

**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:	2024/62/92332/W
Site Address:	110, Underbank Old Road, Holmfirth, HD9 1AS
Description:	Replacement of existing rear gable window with new window (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.

John Holmes

AUTHORISED OFFICER

Date: 14-Nov-2024

The Site

110, Underbank Old Road is a split-level property whereby the front elevation is single storey with the rear being two storeys in height. The exterior walls are constructed from stone with a gable roof infilled with slate tiles. The main amenity space is to the north of the site where the property benefits from a lawned garden.

The site is within Underbank Conservation Area and within the River Holme Valley Settled Floor.

The Proposal

The applicant is seeking planning permission for replacement of existing rear gable window with new window (within a Conservation Area). The window will be enlarged in width, measuring approximately 3 metres by 1.8 metres, and constructed with a timber frame to match the existing opening.

Planning History

Relevant planning history for this site is summarised as follows:-

2016/93997 Work to TPO (s) 07/90 within a conservation area (part granted/part refused)

2017/91713 Work to TOP(s) 07/80 within a conservation area (granted)

2023/93661 Engineering operations to regrade land to form lower ground floor extension and erection of porch with alterations (within a Conservation Area) (conditional full permission)

History of Negotiations

KC Conservation & Design raised concerns on the proposal's impact on the building's character and the Conservation Area. In response, revised plans were submitted on 11th November, featuring reduced glazing to address these issues.

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; this was deemed adequate publicity as the development was considered not to affect the character or appearance of the conservation area (discussed in more detail in the 'Assessment' section of this report).

Final publicity date expired: 3rd October

No representations were received as a result of the publicity. The amended plans were not re-publicised as these did not fundamentally change the development applied for; the description of development was altered as the replacement patio door has been removed.

Holme Valley Parish Council – support

Consultations

KC Conservation & Design – Following submission of amended plans, the proposal is considered to be appropriate from a conservation and design perspective.

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

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: -

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.

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.

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”.

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. Any impact on heritage assets (the Underbank Conservation Area) will be given consideration, having regard to Chapter 16 of the National Planning Policy Framework and policy LP35 of the Kirklees Local Plan.

In this instance, it can be stated that the principle of development of this application is acceptable subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise.

Information Submitted with Regards to Significance:

Paragraph 200 of the NPPF required that applicants describe the significance of any heritage assets affected, including any contribution made by their setting, consult the historic environment record, use appropriate expertise where necessary and where there is known or potential archaeological interest, submit an appropriate desk-based assessment and, where necessary, a field evaluation. The applicant has provided a heritage statement, which meets the tests set out in Paragraph 200. It identifies that the property is not listed however it is located within the Underbank Conservation Area. The impact of this work, following submission of amended plans, would have a neutral impact on the significance of the Conservation Area.

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.

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

One 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.

- 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.

Key built characteristic 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.

The proposed alterations would be on an elevation of the house that faces away from Underbank old Road, however given the topography of the locality the alterations would be visible from public vantage points along the highway. The construction materials would be sympathetic to the original house as they would match the existing details (timber frame window). Given the sites location within Underbank Conservation Area, KC Conservation and Design have been informally consulted.

Conservation initially objected to the proposed development on the basis the alterations would erode the character of the historic mill and would have a cumulatively harmful impact on the application site and setting of the Conservation Area. This is because although it is acknowledged that there are various different window designs within the vicinity, including similar openings at the adjoining neighbour to those proposed, the neighbouring openings appear to have been formed around historic door openings. In relation to the application property, at ground floor level there is a large curved-headed opening which officers note appears to be of some historic merit. It was therefore concluded that the submitted scheme would be unsympathetic to the character of the historic mill and the immediate character of the complex, contrary to LP35.

Following these comments, the proposal has been modified, the main changes being that the scale of glazing to the first floor has been reduced and the ground floor archway opening would be retained. This is considered to have an acceptable visual impact as the first-floor opening would appear modest in scale and constructed from matching materials to the existing window. With regards to harm to the Conservation Area, the proposed glazing has been reduced in scale with the arch opening retained in line with KC Conservation and Design's comments. The proposed alterations at 110, Underbank Old Road

is therefore regarded to have a neutral impact on the significance of the Conservation Area and is not concluded to lead to harm.

Overall, it is considered that the proposal would not cause harm to the visual amenities of the locality, nor would it cause harm to the significance of the conservation area. It is a modest proposal that would have a neutral impact on the character, appearance and significance of the conservation area. The proposal is therefore considered to be in accordance with Policies LP24 (a and c) and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the NPPF, Policies 1 and 2 of the HVNDP and Principles 1 and 2 of the Kirklees House Extensions and Alterations SPD. A condition relating to use of timber for the window is recommended to be included upon any grant of permission.

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.*”

Given the nature of the proposal there would be no material impact upon the adjoining or neighbouring properties, as the applicant is only seeking permission for replacement windows within the existing openings.

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 proposal would not result in any further bedrooms at the site, and it would not appear to result in the loss of any parking space available at the site, therefore the impact on highway safety is considered to be neutral.

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:

Ecology

Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Home Valley Neighbourhood Plan sets out that development proposals should demonstrate how biodiversity will be protected and enhanced including the local wildlife, ecological networks, designated Local Wildlife Sites and habitats.

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. Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest, and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

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.

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:

Officer Recommendation:

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).

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 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, 14 and 16 of the National Planning Policy Framework

3. The materials of construction of the frame of the window hereby approved shall be timber.

Reason: In the interests of Visual Amenity and to preserve the setting of the Conservation Area to accord with policies LP24 and LP35 of the Kirklees Local Plan. Principles within the House Extensions and Alterations SPD, policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and policies within Chapters 12 and 13 of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost 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 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
EXISTING PLANS	02_01	-	19/08/2024
EXISTING ELEVATIONS	02_02	-	19/08/2024
PROPOSED ELEVATIONS	02_04	-	11/11/2024
Design and Access Statement	-	-	19/08/2024
Heritage Statement	-	-	19/08/2024
Application form	-	-	19/08/2024

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. KC Conservation & Design raised concerns on the proposal's impact on the building's character and the Conservation Area. In response, revised plans were submitted on 11th November, featuring reduced glazing to address these issues.

Report Dated:

13/11/2024

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