

**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:	<b>2024/62/92673/W</b>
Site Address:	The Tithe Barn, 2, Home Farm, Wilshaw Road, Netherthong, Holmfirth, HD9 3US
Description:	Erection of first floor rear gable extension including associated alterations and works
Recommending Officer:	Joshua Merriman

**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: 13-Nov-2024**

## **Officer Report – 2024/92673**

### **Site Description**

The application site relates to The Tithe Barn, 2, Home Farm, Wilshaw Road, Nethertong, Holmfirth, HD9 3US. The property is a detached house with no current extensions / outbuildings and is located within the Green Belt as allocated within the Kirklees Local Development Plan.

The dwelling has walls erected on the entire boundary of the property, as do all neighbouring dwellings on the site. Two neighbouring properties have erected gable extensions in a similar style to the applicants proposal, from materials matching those of the existing buildings.

### **Description of Proposal**

#### *The Scheme*

The applicant is seeking permission for the erection of a first-floor rear gable extension including associated alterations and works.

The proposed extension will have a maximum height of 8.13m and an eaves height of 5.12m, while projecting 3.72m from the rear elevation of the original building, with a width of 6.84m

The materials proposed are natural stone walls, a stone slate roof, and timber windows and doors, all of which are designed to match the existing building.

#### *Supporting Information*

In addition to the submitted plans the following documents have been submitted to support the application:

- Design Report
- Climate Change Statement

### **Relevant Planning History**

The most relevant planning history relates to the following planning applications

2010/92003 – Outline planning application for the erection of four dwellings with some matters reserved – section 106 outline permission.

2012/92543 – Reserved matters application for erection of 4 dwellings – approval of reserved matters.

2013/92890 – Non material amendment on previous application 2012/92543 for reserved matters application for erection of 4 dwellings – approved.

### **Representations**

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015).

The expiry date of the publicity period was the 31/10/2024.

### *Letters of Support*

The following summarized letters of support have been received:

- Holme Valley Parish Council has expressed their support for the application.

### **Allocation and Policy**

The site is allocated in a green belt area within the Kirklees Local Plan (adopted 2019). The site is within the Holme Valley Neighbourhood Development Plan Area and associated landscape character area no.5 (Netherthong Rural Fringe).

The site falls in an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity. The site is also located within a bat alert area and a twice buffer zone.

The following legislation, policy and guidance is considered relevant to the determination of this application:-

#### *Kirklees Local Plan*

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP24 Design
- LP30 Biodiversity and Geodiversity
- LP51 Protection and Improvement of Local Air Quality
- LP57 The extension, alteration or replacement of existing buildings

#### *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 12 – Promoting Sustainability.
- Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain.

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

Key landscape characteristics 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.

### *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.

Chapter2	Achieving sustainable development
Chapter12	Achieving well-designed & beautiful places
Chapter13	Protecting Green Belt land
Chapter14	Meeting the challenge of climate change, flooding and coastal change
Chapter15	Conserving and enhancing the natural environment

### *Supplementary Planning Documents / Guidance*

Kirklees Highway Design Guide (adopted November 2019)  
 House Extensions & Alterations SPD (adopted June 2021)  
 The Biodiversity Net Gain Technical Advice Note

### *Legislation*

The Town & Country Planning Act 1990 (as amended).  
 The Planning and Compulsory Purchase Act 2004.  
 The Conservation of Habitats and Species Regulations 2017

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

### **Assessment**

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area (including impact upon historic environment)
2. Impact upon residential amenity
3. Impact upon highway safety
4. Climate Change
5. Other matters – e.g. trees/ecology (e.g. bats)
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. 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.

The site is located within a green belt area within 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”.

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the exceptions set out in paragraph 154 and 155.

Within paragraph 154 the exception listed at part c) is for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Policy LP57 of the Kirklees Local Plan sets out that the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable provided that the original building remains the dominant element both in terms of size and overall appearance including the design and materials as well as having regard to previous extensions and the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas.

The Housebuilders Design Guide SPD Chapter 5.8 outlines the following recommendations in relation to two-storey extensions to rear:

- 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.

As the proposal is an extension or alteration to an existing building that is considered proportionate to the size of the original building (discussed in greater length in section 2 of this report) it is considered the proposal would not constitute inappropriate development in the green belt and would accord with policy LP57 and policies set out within Chapter 13 of the NPPF.

The proposal is considered to be of a size, scale and design that leads to the conclusion it would not read as a disproportionate addition to the original dwelling when viewed in both a spatial and visual context. The host property does not appear to have been subject to any additions / extensions since its original construction and the size of the original dwelling is such that the proposed development would not have a significant impact in this regard. Therefore the proposal is not considered to be a disproportionate addition to the original dwelling in this case.

It is desired that the proposal is beneficial and has positive planning effects. In this case, the proposed extensions to The Tithe Barn will improve the functions of the current property, improve the dwellings amenities, and positively affect the site for existing and future users.

In this case, the principle of extending the existing dwelling is acceptable and shall be assessed against the applicable material planning considerations within the following report.

## **2 – Impact on character and appearance of the area:**

### *Visual Amenity*

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

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. Policy 1 of the Holme Valley Neighbourhood Development Plan 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 Pastures (LCA 5).

Policy 2 of the Holme Valley Neighbourhood Development Plan 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.

Section 5.1 of the SPD states that rear extensions should maintain the quality of the residential environment and relate well to the neighbouring buildings. Rear extensions should generally not be visible from the street and should retain a reasonable living environment for the property being extended. Finally, external access to the properties rear garden should remain.

The recommendations of paragraph 5.8 are set out in the 'principle' section of this report.

The proposed extension to the existing dwelling is considered to be of an adequate scale, form, and layout, and constructed using materials to match the existing building. As part of this, the proposed rear extension will not increase the footprint of the building.

The proposal is above an existing section of the building which features a 'catslide' roof and would form a gable roof feature which has a ridge height set below the ridge of the host property and would incorporate glazing to the rear including a Juliet balcony. The proposal is shown within the submitted plans to incorporate similar design features to that of the host property including a roof pitch similar to that of the host property and incorporation of quoins to the corners of the building.

It is recommended that any grant of permission is subject to condition requiring the materials of construction to match those used in the construction of the existing building, to ensure the proposal appropriately harmonises with the character of the host property.

Subject to condition it is considered that the design characteristics of the proposal will ensure the proposed extension respects the character of the local area and the original house, fulfilling the requirements of policy LP24 of the Kirklees Local Plan, policies within Chapter 12 of the NPPF, policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Principles 1 and 2 of the House Extensions and Alterations SPD.

### **3. Impact on Residential Amenity**

Sections 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.

Key Design Principle 3 states that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours

Key design principle 4 sets out 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.

Key design principle 5 relates to overshadowing/loss of light and details that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.

Key design principle 6 seeks to ensure developments preventing overbearing impact and that extensions and alterations should not unduly reduce the outlook from a neighbouring property.

Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

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 proposed extension is located sufficient distance from any neighbouring properties to have no significant effect on overshadowing, overbearing, or privacy. The proposal would incorporate glazing to the rear and eastern side elevations however this would face open land to the south and the side elevation windows are largely screened from view by the host property and at a distance of 27m from the side of the nearest property to the east of the site. It is therefore considered that in terms of residential amenity, the proposed development would have an acceptable impact and comply will all relevant policies.

#### **4. Impact on Highway Safety**

Policies LP21 and LP22 of the Kirklees Local Plan and 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.

Principle 19 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) requires the provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

Policy 6 of the Holme Valley Neighbourhood Development Plan details that adequate parking should be provided, having reference to the Council's adopted Highways Design Guide

Although the submitted plans do not detail the storage of bins at the property, there is adequate space on the site to do so.

The proposed extension would not increase the footprint of the existing dwelling, therefore, would not significantly affect any parking provision on the site or highway safety in the area. The property is set far enough back from the closest road to not

have any effect on highway safety. The proposal would not intensify the use of the site to a degree that is such that additional off street parking is considered to be necessary.

It is therefore considered that in terms of access and highway safety/parking the proposed extension 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. Furthermore, it is considered that the proposal would also comply with Principle 19 of the adopted House Extensions & Alterations SPD.

## **5. 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.

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 12 of the Holme Valley Neighbourhood Development Plan seeks to ensure that energy efficient designs are used in all new buildings.

Considering the scale and nature of the proposed development, especially that it is for private use, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

## **6. Other Matters**

### *Impact Upon Ecology*

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. Whilst it is acknowledged that the site is located within an identified twite buffer, and bat alert area, the proposals are relatively modest and therefore considered unlikely that the proposals would have an impact on the swift, twite, and bat population. An informative is

recommended to be included upon any grant of permission however, making the applicant aware that works during certain times of year could see breeding birds present and 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.

## 7. Representations

No representations have been received.

## 8. 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**  
**PERMISSION**

**CONDITIONAL FULL**

**Decision Authorisation: Delegated Powers**

**Application Number: 2024/92673**

**Officer Recommendation: Conditional Full Permission**

### 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:** In the interests of visual amenity and to accord with Policies LP1, LP2, LP24, LP30, LP51 and LP57 of the Kirklees Local Plan, Policies 1, 2, 12 and 13 of the Holme Valley Neighbourhood Development Plan, and the policies within Chapters 2, 12, 13, 14 and 15 of the National Planning Policy Framework.
3. Notwithstanding the plans submitted the external walls and roofing materials of the development 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 in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapters 12 and 13 of the National Planning Policy Framework.

**NOTE:** The applicant is advised that under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2018, the developer is required to take account of the timing of works in relation to the bird breeding season. An inspection to check for the presence of nesting birds is advised if works are likely to take place during the bird breeding season (1st March to 31st August inclusive).

**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:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Climate Change Statement	-	-	19/09/2024
Design Report	-	-	19/09/2024
Existing Plans and Elevations	01	-	19/09/2024
Location Plan	-	-	19/09/2024
Proposed Plans and Elevations	02	0	19/09/2024

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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

**Report Dated:** 11<sup>th</sup> November 2024