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:	2017/62/92083/W
Site Address:	324, Birkby Road, Birkby, Huddersfield, HD2 2DB
Description:	Erection of attached garage with room above and detached pool with room above
Recommending Officer:	Neil Bearcroft

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 26-Feb-2018

Officer Report

Site Description **-** 324 Birkby Road, Huddersfield, HD2 2DB

The site is a large detached stone built bungalow located on the corner of Birkby Road and Reap Hirst Road. The dwelling is set in large grounds with a drive to the eastern side which leads to a detached garage. A large garden is provided to both the front and rear of the property. Surrounding the site to the north is an open area of undeveloped land covered in a number of trees, and to the west is the large detached two storey property of 326 Birkby Road. A rear extension and dormer extension has been constructed under application 2014/91698.

Description of Proposal

The application seeks the erection of an attached garage with room above and detached pool with room above.

The proposed garage would project 7.8 metres from the side of the existing building, be 6.6 metres deep with a maximum overall height of 5.9 metres. Two parking spaces would be provided at the ground floor which would face south along with a new door opening and 3 roof lights above. The rear elevation would have a window and door at ground floor level and two roof lights above. The side elevation would have two windows. The room above would be used as a study and would be detached from the main dwelling.

The proposed outbuilding would provide space for a pool, steam room, plant room and changing facilities at ground floor level with family room above access via a spiral staircase. The building would 9 metres wide by 12 metres long at is largest dimension but would reduce in width to 6 metres for half of its length. The building would have a maximum height of 5.7 metres. Windows would be located on either end (north and south) of the building along with a set of bi fold doors roof lights and an entrance door on the western elevation.

The extension and out building would be constructed from natural stone with a slate roof to match the existing property.

History of negotiations/amendments received

Discussions took place with the applicant's agent raising concerns regarding the design of the garage extension and scale of the out building. Amended plans were provided to address these concerns.

Relevant Planning History

2013/91554 - Erection of carport and alterations to garage to form rooms in new roofspace – Approved – now lapsed

2012/93647 - Erection of single storey rear extension and dormer windows to front and rear. – Approved – now Implemented

2012/91698 - Erection of single storey rear extension and dormer windows to front and rear – Approved – Lapsed

Representations

Final publicity date Expires: 25 July 2017, no comments received. The amended plans were not publicised as these reduced the scale of development.

Consultation Responses

No consultations necessary.

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 unallocated on the UDP Proposals Map and Kirklees Publication Draft Local Plan.

- Access considerations - none

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)
- **T10** – Highway Safety
- **NE9** – Retention of Mature Trees

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP21** – Highway safety
- **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

Principle

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. The site is also unallocated on the draft Local Plan and Policies PLP1 and 2 will therefore considered.

It is noted that the permission from 2013 approved two large outbuildings and the current application seeks to develop the site in an alternative way.

Design

The design of the proposed extensions needs to be considered in relation to Policies D2, BE1, BE2, BE13 and BE14 of the UDP along with Policy PLP24 of the draft Local Plan and Policies in Chapter 7 of the NPPF. The two elements of the proposal will be assessed separately and overall.

Garage Extension

The proposed garage extension would appear as a side extension to the host property but has been designed to appear subserviently to the main dwelling. The garage would be set at a lower level than the main house and would be set in from the front and rear elevations by 1 metre and down from the ridge by 2.4 metres ensuing that the original property remains the dominant element architecturally. Amended plans have been received which ensures that the eaves of the garage are located just above garage door openings ensuring that it appears as a single storey extension with space in the roof. A number of window openings are provided on the front, rear and side and these are considered to be in proportion with the design of the extension. The use of natural stone and slate tiles would ensure that the building ties in with the host property. The garage is therefore considered to be of an acceptable design and scale.

Outbuilding

The proposed outbuilding would be located in the north eastern corner of the application site and it is acknowledged that it is relatively large in scale at 9 metres by 12 metres with an overall height of 5.7 metres. Whilst large in scale the application plot is considered to be large and capable of accommodating a large outbuilding. It is noted that application 2013/91554 granted approval for two large outbuildings one with a maximum height of 6.2 metres in the rear garden and one with a maximum height of 5.5 metres which was located to the side and partly the front of the bungalow. Whilst the 2013 application has now lapsed it was assessed under the same UDP and NPPF policies and it is considered that weight can be afforded to this previous permission. The overall height of the proposed outbuilding would be less than the approved 2013 application and whilst larger in front print it is on balance not considered to be detrimental to the character and appearance of the local area as it would be located away from other built form. The host property would still retain a good amount of garden space to the rear of the site as well as further garden space to the frontage. Window openings for the outbuilding are considered to be of an acceptable design and appearance, and the use of natural stone and slate tiles would ensure that the building ties in with the host property.

Conclusion on Design

In conclusion the whilst it is noted that the proposed development would lead to a significant level of additions at the host property, however it is considered that given the size of the site and the position of the buildings that they are on balance considered to be acceptable in design terms. Given the large scale of the proposed buildings and to prevent an overdevelopment of the site it is considered appropriate to withdraw permitted development rights for any

further extensions or outbuildings at the site. Subject to this condition and one regarding materials to match the proposal is considered to accord with the design policies of the UDP, NPPF and draft Local Plan.

Residential Amenity

In terms of residential amenity the closest properties to be potentially affected by the proposal are no.326 Birkby Road to the west, no.215 40 metres to the south and Four Gables 40 metres to the east. Consideration of the land to the rear also needs to be considered given that this is undeveloped and unallocated. Policies D2 of the UDP and Policy PLP24 of the draft Local Plan need to be considered in relation to residential amenity and any overshadowing, overlooking and overbearing impact.

The proposed extensions and outbuildings are located away from the above properties and it is not considered that the development would lead to any detrimental overbearing or overshadowing of these properties given their location. The most significant impact would be from the outbuilding and the potential to overlook the garden of no.326. A separation distance of approximately 9 metres can be achieved to shared boundary with the garden of no. 326. Whilst this provides a good level of separation, given the overall height of the building where the roof space is utilised for accommodation and the position of window in the western gable end of the building, there is concern that there may be potential to overlook the garden space of no.326. In light of this it is considered appropriate to condition that this first floor window is obscurely glazed to prevent detrimental overlooking. It is noted that there are 2 roof lights on the same elevation, however these are set back further by 4 metres within the site and given that they look towards the existing single storey extension on the rear of the host property there are no overlooking concerns.

Turning to the land to the rear (north) this is unallocated and undeveloped and occupied by a number of trees. The application proposes to include a window which would overlook this space and this window would look towards a tree on the corner of the land. Whilst there is limited separation to this land (1.5 metres) it is on balance considered that there would be little harm including a window on this elevation, and it is not considered that such would prejudice the use of this land in the short or long.

In light of the above the proposal would have an acceptable impact on residential amenity and would accord with Policy D2 of the UPD and Policy PLP24 of the draft local plan.

Highway Safety

With regards to highway safety the application needs to be considered against Policies D2 and T10 of the UDP and Policy PLP21 of the draft Local Plan. The application would utilise the existing points of access for the site which are from Birkby Road and Reap Hirst Road. These access arrangements are considered to be acceptable to serve the development, the garage spaces are

considered to be of an acceptable size and ample off road parking would be provide within the site. The proposal is therefore considered to have an acceptable impact on highway safety.

Other matters

Trees

The eastern and northern boundary of the site is occupied by a number of trees which fall outside the ownership of the applicant and are located on land adjacent the footway which runs adjacent Reap Hirst Road and on land to the north. The Councils Arboricultural Officer assessed the previous 2013 application on an informal basis and in relation to Policy NE9 of the UDP. The Arboricultural Officer stated that the trees were not worthy of protection by a tree preservation order (TPO). While it is acknowledged that the health of trees adjacent the site would be impacted on, this impact is considered to be acceptable in this instance given that the trees are not of a sufficient quality or value for a TPO. The proposal would therefore comply with Policy NE9.

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: 2017/92083

Officer Recommendation: Full Conditional Permission

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 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 and Policy PLP24 of the Kirklees Publication Draft Local Plan.

3. The external walls and roofing materials of the extension and outbuilding 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 and Policy PLP24 of the Kirklees Publication Draft Local Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A and E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.
Reason: To prevent overdevelopment of the site in light of extensions already constructed and those allowed by this planning permission, in the interests of the protection of the character and appearance of the local area and to accord with Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan and Policy PLP24 of the Kirklees Publication Draft Local Plan.

5. The family room of the hereby approved outbuilding of the development shall not be brought into use, until the first floor window in the western elevation of the outbuilding which serves the family room has been fitted with obscure glazing, minimum grade 4. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) the window shall thereafter be so retained obscure glazed for the lifetime of the development.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy by reason of overlooking and to accord with Policy D2 of the Kirklees Unitary Development Plan and Policy PLP24 of the Kirklees Publication Draft Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing and Proposed Plans and Elevations	PL01 Rev A		7/12/2017

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 undertook negotiations with the applicant to secure amended plans to amend the design of the extension and outbuilding, plans were submitted which were then considered to be acceptable.

Report Dated: 21/2/2018