

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:	2024/62/93073/W
Site Address:	17, Town Gate, Upperthong, Holmfirth, HD9 3UX
Description:	Part first floor and two storey extension to rear (within a Conservation Area)
Recommending Officer:	Joanna Rednall

DECISION – Conditional Full Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Sarah Longbottom

AUTHORISED OFFICER

Date: 06-Feb-2025

The Site

17, Town Gate is an unlisted two storey dwelling situated in Upperthong Conservation Area and fronts on to Town Gate. The street is narrow and surrounded on both sides by vernacular stone buildings and drystone walls. The Royal Oak Inn is situated directly to the west of the site, to the further west is a historic footpath (HOL/72/20) which runs in a north / south direction. Grade II listed buildings are 30m to the west and 65m to the east of the site with intervening buildings between.

The Proposal

The applicant is seeking planning permission for part first floor and two storey extension to rear (within a Conservation Area).

The two-storey extension projects ~4 metres from the rear elevation and measures ~5.5 metres in width. The eave height would be ~5.6 metres and a total height of ~7.2 metres. The extension is constructed from natural stone and incorporates a pitched roof infilled with natural slates.

The existing first floor would be reconfigured to serve four bedrooms, two bathrooms and a landing with the two-storey extension providing a dining space at ground level and additional bedroom and bathroom at the first floor. The existing lean-to roof to the rear would be replaced by a first-floor bedroom with a gable end and pitched roof above to tie into the existing roof at right angles. Three rooflights are proposed to the front and rear roof planes and one first floor window is proposed to the west/side and south/rear elevations

The development would intensify the domestic use of the dwelling, taking the total number of bedrooms from 4 to 6.

History of Negotiations

Following an informal discussion with KC Conservation & Design, amended plans were sought to reduce the scale of the development to limit the impact on the Conservation Area. Amended plans were received on 23rd January, these have been used in the determination of these applications.

The amended plans were not re-publicised as these did not fundamentally change the development applied for.

Planning History

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

- 2022/92799 Erection of extensions, conversion of existing attached barn to living accommodation and associated works (within a Conservation Area)
Conditional full permission
- 2024/91486 Discharge details reserved by conditions 3 (external materials) and 4 (windows/door details) on previous permission 2022/92799 for erection of extensions, conversion of existing attached barn to living accommodation and associated works (within a Conservation Area)
- *Discharge of conditions approved*

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: 13th December 2024

Holme Valley Parish Council – support.

2 letters (which includes hand-written letters, e-mails and on-line representations) of representation have been received. These are summarised as follows:-

Letters of Support

- The development retains the features of the original house and would have no impact on the Conservation Area.

Consultations

KC Conservation & Design: Raised concerns regarding the scale of the two-storey rear extension. After the submission of revised plans showing a reduction in size, no objections.

Allocation & Policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan (LP)

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway Safety
- LP22 Parking Provision
- LP24 Design
- LP30 Biodiversity
- LP31 Strategic Green Infrastructure Network
- LP35 Historic Environment

Holme Valley Neighbourhood Development Plan

The following policies of this plan are considered most relevant:

- Policy 1 – Protecting and Enhancing the Landscape Character of the Holme Valley
- Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- Policy 12 – Promoting Sustainability
- Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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
- Chapter 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

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

Legislation

The Town & Country Planning Act 1990 (as amended).

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

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon visual amenity (including impact upon historic environment)
2. Impact upon residential amenity
3. Impact upon highway safety
4. Other matters
5. Representations
6. Conclusion

1 – Principle of development:

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.

2 – Impact upon visual amenity (including impact upon historic environment)

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 and Alterations SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Policy 1 of the Holme Valley NDP 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 River Holme Settled Valley Floor (LCA4). This sets out the following:

One key characteristic of the area is framed views from the settled valley floor to the upper valley sides and views across to opposing valley slopes and beyond towards the Peak District National Park.

- *Framed views from the settled valley floor to the upper valley sides and views across to opposing valley slopes and beyond towards the Peak District National Park.*
- *Boundary treatments comprised largely of millstone grit walling. The stone walling which runs parallel with Upperthong Lane is representative of local vernacular detailing.*
- *A network of Public Rights of Way (PRoW) including the Holme Valley Riverside Way which follows the River Holme from Holmbridge through Holmfirth and downstream. National Cycle Route no. 68 follows minor roads through Upperthong towards the centre of Holmfirth before climbing the opposing valley slopes.*
- *Mill ponds reflect industrial heritage and offer recreation facilities.*

Key built characteristic of the area are

- *Mill buildings, chimneys and ponds, including Ribbleden Mill with its chimney, associated mill worker houses and ashlar fronted villas link the area to its industrial and commercial heritage and are a legacy of the area's former textile industry.*
- *Terraced cottages and distinctive over and under dwellings feature on the steep hillsides with steep ginnels, often with stone setts and narrow roads.*
- *Narrow winding streets with stepped passageways, stone troughs and setts characterise the sloping hillsides above Holmfirth town centre.*
- *Small tight knit settlements on the upper slopes are characterised by their former agricultural and domestic textile heritage.*
- *There are mixed areas of historic and more recent residential and commercial developments.'*

Paragraph 5.8 of the House Extensions and Alterations SPD sets out that two storey extensions to rear should:

- 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.

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 or 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.

LP35 of the Kirklees Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

At paragraphs 214 – 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.

The two storey and first floor rear extension would not be visible from the highway and would therefore have little impact on the street scene; they would however be visible from public footpath HOL/72/20 running to the west of the site. The traditional design and materials would ensure that the proposed structure would appear a subordinate extension and to ensure the development has an acceptable visual impact. To ensure the development has an acceptable visual impact on the host property, it is recommended for the materials of construction to be conditioned to match the host property.

The proposed development is not considered to have a harmful impact upon the historic character of the building and the wider Conservation Area, following amendment of the scheme from that as initially proposed. Upon initial consultation with KC Conservation & Design, officers raised concerns regarding the scale of the two-storey rear extension and recommended reducing the height of this extension to reduce its prominence when viewed in the context of the host property. The applicant's agent has successfully reduced the scale of the two-storey extension in line with the Conservation Officer's recommendation.

The two-storey extension is confined to the rear of the property and would access the garden area of the dwelling. Although this element is visible from the public footpath running along the western boundary of the site, the extensions and alterations would appear as largely sympathetic additions to the building with a neutral impact on the significance of the conservation area. The extensions and alterations would not compete for prominence with the original building within the site and would be clearly read as an addition to the property.

The cumulative impact of the proposed two-storey and first floor extension are considered to be subservient to the host by having a roof line which is set down from the existing. The two-storey extension is part-width across the rear elevation thereby resulting in a development which would be clearly read as an addition to the property which does not compete with or overbalance the original building.

Regarding the outdoor amenity area, the proposal would reduce the space in the back garden to some degree, but also retain some usable outdoor amenity area. On balance, it is considered that the amenity area for the property would not be significantly compromised and therefore the application is considered to comply with Key Design Principle 7 of the SPD.

Subject to conditions, the development is considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of policies LP24 and LP35 of the Kirklees Local Plan, having regard to principles 1, 2, 7 and 9 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of the National Planning Policy Framework.

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:

15a, Town Gate

In terms of overlooking, the submitted elevations show no windows are proposed to the side elevations and the only windows proposed are to the rear elevation. One door is proposed to the side elevation which is not considered to result in an unacceptable level of overlooking. These windows would look out over the rear amenity space of No.17 and are not considered to cause undue harm with relation to overlooking or loss of privacy.

With regard to overshadowing / overbearing, the two-storey extension would result in a degree of additional bulking and massing at the application site. This is exacerbated by the difference in land levels, where No.15a is situated slightly below No.17. The submitted plans show the two-storey extension would be set in ~5.2 metres and would not project beyond the rear of No.15a's single storey rear extension. This arrangement would therefore reduce the potential for any detrimental overshadowing or overbearing impact to occur from the tallest element. The single storey element of the proposal would be screened by the two-storey extension which will aid in mitigating against the impact of the development.

Overall, it has been considered that there would be no significant impact upon these neighbours' amenity, due to the layout of the development proposed, and the substantial boundary treatment in place. As such, any overbearing, overshadowing and overlooking can be supported.

To the west of the application site is a public house and to the rear is one residential property (18, Upper Meadows). The openings to the rear are at a distance exceeding 30 metres and are therefore considered to be sufficient distance from neighbouring occupiers and would not lead to unacceptable levels of overlooking from occurring.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and policies within chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The proposal would intensify the domestic use of the dwelling, taking the total number of bedrooms from 4 to 6. It is considered the existing parking arrangements at the rear of the building are deemed sufficient to accommodate this change and the principle of increasing the number of bedrooms to 6, along with the associated parking provision, has been approved under application 2022/92799. The submitted elevations show the previous planning approval has commenced and the opening of the barn has commenced allowing vehicles to pass through the building to the parking area to the rear. It is therefore considered that the proposed development would not have a detrimental impact in relation to access and highway safety and would assist the flow of traffic by ensuring an increased and useable area of off-street parking was available.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, principle 15 of the Council's Street Design Guide and chapter 9 of the National Planning Policy Framework.

5 – Other matters:

Ecology

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

Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest, and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. A Climate Change statement has been submitted with this application.

Strategic Green Infrastructure Network

Policy LP31 of the Kirklees Local Plan identifies a number of areas which form part of the Strategic Green Infrastructure Network. This policy sets out that

priority will be given to safeguarding and enhancing green infrastructure networks, green infrastructure assets and the range of functions they provide. This policy sets out that development should ensure the function and connectivity of green infrastructure is retained / replaced, new or enhances green infrastructure is provided / integrated into new developments. In addition, this policy requires integration of developments into walking / cycling network and providing new links where appropriate and the protection of biodiversity / ecological links. Where the creation of new or enhanced green infrastructure is proposed, provided it does not conflict with other policies within the Kirklees Local Plan, Policy LP31 sets out that the Council will support such development.

The proposed development is not considered to conflict with the requirements of Policy LP31 and the impact of the proposal upon the strategic green infrastructure network is considered to be largely neutral in this case given the scale of the development which is proposed.

6 – Representations:

- The development retains the features of the original house and would have no impact on the Conservation Area.

Officer response: Noted. KC Conservation and Design have been consulted on this application. The visual impact of the development on the original house and conservation area has been considered under section 2 of this 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 that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2024/93073

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).

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP21, LP22, LP24 & LP35 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

2. The external walls and roofing materials of the extensions hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02, LP24 & LP35 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

3. The rooflights hereby approved shall be Conservation style or similar and fitted flush to the roof plane. Glazing shall have a thickness of no more than 16mm at 4:8:4 ratio. The rooflights approved by this condition shall be retained thereafter.

Reason: In the interest of preserving the heritage value of the Conservation area, in accordance with the requirements of Policy LP35 of the Kirklees Local Plan Chapters 2, 12 and 16 of the National Planning Policy Framework and pursuant to the requirements of S16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	24/975/01	-	28/10/2024
Existing Block Plan	24/975/02	-	28/10/2024
General Arrangement as Existing	24/975/03a	-	28/10/2024
Proposed Block Plan	24/975/05d	-	23/01/2025
General Arrangement as Proposed	24/975/04e	-	23/01/2025
Heritage Statement dated October 2024	-	-	28/10/2024
Application form	-	-	28/10/2024
Climate Change Statement	-	-	01/11/2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2024 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.

Following an informal discussion with KC Conservation & Design, amended plans were sought to reduce the scale of the development to limit the impact on the Conservation Area. Amended plans were received on 23rd January, these have been used in the determination of these applications.

Report Dated:

05/02/2025

No coal