

**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: 2017/62/91603/E

Site Address: 21, Ellison Grove, Birkenshaw, BD11 2DL

Description: Erection of detached garage to front

Recommending Officer: Rebecca Drake

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: 29-Jan-2018

Officer Report

Site Description

The application relates to a detached property located at the end of the residential cul-de-sac of Ellison Grove, Birkenshaw. The property has an integral garage and a driveway and small amenity space to the front with a larger grassed amenity space to the rear. No. 19, is a detached property located to south of the application site. No. 23, is the adjacent property which also stands at the end of the cul-de-sac. The Hawthornes Care Home is located to the west of the application site at a lower level. There are mature trees including TPOs to the west of the application site boundary.

The property is constructed from stone.

Description of Proposal

Planning permission is sought for the erection of a detached garage to the front of the property. It would have a footprint of approximately 5.2m x 5m. It would have a dual pitched roof with an overall height of around 4.1m with 2.5m to the eaves. A double driveway would be provided in front of this.

The external walls would be constructed from stone to match the existing house. The roofing tiles would also match those of the existing house.

History of negotiations

During the course of the application further supporting information was obtained from the agent/applicant in relates to the impact on the adjacent protected trees.

Relevant Planning History

Applications for the development of the wider site for residential development. No applications of specific relevance to this application.

Representations

The application has been publicised by site notice and neighbour letter. As a result of the publicity period no representations have been received.

Final publicity date Expires: 19th June 2017

Consultation Responses

KC Trees: no objection on receipt of amended trees information subject to condition

Policy

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is on the UDP Proposals Map and on Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP 24** – Design

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 7 – Requiring good design

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity (including any heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Representations
- 7) Conclusion

1 – Principle of development:

The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. All these considerations are addressed later in this assessment.

2 – Impact on visual amenity:

In terms of visual amenity the application is considered acceptable. The garage is of an appropriate scale for the proposed domestic use. It would be situated adjacent the neighbouring property and have a slight projection to the front of this property. This would not be significant and it would not appearance out of place within the streetscene.

The design is considered acceptable. It would harmonise with the character of the host property and surrounding residential development. The materials of construction are proposed to be stone for the external walls and roofing tiles for the roof. The application form states that these would match the materials used in the construction of the host building. This detail can be controlled by condition for the avoidance of doubt as to what is permitted.

The proposed area of hardstanding could be constructed under permitted development and would harm the appearance of the area.

In summary, the application considered acceptable in terms of visual amenity and would accord with the aims of D2, BE1 and BE2 of the UDP, PLP 24 of the Publication Draft Local Plan and the guidance of Chapter 7 of the NPPF.

3 – Impact on residential amenity:

The impact on residential amenity is considered acceptable. Whilst this is set within close proximity of the adjacent property, it would stand adjacent the attached garage and not result in any undue overbearing, overshadowing or overlooking to the occupants of this dwelling.

The Hawthornes Care Home is located to the rear of the proposed garage on land at a lower level. It is noted that there are windows in the elevation opposite where the garage is proposed to be situated which potentially serve bedrooms for the residents. However, given the separation distance and the existing relationship that other properties on Ellison Grove have with this building, it is considered, on balance, to have an acceptable impact on the amenity of the occupants.

There are no other residential properties that are close enough to be significantly impacted by the development.

As such, the application is considered acceptable in terms of residential amenity in terms of BE1 of the UDP and PLP 24 of the Publication Draft Local Plan.

4 – Impact on highway safety:

In terms of the impact on highways safety, this too is considered acceptable. Whilst the proposed garage falls short of the standard dimensions for a double garage this is considered acceptable given the presence of the existing garage and hardstanding and the proposed hardstanding that is shown to the front of the garage. The new access point to be located adjacent the neighbour's existing access point and no concern is raised in terms of residential amenity. Furthermore, the creation of a new access point in this location would not require planning permission as Ellison Grove is not classified. A condition will be added ensuring that the surfacing is permeable in accordance with the EA's guidance.

In summary, the application is considered acceptable in terms of highway safety and is compliant with T10 of the UDP and PLP 21 of the Publication Draft Local Plan.

5 – Other matters:

Trees

A protected tree is located to the west of the application site within close proximity of the proposed garage structure. Consultation with KC Trees was undertaken and concern was raised about the impact on the trees in the absence of any supporting information. This was sought during the course of the application. Concern was raised by the Trees Officer after a further site visit in terms of trenches that had been created on the site. After further dialogue between the KC Trees Officer and the consultants an amended AMS was submitted with was considered acceptable. A condition would need to be imposed to ensure that the development is undertaken in accordance with this in order to protect the protected tree. This is in accordance with NE9 of the UDP and PLP 33 of the emerging Local Plan.

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: 2017/91603

Officer Recommendation: Approve

Conditions and Reasons

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.

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 D2, BE13 and BE14 of the Kirklees Unitary Development Plan.

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

Reason: In the interests of visual amenity and to accord with Policy BE13 of the Kirklees Unitary Development Plan.

4. The development shall be completed in accordance with the advice and directions (recommendations) contained in the Arboricultural Method Statement, reference (JCA Ref 13656a/SR). These shall be implemented and maintained throughout the construction phase.

Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy NE9 of the Kirklees Unitary Development Plan and Policy PLP 33 of the Kirklees Publication Draft Local Plan.

5. All areas to be used for parking and turning shall be laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance before the garage is first brought into use. Thereafter this area shall be retained free of any obstruction.

Reason: To ensure adequate space within the site for vehicle movements and parking, to reduce flood risk and to accord with Policy T10 of the Kirklees Unitary Development Plan, PLP 21 of the Kirklees Publication Draft Local Plan and guidance in Chapter 10 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan, Site Plan	PL01	-	12th May 2017

Plan Type	Reference	Version	Date Received
Proposed Plan and Elevations			
Arboricultural Method Statement	13656a/SR	-	17th January 2018

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer entered into discussion with the agent/applicant in order to obtain supporting information in relation to Trees. The application was considered acceptable subject to the conditions listed above.

Report Dated: 29th January 2018