
Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 19-Oct-2023

Subject: Planning Application 2022/92799 Erection of extensions, conversion of existing attached barn to living accommodation and associated works (within a Conservation Area) 17, Town Gate, Upperthong, Holmfirth, HD9 3UX

APPLICANT

T Fleming

DATE VALID

22-Aug-2022

TARGET DATE

17-Oct-2022

EXTENSION EXPIRY DATE

03-Mar-2023

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Holme Valley South

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1 This application has been brought to the Huddersfield Planning Sub-Committee due to the significant number of representations which have been received.
- 1.2 This is in accordance with the Council's Scheme of Delegation set out in the Constitution.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site relates to 17 Town Gate, which is an unlisted two storey dwelling, and an attached barn which is 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 which are typically cottages and farm buildings dating back to at least the 18th Century.
- 2.2 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.
- 2.3 The southern part of the site is a large undeveloped area of land which is part of the ownership of the applicant, with the curtilage associated with the dwelling being the northerly and eastern part of this area of open land.
- 2.4 The south facing rear elevations of the historic buildings along Town Gate are vernacular in style, with mullioned windows, stone elevations and mostly linear stone slate pitched roofs, which all contribute to the character of the settlement. Single storey extensions have been constructed to the rear of several buildings along the row and some of these make a negative contribution to the character of the conservation area, including the white conservatory on the rear of the application building. Despite this, the historic character and function of the buildings along Town Gate can still be understood, with their simple roof forms and vernacular materials and detailing surviving.
- 2.5 The overall site is 0.19 hectares in size.

3.0 PROPOSAL:

- 3.1 The applicant is seeking permission for the following development:
'Erection of extensions, conversion of existing attached barn to living accommodation and associated works (within a Conservation Area)'

- 3.2 The works would see conversion, partial demolition and alteration to the existing part of the building to accommodate living accommodation, single storey extensions of the building to the rear and side, and associated alterations.
- 3.3 The single storey extension to the side would have a 2.1m projection to the side (reducing to 1.6m at the front of this part of the proposal) with a height to the eaves of 3.2m and height to the topmost part of the lean to roof of 4.3m. The single storey side element would be set back from the front by 2.3m.
- 3.4 The single storey element to serve a living room would project 3m from the rear of the existing rear wall. The part to serve the dining room would project 3.6m from the rear. The eaves height would be 3m with the single storey element to serve the living room tying into the existing rear roof slope, and the part to serve dining room being 4.4m to the topmost part of the lean-to roof.
- 3.5 In addition, the existing front porch would be amended to a stone and slate roof, a number of alterations including insertion of 4 rooflights and insertion of a window to the north elevation, insertion of 6 roof lights and one window to the southern elevation.
- 3.6 The proposal would see part of the existing building, to the rear, extended at the first-floor level. This would be 2.5m x 3.3m and to the south-western corner of the building. This element of the proposal would be above the vehicular access and would serve a bedroom. One window would be inserted to the rear elevation as part of this element of the proposal and a window in the existing gable wall.
- 3.7 Hardstanding would be created to the rear, the submitted plans indicate block paving to this element of the scheme. The hard standing would serve a vehicular parking and turning area and is located to the rear of the property. It is considered likely this element of the scheme could be undertaken in any case by utilising 'permitted development' rights.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 None

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 Following consideration of the proposal as initially submitted, the Council's Conservation Team stated they did not support the proposal and suggested amendment be considered by the applicant.
- 5.2 In light of the suggested amendment the applicant submitted further amendments on 5th May 2023 (drawings 4416-06-04a, 4416-06-05a & 4416-06-06a) and a further supporting statement in addition (dated 5th May), which satisfactorily addressed the concerns raised by the Conservation Team (discussed in greater length in the following report).

5.3 Within their consultation response the Council's Highways Development Management Team requested further information, in relation to swept path analysis for vehicular traffic using the proposed access. Drawings 4416-07-02 & 4416-07-04 were subsequently submitted, on 2nd October 2023, which provided this detail.

6.0 PLANNING POLICY:

6.1 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).

6.2 The site within the Strategic Green Infrastructure Network, and the Conservation Area, as identified within the Kirklees Local Plan. The site also falls within the Holme Valley Neighbourhood Plan Area. The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan. Within the Holme Valley Neighbourhood Development Plan, the site is within a Landscape Character Area (no.4 – River Holme Settled Valley Floor).

6.3 Policies relevant to the consideration of this application are as follows:

Kirklees Local Plan (2019):

LP1 Achieving Sustainable Development
LP2 Place Shaping
LP21 Highway Safety
LP22 Parking Provision
LP24 Design
LP30 Biodiversity and Geodiversity
LP31 Strategic Green Infrastructure Network
LP35 Historic Environment
LP51 Protection and Improvement of Local Air Quality
LP52 Protection and Improvement of Environmental Quality

Holme Valley Neighbourhood 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 12 – Promoting Sustainability.

Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain.

Supplementary Planning Guidance / Documents:

House Extensions and Alterations SPD

National Planning Policy:

- Chapter 2 Achieving sustainable development
- 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
- 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

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was initially advertised with comments invited to be submitted by 28th September 2022. Following the receipt of amended plans the application was further advertised inviting comments to be submitted by 31st May 2023. Whilst further information was subsequently submitted in relation to access details (requested by the Highways DM Team) it is considered that the scheme as advertised adequately alerted the public to the nature of the application and further advertisement was not necessary in this case.
- 7.2 There has been a significant number of representations received, with 152 received in total (31 following the re-advertisement of the proposal). Including from Holme Valley Parish Council. 117 are in objection to the proposal, raising the following (summarised) concerns:
- Object to raising of the boundary wall adjacent to neighbouring public house car park
 - Proposal would impact on the amenity of customers of the public house
 - Impact of the proposal upon the view from the adjacent public house
 - Detrimental impact on the long term viability of the public house
 - The proposal would have a detrimental impact on Visual Amenity / Character of the host property and wider locality
 - Loss of the public house has further consequences for local communities
 - The Council has a responsibility to help and support local businesses
 - Approval of an increased boundary adjacent to the public house would be failure on behalf of the Council in exercising statutory duties
 - Overshadowing of the public house adjacent to the site.
 - Proposal against interests of people of Upperthong
 - Purchased property in this locality 48 years ago with a key reason being the central focal point of the adjacent public house
 - Loss of trade and financial impact upon the public house as a result of the proposal
 - Impact of the proposal upon bats
 - Out of keeping and will negatively impact on the Conservation Area
 - Impact of the proposal upon access and highway safety given sightlines of the access
 - Turning manoeuvres as a result of the proposal will need to be undertaken within the main road

- It is likely the case the remaining green space of the site is intended to be developed
- The proposal is contrary to local policies
- Discrepancies in the plans in relation to the position of the garage
- Change of use to domestic curtilage / the proposal would impact on wildlife
- Application form states the site cannot be viewed from the highway when it can be
- Planting of laurels at odds with desire for natural species within the Conservation Area
- The proposal will lead to the loss of Green Belt land
- No impact assessment has been conducted (LVIA / TVIA)
- Proposal would likely lead to prolonged disruption to the village
- No Site notice put in place
- Right to light for no.15a and the impact of the proposal from the 25 / 45 degree rule from the proposed two storey extension
- Land levels increase impact of the proposal upon 15a
- Red line should only extend to the land the development taking place within
- Ownership certificate incorrect, not clear if they own the boundary wall
- Delivery of materials during construction
- Emergency Vehicles struggle to get down Town Gate
- Method of construction of the boundary wall and foundations required to ascertain if the correct ownership certificate has been signed
- The access to the site is at a pinch point in the road
- Construction up to the boundary requires a structural survey to be undertaken
- Heritage statement is misleading
- Historic maps show a gap between the host property and adjacent public house
- Wall and flat roof garage not in keeping with the locality
- Loss of privacy for properties to the rear
- View is visible from the street and is not simply lost for users of the public house
- Pub was a hub during covid, its loss would have a big impact in the locality
- Impact upon services / infrastructure, roads cannot cope with heavy traffic
- Proposal would break the building line
- Detrimental impact upon the Conservation Area contrary to NPPF and LP35
- Proposal would be contrary to policy LP24 and LP48
- Health and safety impact in relation to construction workers parking
- A condition restricting the extent the laurel bush height can reach is required
- Impact in relation to construction activities
- No inclusion of green technologies such as electric vehicle parking
- Welcome removal of garage and raising of boundary wall, do not support the planting of the laurel bush.
- Flood risk from the proposed hard surfaced areas
- Consider a condition is necessary to ensure that no planning application can be submitted in the future in relation to remaining land within the submitted red line boundary, which is intended to remain free from development.
- Any permission should be subject to condition requiring temporary structures to be re sited or no higher than the boundary wall to the public house
- Construction hours should be controlled by condition
- Proposal would provide significant financial gain

- 7.3 With regard to letters of support, a total of 35 have been received, making the following summarised points:-
- Removal of UPVC windows and porch a welcome improvement
 - The proposal will improve / maintain the heritage integrity of the site
 - Removal of the roller shutter welcomed
 - Off road parking will ease congestion
 - Works appear in keeping with the Conservation Area
 - Glad to see development as a family home rather than as a housing estate development across the entire site
 - Stone wall will be in keeping
 - People have a right to privacy
 - Care appears to have been made putting together the application
 - Good choice of materials selected as part of the proposal
 - Only recently part of the pub car park began being used as a beer garden
 - Established similar precedent
 - Boundary treatment visually attractive and benefits in reducing noise
 - Barn and pigsty used to be in the area now a car park serving the public house

7.7 The representations received are addressed within the following report.

7.8 Holme Valley Parish Council (comments on the original proposal):

“Support in principle because the highways access and the street frontage would be improved but, given the level of local concern, the Parish Council urges Kirklees to encourage dialogue between the contesting parties to reach a compromise on the height of the adjoining wall”.

8.0 CONSULTATION RESPONSES:

8.1 The following have been consulted regarding this proposal:
KC Conservation Team – No objection subject to conditions
KC Highways DM – No objection subject to conditions

8.2 The response of the consultees is detailed in greater depth with the ‘Appraisal’ section of this report.

9.0 MAIN ISSUES

- Principle of development
- Impact upon the character and appearance of the area (including impact upon historic environment)
- Residential amenity
- Highway issues
- Other matters
- Representations

10.0 APPRAISAL

Principle of development

10.1 The site is within the Upperthong Conservation Area and the Strategic Green Infrastructure Network on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in chapter 2 of the National Planning Policy Framework.

- 10.2 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”.
- 10.3 Taking account of the development proposed, and the designation(s) of the site, in this case, it can be stated that the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity, the impact on the Conservation Area, as well as other matters which are discussed in greater detail in the following report.

Impact upon the character and appearance of the area (including impact upon historic environment)

- 10.4 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.
- 10.5 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.'*

10.6 Policy 2 of the Holme Valley NDP 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.

10.7 Paragraph 5.6 of the House Extensions and Alterations SPD sets out that single storey extensions to rear should:

- be in keeping with the scale and style of the original house;
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings);
- not exceed 4 metres in height;
- not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

10.8 Paragraph 5.17 of the House Extensions and Alterations SPD sets out that single storey extensions to the side should:

- not extend more than two thirds of the width of the original house;
- not exceed a height of 4 metres; and
- be set back at least 500mm from the original building line to allow for a visual break.

10.9 Paragraph 5.13 relates to front extensions and details that as front extensions are highly prominent in the street scene and can erode the character of the area if they are not carefully designed, large extensions (single and two-storey) and conservatories on the front of an existing house will not normally be acceptable and are considered likely to appear particularly intrusive.

10.10 Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character of appearance of Conservation Areas. This is echoed within policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

10.11 Paragraph 195 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.

- 10.12 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. This has been thoroughly assessed through the application process.
- 10.13 At paragraphs 199 – 202 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.
- 10.14 The scheme as initially submitted sought a larger two storey development to the dwelling and also a detached garage, as well as the raising of a boundary wall which is shared / adjacent to the public house. These elements of the scheme were removed within an amended proposal in response to initial concerns which were raised by the Council's Conservation Team. The two storey element of the scheme is reduced and features one small opening serving a bedroom in the original gable. Paragraph 5.8 of the SPD sets out the general parameters against which such extensions would be considered. In this case, the limited size and layout of the extensions would comply with these parameters.
- 10.15 With regard to the proposal which is under consideration (the amended scheme received 5th May 2023), the Conservation Team were further consulted and set out that with regard to the front porch this has been amended to stone and slate roofed porch which is accepted, as it reflects the local vernacular of the area and is an enhancement of the existing UPVC porch.
- 10.16 Within the initial response of the Conservation Team, they suggest the existing gated field access be used / retained to allow full conversion of the existing building. Subsequently justification for loss of this access was provided by the applicant's agent, within an email dated 5th May. Within their email they set out that a swept path analysis of both the existing barn access and the existing gated field access confirms that it is not possible to turn in or out of the gated field access without multiple manoeuvres. They go on to state that the existing barn access will allow a car to turn both in and out in a forward gear.
- 10.17 The justification provided for not using the existing access is accepted by the Conservation Team, they further advise that they consider the amendment of the proposal reducing part of the proposed two storey element to single storey overcomes their previous concerns. Concerns raised by the Conservation Team in relation to the detached garage and raising of the boundary wall have been addressed as these elements of the proposal have been removed. Conditions recommended include submission of details of external materials and window details to be agreed in writing by the Local Planning Authority.
- 10.18 The proposed development has reduced the scale and amount from that for which permission was initially sought, and has redesigned the extensions which are proposed, with the scheme now seeking principally single storey additions.

- 10.19 The additions and alterations are considered not 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. It is considered the additions would be subservient, and subject to inclusion of the conditions recommended by the Conservation Team, would not harm the character and setting of the Conservation Area. The proposals are considered to be of a respectful design and material palette and would create an enhancement of the conservation area through the changes to the existing porch. The other extensions and alterations are confined to the rear of the property and would address the garden area of the dwelling. Whilst this is visible from the public footpath running along the western boundary of the site, the extensions and alterations would appear as largely organic changes to the building with a 'neutral' impact on the significance of the conservation area.
- 10.20 It is recommended the conditions of approval include a requirement for the materials of construction used for the access and turning area to be used by vehicles, to ensure these are in keeping with the historic character of the host property and its setting.
- 10.21 The proposal is considered to have been revised to a scale and design which will have an acceptable visual impact and will lead to some small-scale improvements in relation to previous interventions which have taken place. Whilst there would be the insertion of roof lights, a condition could be included to ensure these are of a conservation style and which remain in keeping with the host property.
- 10.22 It is therefore concluded that, with the inclusion of conditions, the proposal is acceptable in this regard, in accordance with the aforementioned policy and legislation.

Residential Amenity

- 10.23 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. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained. Principle 16 goes requires that proposals maintain appropriate storage arrangements for waste.
- 10.24 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.

- 10.25 Concerns were raised in regard to the impact of the proposal upon the nearest neighbouring residential occupier (no.15a – Stone House). There are a number of openings, at the first-floor level, in the side elevation of no.15a which face the application site. The side elevation of no.15a appears to form the boundary with the application site. A recent addition to the rear of no.15a has, what appear to be, screened windows on this boundary.
- 10.26 Given the predominantly single storey design of the proposed extensions, with the first-floor element being of a modest scale, it is considered the proposal would not have a significant impact upon the occupiers of no.15a in terms of causing overshadowing or being unduly oppressive / overbearing.
- 10.27 In terms of overlooking, the only side opening proposed towards no. 15A is a doorway which is within the single storey side extension. As such, the proposal is not considered to lead to an unacceptable level of overlooking. The openings to the rear are at a distance in excess of 30m from properties to the south of the site. The openings to the rear are therefore considered to be sufficient distance from neighbouring occupiers that they would not lead to unacceptable levels of overlooking from occurring. In addition, the proposed development is at a distance from these properties such that it is concluded the development would not be unduly oppressive and would not lead to an unacceptable level of overshadowing.
- 10.28 The creation of the access would see small scale increase of traffic movements in proximity to the adjacent public house. It is considered this would not be to a level for which a reason for refusal could be substantiated in this case. The scale of the proposed extensions, being at a land level lower than the adjacent public house, would not lead to a significant level of overshadowing or be unduly oppressive / overbearing to users and the occupier(s) of the adjacent public house. A single new opening would be created facing the public house, this is a secondary window to bedroom 5 in the existing ‘barn’ element of the building. Given its scale, function and separation to the car park/side elevation of the public house, it is concluded this would have a neutral impact with regard to overlooking of this property. This conclusion is on the basis this window would subject to condition that it is fixed shut, and obscurely glazed, to ensure it would not unduly impact the public house, its operational flexibility or its residents.
- 10.29 The proposal would improve the potential for keeping bins to the rear of the property, by improving the access to the rear in terms of surfacing. In addition, it is considered that a suitable level of amenity space would remain for users of the site. In terms of the impact of the proposal upon the occupiers of the site, as a result of living accommodation being closer to the existing public house. The new window proposed to the gable facing the public house would be subject to condition that it is fixed closed and obscure glazed, which would ensure there is no significant noise disturbance from activities at the public house. In addition, whilst the proposal would see built form closer, it is considered the impact of the development would not be significantly greater than that of the existing dwelling and pressure upon the operation of the public house in relation to the residential use of the application site is not considered to be significantly increased as a result of the proposed development.
- 10.30 It is therefore concluded that the proposed development would have an acceptable impact upon the residential amenity of existing and future occupiers and meets the requirements of the aforementioned policies in this regard.

Highway issues

- 10.31 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 Principles 15 and 16 of the adopted House Extensions & Alterations SPD seek to ensure that acceptable levels of off-street parking / waste storage areas are retained and are also considered to be relevant.
- 10.32 The application has been submitted with a highways technical note and plans which provide swept path analysis for vehicles using the proposed access. It is noted that the existing access can accommodate and be used for vehicles already, with the proposal seeking to alter the existing buildings to allow for a turning and parking area to be created to the rear of the host property.
- 10.33 The technical note concludes that the proposals improve the access arrangements by removing vehicles reversing directly onto Town Gate by providing internal turning so that vehicles can enter and exit the site in a forward gear. The proposals also include increased parking capacity within the site to 3 spaces, removing any significant potential for on-street parking. As the proposals merely include an extension to the existing dwelling, the development will not lead to any significant intensification of use of the existing access located off Town Gate and represents an improvement to the existing arrangement.
- 10.34 Within their initial response, Highways DM stated that they agree with this conclusion and have no objection in principle. Following the receipt of swept path analysis plans the Highways Team provided a further response, whereby they advise that whilst the turning movements are tight, the details provided demonstrate that access and egress from the proposed access is possible.
- 10.35 The proposed access and associated alterations, including the creation of an area for off-street parking and turning are concluded to be acceptable in this case. The proposal would allow for vehicles to enter and egress the site in forward gear and would potentially reduce reversing manoeuvres into the road from the access as it exists already.
- 10.36 It is considered that, having regard to the details submitted and the response of the Highways DM, the proposed development would not have a detrimental impact in relation to access and highway safety. This part of the highway is characterised by low vehicular speeds due to the constrained nature of the roadway / accesses and it is considered the proposal would assist the flow of traffic by ensuring an increased and more usable area of off-street parking was available for occupiers of the host property / visitors to the property.
- 10.37 The Highways DM recommend that conditions are included upon any grant of permission which require surfacing to be permeable and also that the running areas are provided in accordance with submitted plan ref: 4416-06-04a. As a condition of any permission would require details of materials of construction to be submitted to the LPA for written approval (and this would include details of the access) it is considered that ensuring the materials were permeable could be ensured by such a condition. A suitable area for storage of bins would be available to the rear of the property as a result of the proposed access, in accordance with the recommendations within the House Extensions and Alterations SPD.

- 10.38 It is therefore considered that subject to condition that the turning area is provided, the proposed development would have an acceptable impact upon access and highway safety and parking and this element of the proposal meets the requirements of the aforementioned policies.

Other matters

Climate Change

- 10.39 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. Policy 12 of the Holme Valley NDP sets out specific policy related to sustainability.
- 10.40 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.
- 10.41 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. It would, however, provide habitable accommodation within an existing building – as well as extending the building – which would make efficient use of existing resources. For an application of this scale, it is considered it would be unreasonable of the LPA to insist upon the provision of an electric vehicle charging point as part of the development. The proposed development would therefore comply with policies within Chapter 14 of the National Planning Policy Framework and Policy 12 of the Holme Valley NDP.

Strategic Green Infrastructure Network

- 10.42 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.

10.43 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.

Ecology

- 10.44 Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Holme Valley NDP 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.
- 10.45 Paragraphs 174, 180, 181 and 182 of 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.
- 10.46 Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.
- 10.47 Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.
- 10.48 Concerns have been raised within third party representations in relation to the impact of the proposal upon bats and that there have been sightings of bats in the locality. In addition, concern is raised in relation to the planting of a laurel hedging, and that this is not a native species, as well as the impact of the proposal in relation to wildlife which use the land to the south of the dwelling.
- 10.49 It is considered that it would be unreasonable of the LPA to insist upon a bat survey to be submitted as part of this application in this case given the extent of the works proposed and that it is not within the defined 'bat alert zone'. It is recommended that an informative note be included upon any grant of permission in relation to the requirements, in law, in the event bats (which are a protected species) are encountered during the construction phase of the development.
- 10.50 In terms of the planting of laurel, it is considered that for a development of this scale it would be unreasonable of the LPA to require a detailed landscaping plan to be provided in relation to wider landscaping of the site and the biodiversity value of the site to be enhanced and improved given the development relates to works to an existing dwelling.
- 10.51 Development upon the wider land parcel, to the south of the site, is not being sought as part of this application and as such it is considered the proposal would not have a significant impact upon the value of this land in relation to local wildlife which may utilise it for foraging or as a habitat.
- 10.52 It is therefore considered that, subject to inclusion of the recommended informative note, the proposal is acceptable in regard to ecology / impact upon a protected species and meets the requirements of the aforementioned policy and legislation.

Representations

10.53 Insofar as they are not addressed within any other section of this report, the representations which have been received are addressed (in italics) as follows:

- Object to raising of the boundary wall adjacent to neighbouring public house car park
- Approval of an increased boundary adjacent to the public house would be failure on behalf of the Council in exercising statutory duties
- Discrepancies in the plans in relation to the position of the garage
- Wall and flat roof garage not in keeping with the locality

10.54 *These elements of the scheme have been removed within the amended plans received 5th May 2023*

- Impact of the proposal upon the view from the adjacent public house
- Planting of laurels at odds with desire for natural species within the Conservation Area
- A condition restricting the extent the laurel bush height can reach is required
- Welcome removal of garage and raising of boundary wall, do not support the planting of the laurel bush.

10.55 *The LPA is unable to control the planting of trees, shrubs, bushes or any other vegetation as this falls outside the definition of development as set out within section 55 of the Town and Country Planning Act 1990 (as amended).*

- Detrimental impact on the long term viability of the public house
- Loss of the public house has further consequences for local communities
- The Council has a responsibility to help and support local businesses
- Loss of trade and financial impact upon the public house as a result of the proposal
- Pub was a hub during covid, its loss would have a big impact in the locality

10.56 *Whilst this is a consideration which can be material in the determination of any planning application, in this case the scale of the proposal and nature of the works for which permission is require / being sought is not considered to be of such significance that it would be reasonable of the LPA to refuse permission on this basis.*

- It is likely the case the remaining green space of the site is intended to be developed

10.57 *Further development of land to the south is controlled by existing planning legislation whereby, should such development not be within that already permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended) an application for planning permission would need to be submitted to the LPA for determination.*

- Change of use of land to domestic curtilage

- 10.58 *The extent of the works for which permission is being sought is considered to be within the confines of the residential curtilage associated with the existing dwelling.*
- Application form states the site cannot be viewed from the highway when it can be.
 - No impact assessment has been conducted (LVIA / TVIA)
 - Red line should only extend to the land the development taking place within
 - Ownership certificate incorrect, not clear if they own the boundary wall
 - Method of construction of the boundary wall and foundations required to ascertain if the correct ownership certificate has been signed
 - Construction up to the boundary requires a structural survey to be undertaken
- 10.59 *It is considered sufficient information is submitted which allows the LPA to be able to determine this application.*
- The proposal will lead to the loss of Green Belt land
- 10.60 *The application side does not fall within the Green Belt.*
- Delivery of materials during construction
 - Proposal would likely lead to prolonged disruption to the village
 - Impact upon services / infrastructure, roads cannot cope with heavy traffic
 - Health and safety impact in relation to construction workers parking
 - Impact in relation to construction activities
 - Construction hours should be controlled by condition
- 10.61 *Given the scale of the development, it is considered it would be unreasonable of the LPA to require planning conditions to be in place upon any grant of permission which related to noise / dust suppression measures or details relating to construction vehicular parking or the type of vehicles to be used during the construction phase or construction activities. There is other health and safety and environmental protection legislation that would govern nuisance caused.*
- Consider a condition is necessary to ensure that no planning application can be submitted in the future in relation to remaining land within the submitted red line boundary, which is intended to remain free from development.
- 10.62 *The LPA is not able to impose condition(s) on any planning application which restricts the ability to subsequently submit a further planning application. Such a condition would not be necessary, relevant to the development permitted, reasonable or enforceable and would therefore fail four of the six tests which planning conditions are required to meet as set out in the National Planning Practice Guidance (NPPG - Paragraph: 003 Reference ID: 21a-003-20190723).*
- Any permission should be subject to condition requiring temporary structures to be re sited or no higher than the boundary wall to the public house

10.63 *At the time of the Case Officers' site visit no temporary structures which require planning permission were noted to be on site. In the event structures - which need planning permission - are placed upon the site this would be controlled by the requirement for planning permission and enforcement powers are available to the LPA where such permission is not in place.*

- Proposal would provide significant financial gain

10.64 *The impact of the grant of planning permission, in respect of the subsequent financial benefit for the applicant, is a matter which is not afforded any weight in the determination of this planning application. The assessment of the application relates to the planning merits of the scheme in light of all relevant material considerations.*

10.65 The points made in support of the application are noted and where relevant have been taken into account within the determination of this application.

11.0 CONCLUSION

11.1 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.

11.2 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.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Time limit for commencement of development.
2. Development to be completed in accordance with the approved Plans and Specifications.
3. Submission of a scheme of materials of construction, including hard surfaces.
4. Submission of a scheme detailing windows to be installed.
5. Provision of turning area shown on drawing no.4416-06-04a and permeable surfacing of such areas.
6. Rooflights to be 'conservation' style.
7. Window to be installed in the side gable serving bedroom 5 to be fixed shut and to be Obscure glazed (minimum grade 4).

Informative Note(s):

1. Bats

Background Papers:

Application and history files.

[Planning application details | Kirklees Council](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f92799)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f92799>

Certificate of Ownership – Certificate A completed.