

**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:	2025/62/90929/W
Site Address:	16, Town Gate, Upperthong, Holmfirth, HD9 3UX
Description:	Conversion of existing outbuilding into garden room/home office and associated alterations (within a Conservation Area)
Recommending Officer:	Molly Storer

DECISION – FULL CONDITIONAL 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.

Emma Thompson

AUTHORISED OFFICER

Date: 08-Jul-2025

Officer Report

Site Description

The application site is 16 Town Gate, a two storey dwelling located within the Upperthong Conservation Area within the Kirklees Local Plan. The property sits at right angles to Town Gate with the principal elevation facing westerly. A driveway runs along the front of the property and spans the full depth of the plot. The main amenity space for the property is to the north beyond which are open fields which are defined as being within the Green Belt.

Surrounding development is comprised of varying designed modern and more traditional dwellings which are predominantly stone however render is also evident.

Description of Proposal

The application is for the conversion of the existing outbuilding into garden room/home office and associated alterations (within a Conservation Area).

The existing outbuilding is located to the northwest of the site and measures 2.6m x 2.6m with a mono-pitched roof and paving to the side.

The proposed will see the existing outbuilding extended onto this paving area creating a building with an L-shaped design. The extension will project 2.13m from the east elevation and will have a width of 3.5m.

The conversion of the existing outbuilding will see the existing building restored to create a garden room/ home office. It will be built in stone with a pitched stone slate roof.

History of negotiations/amendments received

Further details were requested in respect of the trees and concerns regarding the impact of the development.

Relevant Planning History

2013/91198 Works to trees(s) within a Conservation Area

Granted

2018/92738 Works to trees in CA
Granted

2018/93539 Demolition of existing front porch, garage and outbuilding and erection of single storey front and two storey side extension (within a Conservation Area)
Conditional Full Permission

2021/90927 Work to trees within a CA
Granted

2024/90667 Work to trees in a Conservation Area
Granted

2024/92140 Erection of detached garage (within a Conservation Area)
Conditional Full Permission

Representations

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters, site notice and newspaper advertisement.

Final publicity date expired 31st May 2025 – no representations received

Holme Valley Parish Council - No Comment. Defer to Kirklees conservation officers.

Consultation Responses

K.C Conservation and Design – informal discussions – no objection.

K.C. Arboricultural officer – originally had a holding objection and required further information. This information was received and reviewed and the objection was retracted.

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 Holme Valley Neighbourhood Development Plan.

The site is not specifically allocated but within the Upperthong Conservation Area and is within the Strategic Green Infrastructure Network.

The site also falls within the Holme Valley Neighbourhood Development Plan and is within an associated landscape character area 4, the River Holme Settled Valley Floor.

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 28** – Drainage
- **LP 31** – Strategic Green Infrastructure Network
- **LP 33** - Trees
- **LP 35** – Historic environment

Neighbourhood Development Plans:

- Holme Valley Neighbourhood Development Plan (2020-2031)
The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan.

- 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 3 – Conserving and Enhancing Local Heritage Assets
- 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 characteristic 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 characteristics 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.

Supplementary Planning Documents:

- House Extensions and Alterations SPD

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 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Legislation

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

The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990

The Planning and Compulsory Purchase Act 2004.

The Conservation of Habitats and Species Regulations 2017

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 on 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 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – 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.”
- Principle 2 – 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 detail.”

With specific regard to the House Extensions and Alterations SPD the other key designs principles for consideration are:

- Key design principle 3: Privacy

- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

With specific regard to the proposed development the SPD states that in terms of outbuildings, the SPD states:

Section 5.30 of the adopted SPD states that outbuildings should normally:

- be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings;
- be set back behind the building line of the original building so that they do not impact on the street scene; and
- preserve a reasonable private amenity space appropriate to the potential number of occupants of the house, and follow a general principle that no more than 50% of garden space should be lost.

The above listed policies and guidance within the SPD are taken into account within sections below of this report.

2 – Impact on visual amenity and Conservation Area:

Policy 1 of the Holme Valley Neighbourhood Development Plan (HVNDP) sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA 4, detailed in the 'Policies' section of this report)

Policy 2 of the HVNDP 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.

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. 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.

In terms of the impact of the scheme on the Conservation Area, Section 72 of the Listed Buildings & Conservation Areas Act (1990) is relevant and requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area. This is mirrored in Chapter 16 of the National Planning Policy Framework and also LP 35 of the Kirklees Local Plan.

The proposed building would be for residential purposes and would be a garden room/ home office to the host property, 16 Town Gate. In terms of the compliance with the SPD, the outbuilding would be subservient in footprint and scale to the original building; would be set back from the entire property and proposed garage (not yet constructed) and away from the roadside to minimise the impact on the street scene; and a reasonable amount of amenity space would be retained following the construction of the building. Therefore, the proposal is considered to comply with the spirit of the SPD.

Due to the siting of the outbuilding, set so far back from the roadside, it is not considered that it would compete with the host building for significance within the Conservation Area. It is also noted that nearly half of the proposed outbuilding is existing at the site and therefore it is considered that the additional massing would not constitute overdevelopment.

Informal discussions took place with the Conservation and Design Officer whereby no concerns raised with the proposal in terms of the setting of the Conservation Area. They stated that the design proposes a well-designed modern alteration to the existing outbuilding and is located far into the site away from public view points.

The proposed construction materials of stone for the walls, stone slates for the roof and wood windows and doors are considered appropriate in this case. It is also noted that the proposal would see the introduction of a gable roof, this would match the existing property and remove the mono pitched roof which was an unsympathetic addition in the curtilage.

In accordance with Chapter 16 of the NPPF paragraph 210: 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;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

Paragraph 212 states that:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should

be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

In this case the development is considered to lead to a neutral impact to the setting of the conservation area due to the considerations set out above. As such there would be no harm whereby public benefit needs to be demonstrated (paragraph 215) and therefore the works would comply with Policy LP35 of the Kirklees Local Plan and policies within Chapter 16 of the NPPF.

The outbuilding is considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity and Conservation Area, in accordance with the requirements of policies LP1, LP2, 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), policies within Chapter 12 of the National Planning Policy Framework and policies 1, 2 and 3 of the Holme Valley Neighbourhood Development Plan.

3 – Impact on residential amenity:

Policy 2 of the HVNDP 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.

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.

The submitted Heritage Statement states that the building would be a garden room/ office to serve the host property and Officers consider that the building would be within domestic curtilage.

The openings would consist of one roof light in both gable roof slopes, a door and several windows within the south elevation, 4 windows within the east elevation and 3 within the north elevation. The most relevant elevation, in terms of overlooking of neighbouring property, would be the west elevation which faces onto No.22 Town Gate. However, it is considered that the single roof light on this elevation would not have a significant impact to privacy. Although there is extensive glazing within the other elevations these will face onto the applicant own land to the south and east and onto an area of open green space to the north as such, in terms of overlooking, the proposal is acceptable.

With regards to overshadowing and/or being overbearing, the outbuilding would be located 0.4m from the boundary with No.22 however this is an existing situation with the proposed outbuilding only seeing an increase in eaves height

of 0.3m and an increase in overall height of 0.6m. This would be set inside a dry stone wall which measures 1.1m and the roof of the outbuilding would still slope away from this neighbour as existing. Therefore, although there would be a slight increase of massing in close proximity to the boundary given the separation distance between the proposed structure and the adjacent property (~15m), it is not considered that the proposed works would result in significant harm from overshadowing or by being overbearing.

Therefore, it is considered that the proposed outbuilding is acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within chapter 12 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 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 outbuilding would not increase the number of bedrooms at the site nor would take up any parking spaces. This would accord with the aims of Policy LP22 and the SPD and is considered acceptable in this case.

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.

5 – Other matters:

Climate Change - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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.

A Climate Change Statement has been submitted as part of the application which outlines mitigation measures which are considered proportionate to the works proposed.

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.

Trees – Protected trees are located within the site which are protected by virtue of being located within the Conservation Area. Initial concerns were raised with regard to the protection of these trees. It was stated that the development is proposed entirely within the Root Protection Area of T3. Whilst T3 is in a raised bed this does not guarantee that there aren't roots present in the proposed working area. There is no mention in the submitted Arboricultural Impact Assessment about how the foundations of the extended part of the existing building will impact on T3. Due to the size and age of T3, it is highly likely that roots are intertwined with the existing building foundations and spread beyond them (the new extended end). If the existing building is in need of restoration then it is also highly likely that it will need to be dismantled and rebuilt, further impacting on T3 all the way to its stem.

The agent provided additional information which stated: the proposal does not involve the construction of a new dwelling nor does it entail the demolition or wholesale reconstruction of the existing structure. Rather, the scheme seeks to convert the existing outbuilding using the existing structural footprint.

Specifically, we can confirm the following:

- No excavations or new footings are proposed as part of the conversion works.
- The existing dwarf wall will be retained and will serve as the base for a lightweight timber-framed structure.
- The development, including the small extension to the existing structure, will be constructed entirely above ground level, avoiding any disturbance to existing soil or root structures.
- As such, the works will remain within the existing footprint and will not encroach further into the Root Protection Area (RPA) of tree T3.

The Tree officer was satisfied that this had clarified previous concerns and providing all information provided is followed there should be no impact to the Tree T3.

6 – Representations:

None

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: 2025/90929

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 51 of the Planning and Compulsory Purchase Act 2004.

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP28, LP31, LP33 and LP35 of the Kirklees Local Plan, principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 15,16 and 17 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations, to Policies within Chapters 2, 4, 12, 14, 15 and 16 of the National Planning Policy Framework and Policies 1, 2, 3 and 13 of the Holme Valley Neighbourhood Development Plan.

3. The works shall remain within the existing footprint of the outbuilding and shall not encroach further into the Root Protection Area (RPA) of tree T3.

Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy LP33 of the Local Plan and advice within the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	O/S SE1208SE Ref:		08/04/2025
Existing Site Plan	3621 0- 03		01/04/2025
Existing Plans and Elevations	3621 0- 01		01/04/2025
Proposed Site Plan	3621 (0-) 04		08/04/2025
Revised Design2 CGIs	3621 SK 04		01/04/2025
Proposed Plans and Elevations	3621 0- 02		01/04/2025
Arboricultural Report	-		07/04/2025
Heritage Statement	-		01/04/2025
Planning Supporting Statement	-		01/04/2025
Climate Change Statement	-		01/04/2025
Application form	-		01/04/2025

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 2024 and otherwise actively engaged with the applicant in dealing with the application. The agent was contacted regarding objections raised by Tree officers. Additional information was provided but no amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated:

7th July 2025

Coal – none