

**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:	2024/62/93467/W
Site Address:	Miry House, 1, Miry Lane, Thongsbridge, Holmfirth, HD9 7SA
Description:	Alterations to convert one dwelling to two dwellings with porch extension and associated alterations
Recommending Officer:	Molly Storer

DECISION – Conditional Full Permission

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

Sarah Longbottom

AUTHORISED OFFICER

Date: 12 February 2025

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Officer Report

Site Description

The application site relates to Miry House, a two-storey detached property in the area of Holmfirth. The property is constructed natural coursed stone and render with a stone slate roof.

The existing property has five bedrooms, and a garage located to the north of the property. The site is located adjacent to an unadopted lane off Miry Lane where the parking is found. The property benefits from amenity space to the front, side and rear.

The surrounding area consists of residential properties of varying sizes and styles. The site is within Landscape Area 4 on the Holme Valley Neighbourhood Development Plan (HVNDP) but is otherwise unallocated on the Kirklees Local Plan.

Description of Proposal

The application is seeking planning permission for the subdivision of a single dwelling to form two separate dwellings. Plan also show that there will be a new porch to plot one, this will measure 1.55m x 2.95m and will be constructed from natural stone and slate to match the existing property.

Dwelling 1 -

Total internal floor space of approximately 155m². – Will create a two-bedroom property.

Dwelling 2 -

Total internal floor space of approximately 90m². – Will create a one-bedroom property.

The proposal will make no alterations to the external appearance of the building except the addition of obscure glazing to some of the previously glazed windows to increase privacy between the plots and the addition of the porch.

Relevant Planning History

2018/93501 - Erection of single storey side extension – Conditional Full Permission.

History of Negotiations

No negotiations took place, and no amended plans were sought or submitted during the course of the application.

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015). The application has been publicised by neighbor notification letters, which expired on 6th February 2025.

No representations were received.

Holme Valley Parsh Council - Support - subject to adequate provision for parking.

Consultation Responses

K.C. Highways – No objections – adequate parking on site with sufficient turning space. Requested that bin storage and collection point be demonstrated. Agent demonstrated that bin storage on plans and stated that the proposed bin collection point will remain as existing (stated in the application form).

Allocation and Policy

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 2019).

The application site is located in LPA 4 on the HVNDP and within an area with a known presence of bats it is also within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

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
- LP11 Housing Mix and Affordable Housing
- LP21 Highway and Access
- LP22 Parking
- LP24 Design
- LP30 Biodiversity and Geodiversity

LP51 Protection and Improvement of Local Air Quality

Supplementary Planning Documents:

- Housebuilders Design Guide SPD
- Highways Design Guide SPD

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.

The site falls within Local Characteristic Area 4 – River Holme Settled Valley Floor. The policies from the Holme Valley Neighbourhood Development Plan that are relevant to this application are:

- 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 6 – Building Homes for the Future
- 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 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.

Chapter 2	Achieving sustainable development
Chapter 4	Decision-making
Chapter 5	Delivering a sufficient supply of homes
Chapter 6	Building a strong, competitive economy
Chapter 9	Promoting sustainable transport
Chapter 11	Making effective use of land
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

Legislation

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

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area
2. Impact upon residential amenity
3. Impact upon highway safety
4. Climate Change
5. Other matters
6. Representations
7. Conclusion

1 – Principle of Development

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of Policy LP1 of the Kirklees Local Plan (KLP). This policy stipulates that proposals that accord with policies in the Kirklees Local Plan will be approved without delay unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections of this report.

NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan 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 application proposes to subdivide an existing dwelling. The impacts of this intensified use will be assessed under the Local Plan policies, the Housebuilders Design Guide SPD, and the NPPF.

The February 2024 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75%

HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making *“Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

The Council’s inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal.

Policy LP3 of the Local Plan is also of relevance in this instance as it requires development to deliver homes in a sustainable way.

Policy LP7 of the Kirklees Local Plan states that should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved.

The site is approx. 250 square metres which provides a policy compliant level of housing density. The site, it is considered to be previously developed land where redevelopment is sought to take place.

Policy 6, ‘Building Homes for the Future’, of the Holme Valley Neighbourhood Development Plan sets out that new housing development will be supported subject to the following considerations being met:

1. The proposed housing is located within existing settlements not overwashed by Green Belt or is for housing acceptable in terms of national Green Belt policy.
2. Adequate parking for residents and visitors should be provided in accordance with Local Plan Policy LP22 Parking and the Council’s most up to date parking guidelines in the Highway Design Guide SPD. Additional parking provision to accommodate delivery vans is encouraged to minimise additional on street parking on nearby roads.
3. Developments should have good access to public transport routes and encourage walking and cycling by enhancing, expanding and linking to existing routes.
4. Proposals will be expected to demonstrate that densities make best and efficient use of land and reflect local settlement character.

The principle of development is acceptable in case. The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 of the NPPF 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.

2 – Impact on 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.

Paragraph 135 of the NPPF is of relevance, in particular the following parts:-

- *‘b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping’*

- *‘c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change’*

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.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’*.

Paragraph 134 of the NPPF states that design guides, such as the Council’s Housebuilders Design Guide SPD, carries weight in decision-making and is a material planning consideration.

Principle 2 of the Housebuilders Design Guide SPD sets out that new residential development proposals will be expected to respect and enhance the local character of the area.

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 Local Characteristic Area 4 – River Holme Settled Valley Floor.

The key built characteristics of LCA4 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.

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

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

It is considered that in terms of visual amenity, the proposed development would integrate with the existing pattern of development within the local area which consists of a mix of semi-detached and terraced housing along this part of Miry Lane. There would be no external changes to the host building itself except for the porch and obscure glazing added to existing openings. It is likely some forms of boundary treatments to sub divide the plot would be undertaken.

In terms of the porch, this would be on a section of the property that is well set back from the road and would be subservient to the existing dwelling. It would also be constructed from matching materials to the host dwelling.

Developments that are considered to conform appropriately with Local Plan Policy LP24 and the design requirements as set out above, are considered to also conform with Policy 2 of the Holme Valley Neighbourhood Plan – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design.

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 neighboring occupiers.”

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

The change of use from one dwelling into two is not considered to have any significant impacts to any neighbouring properties, whereby cumulatively, the two dwellings have no additional bedrooms to the existing dwelling, proposing four bedrooms in total. In turn, the change of use is not likely to give rise to a significant increase in noise pollution.

With regard to future occupiers Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the ‘Nationally Described Space Standards’ document (March 2015).

Principle 16 states ‘All new homes should aim to be accessible and adaptable homes to meet the changing needs of occupants over time in accordance with Building Regulations. The provision of homes that meet these standards should be considered within the housing mix of the wider site in line with Local Plan policy LP11’

Occupants must have sufficient space within their homes to be able to carry out day to day activities, and where homes are accessible and adaptable they are able to meet the changing needs of occupants over time. The government’s Nationally Described Space Standards deals with internal space within new dwellings across all tenures.

Policy 2 of the Holme Valley Neighbourhood Development Plan states that ‘designs should respect the scale, mass, height and form of existing buildings in the locality and the site setting. Development should fit in with and neither dominate nor have a detrimental impact on its surroundings and neighbouring properties’.

The first dwelling (plot 1) has a total internal floorspace of 155m² and therefore would comply with the Nationally Described Space Standards for a two storey, two bedroom, three person house.

The second dwelling (plot 2) has a total internal floorspace of 90m² and therefore would comply with the Nationally Described Space Standards for a one bedroom, two storey, two person house.

With regard to Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that:

“All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered

in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”

It is considered that an appropriate extent of outdoor amenity space would be retained to serve two dwellings which is in character with the rest of the dwellings on the street. Although in the instance of plot 2 this is not all located directly adjacent to the property there is sufficient private amenity space in close proximity to the house. It is also noted that there will be obscure glazing on the north east elevation to the first floor window and porch and all the windows on the south east elevation will be obscurely glazed to increase privacy to plot 1's garden.

The proposal is not considered to result in any adverse impacts upon the residential amenity of any surrounding neighbouring occupants and are considered to provide an acceptable standard of living for both properties, complying with Policy LP24 of the Kirklees Local Plan (b in terms of the amenities of neighbouring properties, Policy 2 of the HVNDP and Paragraph 135 (f) of the National Planning Policy Framework.

4. Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan 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 Principle 10 and 12 of the Housebuilders Design Guide SPD seek to ensure sustainable transport modes are supported and acceptable levels of off-street parking are accommodated. The policy background advises that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.

K.C. Highways were informally consulted on this application and stated that both properties meet parking standards with one parking space provided for the one-bedroom house and two for the two-bedroom house. They also stated that the turning space is acceptable.

There are bin storage arrangements for both dwellings as shown on plans. Proposed bin collection point will remain as existing (stated in the application form).

It is considered that the proposal would be acceptable in highway safety terms, reasonably satisfying the requirements of Policies LP21, LP22 and LP24 of the Kirklees Local Plan, Policy 12 of the HVNDP and the Highway Design Guide SPD in this regard.

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.

The proposal is a change of use with minimal external alterations. 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.

The proposed development is therefore considered to comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

6. Other Matters

Ecology:

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

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

The application site lies within the bat alert layer on the Council's GIS system.

The proposal does not include any works or alterations to the roofing forms, even so, as a cautionary measure, in the event of any grant of permission a note would be added to the decision notice, stating that if bats are found development shall cease and the advice of a licensed bat worked sought. This is to accord with the aims of Chapter 15 of the NPPF.

Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

The submitted application form outlines that the application relates to development that is de-minimis and below the threshold. Therefore, BNG is not required under this application.

The submitted information is therefore considered acceptable in terms of ecology and would comply with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Kirklees Housebuilders Design Guide SPD and the aims of Chapter 15 of the NPPF.

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

APPROVE

Decision Authorisation: Delegated Powers

Application Number: 2024/93467

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 so as to ensure the satisfactory appearance of the development on completion, and to accord Policies LP1, LP2, LP11, LP21, LP22, LP24, LP30 & LP51 of the Kirklees Local Plan, Policies 1, 2, 11, 12 and 13 of the Holme Valley Neighbourhood Development Plan and Principles 1, 2, 3, 4, 5, 6, 7, 8 & 15 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 5, 6, 9, 11, 12, 14 & 15 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan	01	-	13/12/2024
Existing block plan	02	-	13/12/2024
Existing plans and elevations	03a	-	13/12/2024
Proposed block plan	05c	-	13/12/2024
Proposed plans and elevations	04c	-	13/12/2024
Climate change statement	-	-	13/12/2024
Application form	-	-	13/12/2024

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: 13th February 2025