

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:	2024/62/92546/W
Site Address:	3, Greenway, Honley, Holmfirth, HD9 6NQ
Description:	Erection of front porch and front and rear dormers, application of render and alterations (within a Conservation Area)
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.

John Holmes

AUTHORISED OFFICER

Date: 14-Nov-2024

OFFICER REPORT

Site Description

The application site refers to 3 Greenway, a detached bungalow located in the area of Honley, Holmfirth. The property is constructed from stone with a gable concrete tiled roof. The property benefits from garden amenity space to the front and rear as well as driveway in the front which leads to an attached garage.

The site and the wider area is dominated by residential properties, whereby the common construction material is stone. The host property is also located within Honley Conservation Area on the Kirklees Local Plan.

Description of Development

The applicant is seeking planning permission for erection of front porch and front and rear dormers, application of render and alterations (within a Conservation Area).

Rear Dormer:

Projection: 3m
Width: 8.45m
Height eaves: 1.4m
Overall height: 2.3m

The dormer will be fronted in render and will have a lean to roof design. This will create space for in the roof space for a bathroom, bedroom and ensuite.

Front Dormers:

Projection: 2.5m
Width: 1.8m
Height eaves: 0.9m
Overall height: 1.75m

There will be two identical front dormers that will be fronted in white render and have a gable roof design. This will create space for two bedrooms.

Front porch:

Projection: 1.5m
Width: 2.9m
Height eaves: 2.4m
Overall height: 3.7m

The porch will be constructed from stone and have a gabled roof design.

Application of render and alterations:

Other alterations include changing the flat roof garage to a gable roof garage and the application of off-white render to the side and rear elevations.

History of negotiations/amendments sought

Concerns were raised with the agent it was suggested that consideration should be given to constructing the porch from stone as to maintain the character of the Conservation Area. Amended plans were produced which showed the front elevations of the porch to be constructed from stone with only the side elevations being rendered.

Attention was also brought to the potential impact of the gabled roof of the garage to the neighbouring property. The agent responded with justification which laid out the permitted development fall back option of the ridge that would be 3.8m high and that the neighbour's property is higher than No. 3 and is a distance of 3m away from the gable end. This will be discussed further in the following report.

Planning History

No planning history.

Publicity and 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, press advert and a site notice, due to being located within a conservation area.

Final publicity date expired 25th October 2024 – 2 representations received. A summary of the representations being as follows:

- White rendering is not appropriate in the Conservation Area.
- The gap/path between No.5 Greenway and the applicant property is already narrow.
- The gabled roof will overshadow windows at No.5.

It should be noted the revised plans were not publicised due to the fact the amended scheme only showed a marginal change to the scheme as initially proposed.

Holme Valley Parish Council – In support.

Consultation Responses

No statutory consultations were requested for this application.

Planning Policy Background

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).

The site is within the Honley Conservation Area and falls within the Holme Valley Neighbourhood Plan area and associated landscape character area (LCA 6). As such the following is considered relevant to the determination of this application:

Kirklees Local Plan

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 35** – Historic Environment
- **LP 51** – Protection and Improvement of Local Air Quality

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 9** – Promoting Sustainable Transport
- **Chapter 12** – Achieving well-designed and beautiful places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment
- **Chapter 16** – Conserving and Enhancing the Historic Environment

Other Material Considerations

Kirklees Highway Design Guide (November 2019)
House Extensions and Alterations SPD (June 2021)

Holme Valley Neighbourhood Development Plan

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan. Policies within the plan relevant to the consideration of this application are listed as follows: -

- Policy 1 – Protecting and Enhancing the Landscape Character of Holme Valley.
- Policy 2 – Protecting and enhancing the Built Character of the Holme Valley and Promoting High Quality Design.
- Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain.

The application site is within Landscape Character Area LCA 7: River Holme Wooded Valley. Key characteristics of this area included views across wooded valley floor from elevated vantage points, stone boundary walls and a sense of dominance from agricultural land.

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004.
Planning (Listed Buildings & Conservation Areas) Act (1990).

Assessment

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon the character and appearance of the area (including historic environment)
3. Impact upon residential amenity
4. Impact upon highway safety
5. Other matters
6. Representations
7. Conclusion

1 – Principle of Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in chapter 2 of the National Planning Policy Framework.

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”.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

In this case, the principle of development is considered to be acceptable, and the proposal shall now be assessed against all pertinent material planning considerations.

2 – Impact on character and appearance of the area & Heritage

The site is located within the Honley Conservation Area. Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.

Section 72 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Policy LP35 states that:

“Development proposals affecting a designated heritage asset should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”

In addition, the NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 131 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

Policy LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape...” and “c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”

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 Honley Village Centre (LCA6). 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.

Key Design Principles 1 and 2 of the Council’s adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

Section 5 of the House Extensions and Alterations SPD provides advice for specific extensions and alterations. Section 5.27 of the SPD relates specifically to dormer windows and provides the following advice:

5.27 Dormer windows should:

- relate to the appearance of the house and existing roof;
- be designed in style and materials similar to the appearance of the existing house and roof;
- not dominate the roof or project above the ridge of the house; be set below the ridgeline of the existing roof and within the roof plane;
- be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.

The plans show that there will be two dormers in the front elevation, due to these being aligned and small in scale it is considered that these do not dominate the roof of the original house. Furthermore, the construction materials of white render and uPVC windows will harmonise with the proposed render on the side and rear elevation and it is not considered use of render would appear out of place in this case given there is use of render to the front of the adjacent neighbouring property. These dormers will be set below the ridgeline of the existing roof and well within the confines of the roof plane. Therefore, it is considered that this element of the proposal complies with policy LP35 and policies within Chapter 16 of the NPPF.

The rear dormer will also be fronted in render as to harmonise with the front dormers and rear and side elevations and will have uPVC windows to harmonise with the original house. Although this dormer is larger in size, it will also be set down from the ridgeline of the existing roof. This element is therefore considered acceptable as it creates a visual separation between the ground floor and the roof space at the rear of the property.

The SPD refers to front extensions in section 5.2 and the potential impact they could have on the character of the area and visual amenity. The SPD advises that front extensions will not normally be supported unless:

- The house is set well back from the pavement or is well screened;
- The extension is small, subservient to the original building, well designed and would not harm the character of the original house or the area; and
- The materials and design match the existing features of the original house; and
- The extension would not unreasonably affect the neighbouring properties.

It is considered that the proposed works would not affect the setting of the Conservation Area to any significant degree that is greater than that of the host property and the development would therefore the proposal is considered to preserve the character of Honley Conservation Area. With regards to the SPD the house is significantly set back from the pavement s and the porch would be a subservient addition to the existing building. The amended plans show the porch to be constructed from stone to maintain the stone frontage of the ground floor of the building.

Paragraph 4.2 of the House Extensions & Alterations SPD states that “the local context, character and identity of the area will be a significant factor in determining the appropriate form and scale of alterations”. Paragraph 4.6 states “where extensions seek to differ from the existing materials, design, roof pitch or detailing, proposals will be considered on a case by case basis.”

The properties on Greenway and adjacent Green Cliff include a mix of single and two storey properties with a many including dormers. It is noted that the majority of garages on the street do have a flat roof however the property under consideration and the majority of others within the street scene have a gabled roof therefore the gable roofed garage would not be considered to be wholly out of character. The gable enlargement is therefore considered to be acceptable in terms of visual amenity.

With regards to the proposed application of render to the host dwelling is deemed appropriate from a visual amenity perspective, the mix of stone and off white render throughout the exterior of the property will encourage overall harmonisation between the host dwelling and proposed development. In addition, it is not considered that the application of render would negatively impact upon visual amenity to the host dwelling or its setting within the street scene, with several other properties within the cul-de-sac having visible rendered walls, including No.'s 4, 6, 8, 10, 11 and 15. The agent confirmed the

render would be of an off-white colour to have a neutral tone, a condition will be imposed upon any grant of planning permission, to ensure this colour is used.

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.

The development is to an existing dwelling which forms part of a wider residential development which is relatively recent, constructed between 1955 and 1965 (from analysis of historic mapping). As such it is considered that the development proposal would not lead to harm given the setting it would be viewed within and would not have a significant impact on the setting of the Conservation Area. This conclusion is on the basis the colour of the render is required to be an off white which would have a more neutral tone.

It is therefore considered that, the proposal would comply with Policies LP24 and LP35 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD, policy 1 of the Holme Valley Neighbourhood Development Plan and policies within Chapters 12 and 16 of the National Planning Policy Framework.

3 – Impact on residential amenity

Section B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

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.*”
- Principle 7 – that: “*extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals.*”

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 following neighbours’ properties have been assessed for the impact of the residential amenity should the proposal be accepted.

Impact on 5 Greenway

5 Greenway is the neighbouring property to the Southwest of the application site.

With regards to privacy the proposed rear dormer would introduce an opening to the rear although it is considered this would not significantly increase overlooking over and above that which exists already and refusal on grounds of overlooking could not be substantiated. There will be no additional windows located in the garage as a result of the works and no openings in the porch facing in the direction of No.5.

It is noted that the proposed gabled roof to the extension would create additional massing in close proximity to windows at No.5. However, the footprint of the garage would not increase and it is noted a development to the side could be undertaken through permitted development right.

Notwithstanding this point it is noted further justification has been submitted stating that no.5 is higher than No. 3 and is a distance of 3m away from the gable end.

Having regard to the scale of this element of the proposal and distance from no.5, it is considered that any overshadowing as a result of the additional 1.4m in height would be minimal and refusal on this basis could not be substantiated in this case particularly having regard to the orientation of the site with no.5 being to the west.

Impact on 1 Greenway

1 Greenway is the neighbouring dwelling located to the east of the application site. The proposed porch extension would be located ~9m from this property

and would not shorten the separation distance between the two properties. Although the rear dormer would also introduce an opening to the rear facing onto this property too, it is considered this would not significantly increase overlooking over and above that which exists already and refusal on grounds of overlooking could not be substantiated. There remains a separation distance of over 6m from the rear dormer to the neighbouring property which will further maintain privacy.

It is considered the proposal is sufficient distance, and of a scale which ensures that the development would not be unduly oppressive / overbearing to the occupiers of this property.

The impact of the development upon future occupiers of the development is not considered to be significant in terms of the additional accommodation resulting from the development and the use by future occupiers / resultant amenity space which would remain. It is considered a satisfactory level of habitable space and amenity space would remain as a result of the development proposal and refusal on such grounds could not be substantiated in this case.

It is therefore considered that in terms of residential amenity, the proposal would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations SPD polices within the HVNP and Government guidance contained 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 Council's adopted House Extensions and Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The councils adopted House Extension and Alterations SPD provide guidance on the amount of parking spaces that should be provided for the number of bedrooms within a dwelling. It states that a 3 bedroom dwelling should provide 2 off street parking spaces. As the proposal shows no additional bedrooms and the parking arrangements not to be changed this is considered acceptable.

It is considered that waste storage and collection arrangements would remain as existing, and that the proposal would also be in accordance with Principle 16 of the House Extensions and Alterations SPD too.

It is therefore considered that in terms of access and highway safety / parking the proposal would comply with Policies LP21 and LP22 of the Kirklees Local Plan, Principles 15 and 16 of the House Extensions and Alterations SPD and Chapter 9 of the National Planning Policy Framework.

5 – Other matters/Climate Change

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 predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. 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. However, a climate change statement has been submitted as part of this application.

Biodiversity

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.

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 that the proposal is small in scale with little opportunity for bats to be affected. However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

6 – Representations:

Two representations were received the points raised were:

- White rendering is not appropriate in the Conservation Area.
- The gap/path between No.5 Greenway and the applicant property is already narrow.
- The gabled roof will overshadow windows at No.5.

It is considered that white render is seen on other properties within the street scene and amended plans show that the front elevation of the porch and ground floor will still be constructed from stone, as such it is concluded the impact of the development to the Conservation Area would not be harmful subject to condition an off-white colour is used which will have a more neutral tone and appearance.

Impact to no.5 is discussed within the residential section of the report.

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, the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation: Delegated Powers

Application Number: 2024/92546

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).
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, LP3, LP21, LP22, LP24, LP35, LP51 & LP57 of the Kirklees Local Plan, Policies 1, 2 and 3 of the Holme Valley Neighborhood Plan and policies within Chapters 2, 4, 9, 12, 13, 14 & 15 of the National Planning Policy Framework.
3. The materials of construction of the front elevation of the porch and tiles used in the construction of the roof of the dormers and new pitched roof upon the garage shall in all respects match those used in the construction of the existing

building. The render used within the development shall be of an 'off-white' colour and in the areas as shown on drawing number 2409 - 0301 - P08. The materials of construction and colour finish approved by this condition shall be retained thereafter.

Reason: In the interests of residential amenity and to accord with Policies LP2 and of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

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 license. 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 and elevations	2409 - 0101 - P01	-	12/09/2024
Proposed plans and elevations	2409 - 0301 - P08	3	06/11/2024
Application form	-	-	12/09/2024
Climate change statement	-	-	12/09/2024
Conservation/heritage statement	-	-	12/09/2024

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 suggested that consideration should be given to constructing the porch from stone as to maintain the character of the Conservation Area. Amended plans were produced which showed the porch to be constructed from stone. Attention was also brought to the potential impact of the gabled roof of the garage to the neighbouring property. The agent responded with justification.

Report Dated: 15th November 2024

Coal – low

