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:	2017/62/92118/W
Site Address:	30, Ballroyd Lane, Longwood, Huddersfield, HD3 4TB
Description:	Erection of garage with lower ground living accommodation
Recommending Officer:	William Simcock

DECISION – Full Conditional Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Neil Bearcroft

AUTHORISED OFFICER

Date: 25-Sep-2017

Officer Report

Site Description

30 Ballroyd Lane is a detached dwelling, single-storey at the front, two-storey at the rear owing to the natural change in ground levels. It takes access to an unadopted road. Land falls away further in the back garden and towards the rear (southern) boundary of the site. The surrounding area is residential, densely built up to the east and south, less so to the west and north, with a garage plot immediately to the east of the site.

Description of Proposal

The proposal is a part-retrospective application for the erection of a double detached garage with lower ground floor living accommodation forming a garden room, WC and utility room. Materials are to be stone and tiles, with a double-pitched roof. The plans show it linked to the original dwelling at lower ground floor level by a short corridor.

So far the lower storey has been constructed. It is to be 5.9m wide, 6.1m in depth (internal width 5.3m). Total height from rear garden level is to be 5.8m to the eaves, 7.4m to ridge.
The site plan also shows a parking area for up to 3 vehicles which is not within the site boundary but is within the applicant's ownership according to the location plan.

Some landscaping works and other minor changes to the original approval are also proposed. The bin storage area is to be located in the space between the house and the garage instead of between the garage and the boundary, the garden steps repositioned to where the bin store would have been, a decked area formed near to the eastern boundary, and the lawn at the upper part of the garden is to be 450mm higher. There are also some modifications to the boundary treatments including the use of timber fencing.

History of negotiations/amendments received

None.

Relevant Planning History

2013/92105 – Erection of detached dwelling. Approved and implemented.

2014/93358 - Discharge conditions 3-6, 8, 9, 11, 12 on previous permission 2013/92105 for erection of detached dwelling (modified proposal) –details approved

Representations

Final publicity date Expires: 15-Aug-2017

Two letters of representation made.

A summary of the comments received is set out below:

- I believe the building this application relates to is larger than the original application.
- The property has 4/5 parking spaces on either side of the building which was not in the agreed plans and now a garage is asked for. The garage is not necessary.
- There is a large window overlooking several houses. Why can it not be at the side instead?
- Sight lines at the access are inadequate because of the fencing.
- Will the underbuild become another house?

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- Highways (informal response) – No objection.

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 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. 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 without designation on Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE13** – Extensions (design)
- **BE14** – Extensions (impact on neighbouring properties and land)
- **T10** – Highway safety
- **T19** – Parking

Kirklees Publication Draft Local Plan (PDLP):

- PLP 21: Highway safety and access
- PLP 22: Parking

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]”. Other UDP Policies of relevance include BE1 and BE2 (development should be visually attractive and contribute to a sense of local identity), and T10 (development should not create or materially add to highway safety problems).

2 –Impact on visual amenity: It is considered that the proposed building would not amount to overdevelopment of the site. It would be built within what was originally intended to be a raised double parking space and would allow the main rear amenity space to remain unchanged. It would not be any nearer the highway boundary than the existing house and would be approximately 10m from the Birks Road frontage.

The design would reflect the existing dwelling and other buildings in the area. Being at the end of a row it would not give rise to a terracing effect.

A landscaping and boundary treatment scheme was submitted and approved as part of the application for approval of details reserved by condition (2014/93358). The changes to the landscaping scheme are not very substantial apart from the creation of the decking. The changes would not involve an overall increase in ground levels. The part of the garden that is still intended to be a lawn is shown as being 125.45 above datum level, compared with 125.00 as originally approved. But the decking is shown as being 124.40 high. Only one new tree would be planted instead of two, but the balance of hard and soft landscaping would be similar and is considered acceptable from the point of view of residential amenity.

It should be conditioned for the avoidance of doubt that the landscaping scheme should be implemented within a specified timescale.

It is considered that provided matching materials are used (as have been used on the existing lower part of the structure) the development would conserve visual amenity and accord with the aims of Policies BE1-2.

3 – Impact on residential amenity: It is considered that the proposed development would not have an overbearing impact upon the occupiers of any neighbouring property. The adjacent plot to the east is occupied by sectional garages and it would not be in the direct line of sight of the rear windows of 21. Birks Road – furthermore this dwelling is to the south-east to there would be very little possibility of the new development obstructing sunlight. With regard to the dwellings to the south, on Orchard Street West, the new habitable room windows would be 18m from the common boundary and 25m from the nearest facing windows. The relationship would not be materially different to the relationship between these properties and the existing dwelling.

It should be conditioned for the avoidance of doubt that the screen fencing shown to the side boundary is installed to a minimum height of 1.8m at least where adjacent to the decking within a specified time scale. The fencing was not included on the old landscaping scheme – it was not deemed necessary at the time because more of the original trees were to have been retained. The existing stone boundary wall at the side is to be retained in addition to this.

It is considered on balance that the development, subject to these conditions, would not have any detrimental impact on residential amenity or neighbouring land and would accord with the aims of Policy D2.

4 – Impact on highway safety: The proposed garage is sub-standard in width and would only really be adequate for a single car. Two spaces should be provided to serve the dwelling as was the case on the original application. The application plans show an additional parking area located to the west of the dwelling, which is within the applicant's ownership. This has already been constructed and will provide adequate parking to serve the dwelling.

Ballroyd Lane is substandard in terms of width and alignment, with some sharp bends especially on the upper part. But the stretch of Ballroyd Lane to which the garage would take access is relatively straight and vehicle speeds, it is expected, will be low because of vehicles approaching the junction with Birks Road, or having just turned off from it. The front wall of the garage is set back 2.7m behind the carriageway boundary which is more than the usually required distance of 2.4m so drivers emerging from it would not suffer from reduced visibility, nor would it interfere with the proposed footway required under condition 5 on the original approval. Given the lack of adverse comments by the Highway Officer it is considered on balance that the development would not create or materially add to highway safety problems subject to the condition above, and would comply with the aims of Policies T10 and T19.

5 – Other matters:

Biodiversity:
The site is in the bat alert layer but the development would appear to have no impact on any existing structures with bat roost potential. The standard precautionary note will be added to the decision notice.

Waste storage and collection:
The alternative waste storage arrangements are satisfactory. It should be conditioned that they are provided before the new accommodation is brought into use and thereafter retained.

6 – Representations:

Objections based on concerns about highway safety have been addressed in the main part of the assessment but are highlighted below together with responses to other issues raised.

- I believe the building this application relates to is larger than the original application.

Response: From a brief external viewing of the building it does not appear to be larger. This is not considered material to the current application which is assessing the development proposed and if the objector wishes to pursue this further they have the option of making a complaint to Planning Enforcement.

- The property has 4/5 parking spaces on either side of the building which was not in the agreed plans and now a garage is asked for. The garage is not necessary.

Response: This is not considered to amount to a valid planning reason for refusing the garage.

- There is a large window overlooking several houses. Why can it not be at the side instead?

Response: The position of the rear-facing window in relation to existing dwellings on Orchard Street West at the bottom of the site is the same as that of the existing windows as approved in the main dwelling and the separation distance to the properties on Orchard Street West is considered to be acceptable.

- Sight lines at the access are inadequate because of the fencing.

Response: At the time of the case officer's site visit the site had low stone walls near the access which appeared to be 1m in height or less, with higher fencing further down the side boundaries. Even if the boundary treatments restrict visibility then building a garage in place of a raised parking space would not make the situation any worse since the garage is set back more than 2.4m from the carriageway boundary. Condition (7) on the original permission requires that nothing is planted or erected within a strip of land 2.0m deep from the carriageway edge which exceeds 1m in height. This condition is still enforceable and action can be taken against it if it is not being complied with.

- Will the underbuild become another house?

Response: The application has been made as a Householder application, so under the terms of the permission the occupant would only be able to use it for purposes incidental to the enjoyment of the dwellinghouse and not as a self-sufficient living unit. Permission will, for the avoidance of doubt, be subject to a condition that the living accommodation be occupied only on an incidental basis, which will be enforceable.

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 – CONDITIONAL FULL PERMISSION

Decision Authorisation - Delegated Powers

Application Number: 2017/92118

Officer Recommendation: CONDITIONAL FULL PERMISSION

Conditions and Reasons

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies D2, BE1 and BE2 of the Unitary Development Plan.

2. The external walls and roofing materials of the development hereby approved shall in all respects match those used in the construction of the existing dwelling.
Reason: In the interests of visual amenity and to accord with Policies BE1 and BE2 of the Unitary Development Plan.

3. The living accommodation and garage hereby approved shall be used for purposes incidental to the enjoyment of the dwellinghouse as such and for no other purposes.
Reason: To accord with the terms of the planning application and to retain adequate planning control over the site in the interests of highway safety and residential amenity, and to accord with the aims of Policies D2 and T10 of the Unitary Development Plan.

4. The raised parking area shown on the approved site plan to the left (west) of the dwelling shall be retained at all times and kept clear of all obstructions to the parking of motor vehicles.
Reason: To ensure that adequate parking space is retained at all times to serve the dwelling, as the proposed garage would not have sufficient internal width to accommodate two cars, and to accord with the aims of Policies T10 and T19 of the Unitary Development Plan.

5. The screen fence shown on the approved plans along the eastern boundary of the site shall be erected within 2 months of the date of this permission being granted. Notwithstanding the details on the approved plan, it shall be 1.8m high where it is adjacent to the edge of the decked area. It shall thereafter be retained as such.
Reason: To ensure that the development does not harm the amenities of neighbouring residential properties by reason of loss of privacy, and to accord with the aims of Policy D2 of the Unitary Development Plan.

6. The works comprising the landscaping scheme shown on the drawings shall be implemented within the first planting, sowing or landscape management season following the granting of this permission. The approved

landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species.
Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity, to ensure there is appropriate screening between the application site and adjoining and adjacent properties to protect the residential amenity of occupiers of these neighbouring residential properties and to accord with Policy D2 of the Unitary Development Plan.

7. The arrangements for the storage and access for the collection of wastes shown on the approved plan shall be provided before the garage or lower ground floor living accommodation are first brought into use and shall be so retained thereafter free of obstructions and available for storage.
Reason: In the interests of amenity and highway safety and to accord with Policy T10 of the Unitary Development Plan and sustainability objectives set out in the National Planning Policy Framework.

NOTE: There is the potential for a bat roost to be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. 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:-

Plan Type	Reference	Version	Date Received
Location plan			03-Jul-2017
Proposed site plan, elevations and section	1456 01	D	03-Jul-2017
Application form			03-Jul-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 requested the applicant submit amended plans to accurately show the landscaping works that were in progress or that had already been carried out.

DATE OF RECOMMENDATION: 20-Sep-2017