhood Development Plan and policies within Chapter 12 of the National Planning Policy Framework.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Class(es) A, AA, B and E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To ensure that unsatisfactory extensions do not result in close overlooking of adjoining property or otherwise detrimentally affect the amenities of neighbouring properties to accord with the requirements of Policy LP24 of the Kirklees Local Plan, Principles 3 and 4 of the House Extensions and Alterations SPD, Policy 2 of the Home Valley Neighbourhood Development Plan and Policies within Chapter 12 of the NPPF.

6. Notwithstanding the submitted information the roof of the outbuilding hereby approved shall not be used for any form of amenity space i.e. balcony/terrace/raised platform at any time.

Reason: To ensure that the development does not result in a loss of amenity of the adjoining property and to accord with the requirements of Policy LP24 of the Kirklees Local Plan, Principles 3 and 4 of the House Extensions and

Alterations SPD, Policy 2 of the Home Valley Neighbourhood Development Plan and Policies within Chapter 12 of the NPPF.

NOTE: 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.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan	2459 OS		05/08/2024
Grouped plans and elevations	2459 7		05/08/2024
Planning statement	-		05/08/2024
Climate change statement	-		05/08/2024
Application form	-		05/08/2024

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. It was not considered necessary to seek any amendments/further information during the course of this application.

Report Dated:

Coal – low