

**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:	2024/62/93052/W
Site Address:	1-2, Well Hill, Underbank Old Road, Holmfirth, HD9 1EG
Description:	Erection of first floor extension to rear and conservatory to front (within a Conservation Area)
Recommending Officer:	Joanna Rednall

DECISION - REFUSE

I hereby authorise the refusal 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: 03-Jan-2025

The Site

1 2 Well Hill relates to a two-storey semi-detached property located in Holmfirth and within the Underbank Conservation Area as identified within the Kirklees Local Plan. The pair of properties were formally 3 dwellings however No.1 and No.2 form one dwelling and are former weaver's cottages, sitting at a significantly elevated position from the roadside. The property is positioned against the backdrop of a hillside and affords views from the front elevation across the valley. The front elevation is constructed from stone with the side and rear elevation being finished with render. The main amenity space is to the front of the dwelling with parking available to the side.

Surrounding development consists of mainly residential properties which area comprised of mainly stone constructed cottage of various heights.

The Proposal

The applicant is seeking planning permission for erection of first floor extension to rear and conservatory to front (within a Conservation Area).

First floor extension to rear

The first floor extension follows the footprint of the ground floor outrigger. The first floor extension projects ~1.7 metres from the rear elevation and a width of ~1.8 metres, the eave height is ~4.3 metres and total height is ~5.3 metres. The proposed construction materials consist of stone to the rear elevation and render to the sides, the pitched roof above would be infilled with stone tiles. Internally, this extension serves a shower room.

Conservatory to front

The conservatory adjoins the existing porch to the front of the property. The extension is single storey in height and has a width of ~5.4 metres and projects ~1.8 metres from the front elevation of the host. The total height of the extension is ~2.9 metres.

The front extension is designed with a lean-to roof infilled with stone tiles and the external walls are constructed using stone. Glazing is proposed to the full width of the front and side elevations, and two rooflights are proposed above.

History of Negotiations

No amendments have been sought in the processing of this application as it was considered that significant amendments would be required to overcome the harm of development.

Planning History

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

2024/90439 Erection of first floor rear extension and conservatory to front elevation (within a Conservation Area)

Withdrawn

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, a site notice and a press notice.

Final publicity date expired: 20th December 2024.

No representations were received as a result of the publicity.

Holme Valley Parish Council – Support, but with a query that solar panels are mentioned in the Climate Statement but do not appear to be shown in the plans

Consultations

KC Conservation & Design: The proposed development would not be in keeping with the street scene and character of the Conservation Area.

The responses of the above consultees are discussed in greater length within the 'Assessment' section of this report.

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).

As the site also falls within the Holme Valley Neighbourhood Development Plan, it also is within an associated landscape character area LCA4, the River Holme Settled Valley Floor.

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

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

The key landscape characteristics of the area are:

- 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.

The 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.

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 12th December 2024, 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 places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)
Holme Valley Neighbourhood Development Plan

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact on visual amenity and Conservation Area
2. Impact on 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”.

In this case, the principle of development in this application is acceptable and shall be assessed against the applicable material planning considerations within the following report.

Impact on Underbank Conservation Area

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 212 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 212 – 216 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. In this case, the extent of glazing proposed to the extension would not appear to be visually subservient and would alter the character of the property and its traditional form and would not be in keeping with the host and surrounding properties which have strong, defined frontages. The application property occupies a prominent position within the locality and the front extension would appear particularly obtrusive and imposing within the hillside location. The insertion of a conservatory to the front would significantly alter the overall appearance of the traditional weaver's cottage, and it is considered that the front extension would diminish the vernacular character of the dwelling, therefore having a significantly harmful impact on the row of buildings and wider locality.

In addition, turning to the first floor rear extension, Conservation officers have noted it would appear particularly prominent when viewed from public vantage points to the side and rear of the property. It is considered the first floor extension would alter the host's traditional form and the presence of a large extension that is not set down from the host roof and set in from the side elevations would not appear visually subservient to the original house and is not considered to sensitively contribute to the character and appearance of the Conservation Area. This would be contrary to Policy LP35 which seeks to ensure that proposals within Conservation Areas conserve those elements which contribute to significance.

It is noted within the accompanying Heritage Statement that the property adjacent to the access road are a row of stone terrace houses, the end house featuring a large 3 storey extension with a terrace surrounded by a glass

balustrade. Whilst this was assessed and subsequently approved prior to the adoption of the Kirklees Local Plan, House Extensions and Alterations SPD and Holme Valley Neighbourhood Development Plan, the overall design of the extension has a visual degree of subserviency by being set back from the front elevation of the property with the roofline set down from the existing with traditional features such as mullioned windows in keeping with the existing building.

Within the NPPF, paragraph 215 states that where a development proposal will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The submitted Heritage Statement does not provide any public benefits of the proposal and therefore to permit this development, with no clear justification would be contrary to national and local policy and would have a negative visual impact, contrary to the aims of Policy LP35 of the Local Plan.

2 – Impact on visual amenity and Conservation 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 development seeks permission to construct a first floor extension to rear and conservatory to front.

Conservatory to front

Section 5.2 of the Council's adopted House Extensions & Alterations SPD relates specifically to front extensions. Paragraph 5.13 sets out: *"Front extensions are highly prominent in the street scene and can erode the character of the area if they are not carefully designed. Large extensions (single and two-storey) and conservatories on the front of an existing house are likely to appear particularly intrusive and will not normally be acceptable."*

Paragraph 5.14 goes on to state: *"Single storey extensions on the front of a house and two-storey or first floor front extensions are usually unacceptable due to the impact on the character of the area and visual amenity and will not normally be permitted unless:*

- *The house is set well back from the pavement or is well screened; and*
- *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.*

The conservatory is proposed to the front and would extend along the majority of the front elevation of 12 Well Hill. As previously noted, the application property is located in an elevated position within the locality and the proposed development would appear prominent within this hillside location. Although the proposed materials would match those used on the original house, it has been assessed the insertion of a conservatory to the front would cause undue harm to the overall appearance of the traditional weaver's cottage and the use of matching materials would not overcome this considered harm.

Whilst weight is afforded to the fact there is limited scope for extension to the other elevation of the host property, it is considered that this does not overcome the identified visual harm of the development in this case.

The front conservatory extension would form an incongruous feature which is out of character with the host and row of properties. As such, the front extension would be detrimental to the visual amenity of the host dwelling, wider street scene and the character and appearance of the Underbank Conservation Area.

First floor extension to rear

Sections 5.1 and 5.2 of the House Extensions & Alterations SPD go into further specific detail regarding rear extensions requiring development to maintain the quality of the residential environment, respect the original house and use appropriate materials.

The proposed first floor extension would not increase the footprint of the dwelling, however it would create additional bulk and massing to the rear of the property. The proposed materials would match those used on the host property, and the pitched roof would also match the design of the original house. However, it has been assessed the development would have a harmful visual impact on the setting of the Conservation Area. Although the rear extension is relatively small in scale, it would be located in a prominent location within the street that is visible from public vantage points surrounding the property. It is considered that the cumulatively harmful impact of the front conservatory extension and rear first floor extension would not appear subservient in relation to the host property, and is considered to be out of character with the Conservation Area.

In conclusion, the proposed front conservatory extension and first-floor rear extension, due to their scale, design and appearance, would not appear subordinate to the host property. The introduction of modern features would undermine the traditional character of the dwelling. This would result in a detrimentally harmful impact on the visual amenities of the host dwelling, the local character of the street scene and appearance of the Underbank Conservation Area. To permit such development would be contrary to Key Design Principles 1 and 2 of the SPD, Policies LP24 and LP35 of the Kirklees Local Plan, Policies 1 and 2 of the HVNDP and Chapters 12 and 16 of the NPPF.

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.”*

The properties potentially affected by the proposed development are those which directly neighbour the site, these being:

Impact on 3, Well Hill Road

This property adjoins No. 1 2 to the south.

The front extension is set away from the shared boundary by approximately 2 metres and does not project beyond the front porch of No.3, therefore would result in no overshadowing or overbearing. The rear extension is also set of the shared boundary by approximately 6 metres, and no windows are proposed to the side/south facing elevation which could overlook No.3. Due to these reasons, the proposals are not considered to result in any adverse impacts upon the residential amenity of occupants of 3, Well Hill Road.

Impact on Mulberry Cottage

This property is located north-east of the application site, separated from 12, Well Hill by a distance of approximately 10 metres. The front extension would be screened by the main body of the application property, therefore would not impact the amenities of Mulberry Cottage. The application property is located at a significantly lower ground level than this neighbour, therefore no overshadowing/ overbearing impacts are considered to occur.

One window is proposed to the side elevation of the rear extension, however this is not considered to cause any undue harm to privacy given the separation distance and orientation of the two properties.

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, Policy 2 of the HVNDP 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 proposed development would not increase the number of bedrooms on site, and it is considered the number of occupants within the dwelling would remain as existing. With this being the case, proposed parking arrangements are considered to be acceptable.

The proposal does not propose any changes highway access. It is therefore considered that the proposal is acceptable in relation to highway safety.

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 not been provided however, this is due to the proposed works not being supported in principle.

Strategic Green Infrastructure Network

The site is within the Strategic Green Infrastructure Network and therefore Policy LP31 is of relevance in this instance. The role of the Network is to safeguard and enhance green infrastructure networks, green infrastructure assets and the range of functions they provide. As the proposed works would be within the confines of the residential curtilage, it is not considered that the proposed works would be detrimental to the aims of Policy LP31 of the Local Plan.

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. A Climate Change statement has been submitted with this application.

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 proposals do not accord with the development plan and that the application of Policies within the NPPF that protect designated heritage assets form a clear reason to refusal the development.

Recommendation

REFUSE

Decision Authorisation - Delegated Powers

Application Number: 2024/93052

Officer Recommendation: Refuse

Reason:

The proposed development, due to its scale, design and appearance, would not appear sympathetic to the host property. The introduction of modern features would undermine the traditional character of the dwelling, resulting in a detrimentally harmful impact on the visual amenities of the host dwelling, the local character of the street scene and appearance of the Underbank Conservation Area. There are no public benefits that would outweigh the less than substantial harm arising to the significance of the Conservation Area. To permit such development would be contrary to Key Design Principles 1 and 2

of the House Extensions and Alterations SPD, Policies LP24 (a and c) and LP35 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Chapters 12 and 16 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	25/10/2024
Existing Site Plan	A101	-	25/10/2024
Existing Sections	A109	-	25/10/2024
Existing Elevations	A107	-	25/10/2024
Existing Floor Plans	A104	-	25/10/2024
Existing Floor Plans	A103	-	25/10/2024
Existing Roof Plan	A105	-	25/10/2024
Proposed Site Plan	A102	-	25/10/2024
Proposed Elevations	A108	-	25/10/2024
Proposed Floor Plans	A104	-	25/10/2024
Proposed Sections	A110	-	25/10/2024
Proposed Roof Plan	A106	-	25/10/2024
Site Photography	A113	-	25/10/2024
Rendered Imagery	A112	-	25/10/2024
Imagery	A111	-	25/10/2024
Application form	-	-	25/10/2024
Heritage Statement	-	-	25/10/2024
Climate Change Statement	-	-	13/11/2024

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 have been sought in the processing of this application as it was considered significant amendments would be required to overcome the harm of development.

Report Dated:

30/12/2024

Low coal