

**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:	<b>2025/62/91191/W</b>
Site Address:	20, Upperthong Lane, Holmfirth, HD9 3BE
Description:	Erection of external steps and retaining wall with excavation works and associated alterations (within a Conservation Area)
Recommending Officer:	Joshua Merriman

**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: 01-Jul-2025**

## **Officer Report – 2025/91191**

### **Site Description**

The application site refers to 20, Upperthong Lane, Holmfirth, HD9 3BE, a three-storey detached property faced in natural stone with a pitched, gable, roof, white uPVC windows, and a grey uPVC door. The application dwelling lies in a relatively varied street scene, being surrounded by properties of differing sizes, scales, characters, and appearances. Furthermore, the dwelling benefits from a small hard-standing parking area and limited amenity space to the front of the dwelling, with a large area of garden space to the rear.

### **Description of Proposal**

#### *The Scheme*

The applicant is seeking permission for erection of external steps and retaining wall with excavation works and associated alterations (within a Conservation Area).

#### *Supporting Information*

In addition to the submitted plans the following documents have been submitted to support the application:

- Design and Access and Heritage Statement (25011)
- Climate Change Statement (25011)

### **History of Negotiations / Amendments Received**

No amendments have been requested by Officers.

### **Relevant Planning History**

The most relevant planning history relates to the following planning applications

91/05112 – Conservation Area consent for partial demolition and rebuilding of garage – Conservation Area Consent Granted.

94/92277 – Erection of wooden pergola – Conditional Full Permission.

2015/90933 – Works to tree(s) within a Conservation Area – Granted.

2018/94152 – Erection of extensions and alterations to create dwelling forming annex accommodation associated with 20, Upperthong Lane, Holmfirth, HD9 3BE (within a Conservation Area) – Conditional Full Permission.

### **Representations**

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015).

The application has been publicised as affecting the setting of a conservation area, on the Council's website, by site notice, and by press advertisement.

The expiry date of the publicity period was 27/06/2025.

An extension of time has been agreed until 02/07/2025.

### *Letters of Comment*

- Holme Valley Parish Council have offered no comment on the application, deferring to Kirklees officers.

### **Allocation and Policy**

The site is allocated within the Holmfirth Conservation Area within the Kirklees Local Plan (adopted 2019). The site is also located within a Strategic Green Infrastructure Network area, a bat alert layer, and has had permitted development rights removed.

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  
LP21 Highway and Access  
LP22 Parking  
LP24 Design  
LP30 Biodiversity and Geodiversity  
LP31 Strategic Green Infrastructure Network  
LP35 Historic Environment

### *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. Policies within the plan relevant to the consideration of this application are listed as follows:-

- 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 Heritage Assets

Policy 12 – Promoting Sustainability.

Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain.

The application site is located within Landscape Character Area 4 (River Holme Settled Valley Floor) of the Holme Valley Neighbourhood Development Plan. The key characteristics of which are listed below:

- 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.

#### *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.

Chapter2 Achieving sustainable development

Chapter12 Achieving well-designed places

Chapter14 Meeting the challenge of climate change, flooding and coastal change

Chapter15 Conserving and enhancing the natural environment

Chapter16 Conserving and enhancing the historic environment

#### *Supplementary Planning Documents / guidance*

Kirklees Highway Design Guide (adopted November 2019)

House Extensions and Alterations SPD (adopted June 2021)

Holme Valley Neighbourhood Development Plan – 2021

The Biodiversity Net Gain Technical Advice Note

#### *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

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. 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.

## **Assessment**

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area (including impact upon historic environment)
2. Impact upon residential amenity
3. Impact upon highway safety
4. Climate Change
5. Other matters – e.g. trees/ecology (e.g. bats)
6. Representations
7. Conclusion

### **1 – Principle of Development**

#### *Sustainable Development*

NPPF Paragraph 11 and LP1 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 dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 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.

The site is located within the Holmfirth Conservation Area on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan 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 KLP 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”.

As the site is located within the Holmfirth Conservation Area; therefore Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 needs to be considered, which requires Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area.

Policy LP35 states that:

‘Development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm’.

Given the above, subject to condition, it is considered that the proposed development constitutes appropriate development and complies with relevant policy.

## **2 – Impact on character and appearance of the area (including impact upon historic environment):**

### *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. 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’.*

Key Design Principles 1, 2, and 9 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.

## *Historic Environment*

Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states that: *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”*

Due to the limited scale of the proposal and the alterations not being considered to have a major impact on the surrounding street scene as a result of their limited scale and use of sympathetic materials, it is considered that the proposals will be in keeping with the appearance, scale, design, and local character of the area and street scene, and will not dominate the original house or garden area on the site.

The alterations to the existing boiler room would be limited to the existing footprint and a consolidation of the roof with a new material (zinc), however this would still be set down substantially in relation to the host building. Furthermore, as the majority of the large garden space to the rear of the property is to be retained, it is considered that an adequate amount of garden space will be maintained on the application site.

Therefore, the proposed development is considered to comply with Policies LP1, LP2, LP24, and LP35 of the Kirklees Local Plan, Principles 1, 2, and 9 of the House Extensions and Alterations SPD, and Policies within Chapters 12 and 16 of the National Planning Policy Framework.

### **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 neighbouring 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.

Key Design Principles 3, 4, 5, 6, and 7 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.

As the proposals are limited in scale and located an adequate distance from neighbouring properties, it is considered that the development will have no significant impact on the residential amenity on surrounding properties with regard to privacy, habitable room, overshadowing, light, overbearing, and outdoor space.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Key Principles 3, 4, 5, 6, and 7 of the House Extensions and Alterations SPD, and Policies within Paragraph 135 of the National Planning Policy Framework.

#### **4. Impact on Highway Safety**

Policies LP21 and LP22 of the Kirklees Local Plan and 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.

Principle 19 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) requires the provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

It should be noted that although nothing specific is detailed on the submitted plans, the site will retain adequate space for waste storage.

The number of bedrooms at the dwelling will not increase as a result of the proposal, therefore, having no impact on the required off-street parking provision for the dwelling. Furthermore, it is noted that the small hard-standing area to the front of the home will not be reduced in scale. As a result, the parking provision at the dwelling is acceptable to remain as current.

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. 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.

Considering the scale and nature of the proposed development, especially that it is for private use, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

## **6. Other Matters**

### *Impact upon Ecology*

Chapter 15 of the National Planning Policy Framework 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. Whilst it is acknowledged that the site is located within an identified bat roosting area, the proposals are relatively modest, and in this case would not impact upon the existing roof space which has the potential for providing a roost for bats. Therefore it is considered unlikely that the proposals would have a significant impact on the bat population. An informative would be included 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. Subject to informative the proposal is considered to be acceptable in this regard.

## **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  
PERMISSION**

**CONDITIONAL FULL**

**Decision Authorisation: Delegated Powers**

**Application Number:** 2025/91191

**Officer Recommendation:** Conditional Full Permission

**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 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 materials of the external retaining wall and steps hereby approved shall in all respects match those used in the construction of the existing building, with a zinc standing seam roof to the boiler room as indicated on the approved plans. .

**Reason:** In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 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.

**NOTE:** Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 42 of The Conservation of Habitats and Species Regulations 2017. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site plan and sections as existing	25011D-13-P01	-	30/04/2025
GA as existing	25011D-10-P01	-	30/04/2025
Floor plans as proposed	25011D-11-P01	-	30/04/2025
Elevations as proposed	25011D-12-P01	-	30/04/2025
Application Forms	-	-	30/04/2025
Design and Access and Heritage Statement	25011	-	30/04/2025
Climate change statement	25011	-	30/04/2025

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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

**Report Dated:** 27/06/2025