

**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:	2024/62/92712/E
Site Address:	77 , Latham Lane, Gomersal, Cleckheaton, BD19 4AP
Description:	Erection of garden room and Installation of air source heat pumps
Recommending Officer:	Nicole Helliwell

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 20-Nov-2024

Officer Report

Reference No. 2024/62/92712/E

Site Address: 77 , Latham Lane, Gomersal, Cleckheaton, BD19 4AP

Proposal: Erection of garden room and Installation of air source heat pumps

Site Description

The application site relates to a vacant parcel of land which was previously occupied by a detached dwelling (demolished between 2012 and 2018) known as 77 Latham Lane. The site is relatively level, sloping downhill slightly to the southern corner. The site is located within a semi-rural area, with residential properties on all sides. The surrounding dwellings are highly varied in age, size, style, and materials. The site is not within a conservation area or near any public Rights of Way (PROW). However, the site is located near to West House, a Grade II listed building.

Description of Proposal

The application seeks planning permission for the erection of a detached outbuilding (garden room) within the rear curtilage of the dwellinghouse and the installation of 2 no. air source heat pumps. The details of the proposal have been summarised below:

- The single storey structure would have a length of approx. 12m, a depth of approx. 5m, a maximum height of approx. 4m.
- The outbuilding would be constructed natural stone for the external walls with slate for the roof.
- The air source heat pumps would be installed within the north-west facing elevation of the dwelling.

Relevant Planning History

- **2024/90200:** Discharge conditions 6, 7, 8, 9 (Phase II Intrusive Site Investigation Report) on previous permission 2023/90506 for erection of detached dwelling with integral garage. [Planning application details | Kirklees Council](#) – Discharge of Condition(s) Split Decision

- **2023/93749:** Erection of detached dwelling with integral garage (amended house type). [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **2023/92202:** Discharge conditions 5 and 6 (Phase 1 and 2 site investigation report) on previous permission 2023/90506 for erection of detached dwelling with integral garage. [Planning application details | Kirklees Council](#) – Discharge of Condition(s) Split Decision
- **2023/92049:** Discharge conditions 3 (materials) 4 (boundary treatments) 11 (integral bat box) and 12 (planting) on previous permission 2023/90506 for erection of detached dwelling with integral garage. [Planning application details | Kirklees Council](#) - Discharge of Condition(s) Approved
- **2023/90506:** Erection of detached dwelling with integral garage [Planning application details | Kirklees Council](#). – Conditional Full Permission
- **2021/94231:** Certificate of lawfulness to confirm valid commencement of development approved under 2018/92850 for demolition of existing dwelling and erection of detached dwelling (modified proposal) within the 3 year time limit given in condition 1. [Planning application details | Kirklees Council](#) – Cert of Lawful Use Refused
- **2019/90490:** Variation of conditions 2, 4 and 6 on previous application 2018/92850 for demolition of existing dwelling and erection of detached dwelling (Modified Proposal). [Planning application details | Kirklees Council](#) – Removal or Modification of Condition(s)
- **2018/92850:** Demolition of existing dwelling and erection of detached dwelling (modified proposal). [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **2017/94026:** Demolition of existing dwelling and erection of detached dwelling (modified proposal). [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **2016/90810:** Discharge of conditions 3. (samples) 4. (materials) & 7. (landscaping) on previous permission no. 2014/93830 for demolition of existing dwelling and erection of 2 dwellings. [Planning application details | Kirklees Council](#) – Discharge of Condition(s) Approved
- **2014/93830:** Demolition of existing dwelling and erection of 2 dwellings. [Planning application details | Kirklees Council](#) – Conditional Full Permission

Representations

The application was advertised by neighbour notification letters, which expired on 11th November 2024. As a result of the above publicity, no representations have been received.

Although the site is located near to a Grade II Listed Building, the application was not publicised by site notice and press advertisement given that the proposal would not impact its setting.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the 'Assessment' section of the report, where appropriate):

KC Environmental Health – No objections subject to appropriate conditions and footnotes relating to unexpected contamination and hours of construction.

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 UNALLOCATED on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies

- LP 1 - Achieving Sustainable Development
- LP 2 - Place Shaping
- LP 21 - Highways and Access
- LP 22 - Parking
- LP 24 - Design
- LP 30 - Biodiversity and Geodiversity
- LP 35 - Historic Environment
- LP 53 - Contaminated and Unstable Land

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- House Extensions and Alterations SPD (adopted 29th June 2021)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)

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 July

2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** - Achieving Sustainable Development
- **Chapter 12** - Achieving Well-Designed Places
- **Chapter 14** - Meeting the Challenge of Climate Change, Flooding and Coastal Change
- **Chapter 15** - Conserving and Enhancing the Natural Environment
- **Chapter 16** – Conserving and Enhancing the Historic Environment

Assessment

1. Principle of development

The site is without notation on the Kirklees Local Plan (KLP). 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 the NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions and Alterations SPD and Chapter 12 of the NPPF, regarding design.

The application site is located near to West House, a Grade II listed building. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This is also mirrored in Chapter 16 of the National Planning Policy Framework and LP35 of the Kirklees Local Plan.

In this case, the principle of development on the application site is considered acceptable, and shall be assessed against other material planning considerations, including visual and residential amenity, as well as highway safety.

1. Impact on Visual Amenity and Historic Environment

Visual Amenity

Key Design Principle 1 of the House Extensions & Alterations Supplementary Planning Document (SPD) does state 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. Furthermore, Key Design Principle 2 of the SPD goes onto state 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 details.

Detached Outbuilding

The detached outbuilding would be single storey in height and would be erected within the rear curtilage of the dwellinghouse. The structure would have a length of approx. 12m, a depth of approx. 5m, a maximum height of approx. 4m. The outbuilding would be faced in natural stone for the external walls and would incorporate a dual-pitched roof finished in slate to match the appearance of the host property. Although the proposed structure would have a large scale, it would appear subservient to the dwellinghouse and would have limited visibility from public vantage points along Latham Lane. For these reasons, the proposed development is not considered to have any significant visual impact on the character and appearance of the host property and surrounding area and therefore would be acceptable in this regard.

Air Source Heat Pumps

The submitted plans confirm that 2 no. air source heat pumps would be installed within the north-west facing elevation of the dwelling. The scale of the heat pumps would not be excessive when considered in conjunction with the scale of the host dwelling along with its discrete location. Given that the ASHPs would have limited visibility from public vantage points within the street scene, it is not considered to harm the visual amenity of the host property and surrounding area and would be acceptable in this regard.

Summary

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the proposal would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extensions and Alterations Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

Historic Environment

Paragraph 135(c) of the NPPF sets out that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, LP35 of the Kirklees Local Plan requires development proposals affecting a designated heritage asset to preserve or enhance the significance of the asset, retaining those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensuring that proposals maintain and reinforce local distinctiveness.

Paragraph 203 of the NPPF is also of relevance and states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- a) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- b) the desirability of new development making a positive contribution to local character and distinctiveness.

The host property is located near to West House, a Grade II listed building. However, in this instance, KC Conservation and Design were not formally consulted on the proposed scheme given that the outbuilding would be sited to the rear of the dwelling with limited visibility from public vantage points. It is therefore considered that the proposed development would not cause any detrimental harm to the character and appearance of West House, a Grade II listed building and would comply with Policy LP35 of the Kirklees Local Plan, Chapter 16 of the NPPF and the requirements of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.

2. Impact on Residential Amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

The submitted plans confirm that no properties to the east or south of the site would be affected by the proposed works.

Impact on 331 Drub Lane

331 Drub Lane is a residential property located west of the application site. The submitted plans confirm that the proposed outbuilding would occupy a position approximately 37m from the rear elevation of the neighbouring dwelling. Given that the separation distance retained would be substantial, it is considered that there would be no significant detrimental impact on the amenity of no.331 as a result of the proposed development.

Impact on 79 Latham Lane

79 Latham Lane is a detached property located to the north of the site.

The submitted plans show that the proposed ASHPs would be located alongside the facing north/north-west facing elevation of the new dwelling, in close proximity to the shared boundary with No.79.

The applicant has submitted a Noise Assessment authored by Druk Limited dated 17 July 2024 Ref DRUK/ACC/RS/JLLG/3292 v2. Based upon a worst case scenario of 2no. 12Kw ASHPs running together, a BS4142 assessment has been undertaken which indicates a low impact.

KC Environmental Health have assessed the submitted Noise Report and concluded that the findings of the report are accepted. On this basis, there is considered to be no significant detrimental impact of the ASHPs on the amenity of the occupiers of No.79 resulting from noise disturbance.

The proposed outbuilding would be located further to the west of the site and as a result would have no impact upon the occupiers of No.79.

Impact on 81 Latham Lane

81 Latham Lane is a detached bungalow located north-west of the application site. The submitted plans demonstrate that the proposed outbuilding would occupy a position approximately 1m from the common boundary shared with no.81. However, given that the structure would be single storey in height and would be partially screened by the existing boundary treatment, it is considered that there would be no further harm to the neighbouring amenity with regards to overbearing and overshadowing impact.

Due to the location of the ASHPs further to the east of the application site, there is considered to be no impact upon the occupiers of No.81 as a result of noise disturbance, and the submitted Noise Report has been assessed by KC Environmental Health and concluded to be acceptable in this regard in any case.

Impact on 75 Latham Lane

No.75 is located adjacent to the site to the south east, and due to the location of the proposals close to the north western boundary of the application site, their impact upon the occupants of No.75 is considered to be negligible over and above that of the originally approved development.

Occupier Amenity

The plans confirm that sufficient outdoor amenity space of a functional layout would be retained at the site. on this basis, the proposed works would ensure an acceptable standard of amenity for existing and future occupants.

Summary

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the proposal would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extensions and Alterations Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

3. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposed development would not intensify the domestic use at the dwelling or affect the existing parking arrangements on site. Therefore, the development is considered acceptable in accordance with Policies LP21 and LP22 of the KLP, Chapter 9 of the NPPF, Principles 15 and 16 of the Kirklees House Extensions and Alterations SPD and the Highways Design Guide SPD.

4. Other Matters

Carbon Budget

The proposal is a small-scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

Biodiversity

Whilst the site is located in an area identified as being within a 'bat alert' layer on the Kirklees Local Plan, in this instance, the nature of the works is considered unlikely to have a detrimental impact on the bat population. However, a footnote will be added to the decision notice to provide the applicant with advice should bats or bat roosts be found during construction. This would accord with the aims of Policy LP30 of the Kirklees Local Plan, the Council's Biodiversity Net Gain Technical Advice Note, and Chapter 15 of the National Planning Policy Framework.

Contaminated Land

This site has been identified on the Council's mapping system as potentially contaminated land due to its proximity to a landfill site (within 250m) (Our site ref 79/2). Whilst previous contaminated land conditions were attached to the various previous approvals for the dwelling, a condition relating to unexpected contamination is considered necessary, should it be encountered on the part of the site to which the current proposals relate.

Noise

As stated above, the applicant has submitted a Noise Assessment authored by Druk Limited dated 17 July 2024 Ref DRUK/ACC/RS/JLLG/3292 v2. Based upon a worst case scenario of 2no. 12Kw ASHPs running together, a BS4142 assessment has been undertaken which indicates a low impact.

The findings of the report are accepted and the proposals would be in accordance with Policy LP 52 of the KLP.

There are no other matters relevant to the determination of this application.

5. Representations

No representations were received following the statutory publicity.

6. Negotiations

No amendments were sought or received during the course of the application.

7. Conclusion

This application for the erection of garden room and Installation of air source heat pumps at 77 Latham Lane has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations SPD, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed development is considered to be acceptable.

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: 2024/92712

Officer Recommendation: Approve

Conditions and Reasons

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.

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 ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP35 and LP53 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

3. The detached outbuilding hereby approved shall be faced in natural stone for the external walls and slate for the roof. The materials of construction shall thereafter be retained for the lifetime of the development.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of Chapter 12 and 16 of the National Planning Policy Framework.

4. If contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

5. The Air Source Heat Pumps hereby approved shall be operated in accordance with the findings set out within the Noise Impact Assessment ref DRUK/ACC/RS/JLLG/3292 Rev 2.

Reason: To protect the amenity of neighbouring occupiers, in accordance with Policies LP 24 and LP 52 of the Kirklees Local Plan.

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.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours, Mondays to Fridays
- 08.00 and 13.00hours, Saturdays
- With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

NOTE All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre-commencement condition.

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Air Source Heat Pumps Location Plan & Elevation	24.007/(AL)07	-	25/09/2024
Proposed Garden Room Location Plan	24.007/(AL)08	-	25/09/2024
Garden Room Plan and Elevations	24.007/(AL)09	-	25/09/2024
Noise Impact Assessment	DRUK/ACC/RS/JLLLG/3292	2	25/09/2024
AroTHERM plus Air Source Heat Pump	VALTSB2BHTP0424	-	25/09/2024
Planning Statement	24-011/Planning Statement	-	25/09/2024
Climate Change Statement	-	-	25/09/2024

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 Planning 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. In this case, the design of the original scheme has been found acceptable. No further amendments or details were sought thereafter.

Report Dated: 20.11.24