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:	2017/62/92604/W
Site Address:	8, Occupation Road, Lindley, Huddersfield, HD3 3AZ
Description:	Demolition of existing garage and erection of new detached garage
Recommending Officer:	Francis Davies

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: 02-Oct-2017

Officer Report

Reference: 2017/92604

Location: 8 Occupation Road, Lindley, Huddersfield, HD3 3AZ

Proposal: Demolition of existing garage and erection of new detached garage

Site Description

The application relates to a double garage located within the curtilage of a large, two storey detached dwelling on Occupation Road, Lindley. The existing garage is located in the north east corner of the application site and is constructed from sectional concrete panels with large timber doors and designed with a pitched roof, finished in concrete tiles. The garage as existing is aging and as such presents in a weathered state.

Access to the garage is via a long vehicle driveway off Occupation Road which runs parallel with the southeast elevation of the main dwelling. The considered site is well delineated from neighbouring properties by the presence of mature vegetation and a small section of painted metal railing approximately 1m high. As such views of the garage are limited. Boundary treatment to the southwest, separating the considered property from the highway, consists of a natural stone wall, approximately 0.5m high and mature vegetation.

Description of Proposal

The application seeks planning permission for the demolition of an existing double garage and the construction of a new detached garage. The proposed garage has been designed with a gable roof and as such would have an eaves height of approximately 2.41m and a total ridge height of approximately 3.92m. As a typical double garage the proposed would have a total length of 7.84m and a total width of approximately 4.95m.

Proposed construction materials include brick and clay roof tiles to match the existing dwelling while x2 windows are proposed in the northwest elevation of the garage. The new garage would replace the existing and as such would be sited in the same location.

Relevant Planning History

No relevant planning history.

Representations

Final publicity date Expires: 27th September 2017

No public representations were received regarding this application

Consultation Responses

No Consultations were sought regarding this application.

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 remains unallocated on Kirklees Publication Draft Local Plan.

- Access considerations - None

Kirklees Unitary Development Plan:

- D2 – Unallocated Land
- BE1 – Design Principles
- BE2 – Quality of Design
- T10 – Highway Safety

Kirklees Publication Draft Local Plan (PDLP):

- PLP 1 – Achieving Sustainable Development

- 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 main considerations in the determination of this application are:

- The principle of development
- Impact on Visual Amenity
- Impact on Residential Amenity
- Highway Safety; and
- Other Matters

Principle of Development

The NPPF provides a presumption in favour of sustainable development.

Policy D2 of the UDP requires that new development on unallocated sites does not prejudice the implementation of proposals in the plan; the avoidance of over-development; the conservation of energy; highway safety; residential amenity; visual amenity; the character of the surroundings; wildlife interests; and the efficient operation of existing and planned infrastructure.

As the proposal concerns the demolition and erection of a building within the curtilage of a dwellinghouse situated within an existing residential area, it is regarded as sustainable development and is therefore acceptable in principle, subject to appropriately addressing other planning matters.

Impact on Visual Amenity

The proposed garage would be constructed on the same site as the existing double garage and as such would not be materially larger than the existing, measuring approximately 7.84m in length, compared with approximately 6.5m of the existing garage. Equally, the width, of the garage would be similar to the existing at not more than 5m.

Additionally, the proposed garage would be constructed from materials to match the host dwelling and as such would serve to improve the amenity value of the garage and the amenity value of the site as a whole. Proposed

fenestration would also be similar to that of the existing garage, maintaining windows in the northwest elevation and above the entrance. Consequently, the proposal is considered to comply with Policies D2 (criteria v), BE1 and BE2 of the Unitary Development Plan (UDP), Policies PLP1 and PLP 24 of the publication draft Local Plan and guidance contained within Chapter 7 of the NPPF.

Impact on Residential Amenity

The impact on residential amenity has been assessed and is considered to be acceptable. The proposed development is small in scale and would not impact the amenity value currently enjoyed by neighbouring properties. Of note is the inclusion of windows on the northwest elevation and above the garage doors. However, the windows are small in size and do not overlook any neighbouring properties. Furthermore considerable boundary features which include mature vegetation restrict any views.

Notwithstanding the above the proposal would be replacing an existing double garage, which due to its age has a weathered appearance. As such the proposal would refresh and improve the amenity offered by the garage thereby improving the residential amenity enjoyed by occupants of neighbouring dwellings.

Consequently, the proposal aligns with guidance contained within Policies D2 (v) and BE1 of the UDP, Policies PLP24 of the PDLP and Chapter 7 of the National Planning Policy Framework (NPPF).

Impact on Highway Safety

The application site benefits from off-road parking provision capable of accommodating a number of vehicles. Equally, the proposal is for a replacement double garage which further improves parking facilities onsite. The proposal therefore complies with Policy T10 of the UDP and D2 of the UDP.

Other Matters

Biodiversity and Ecology

Although the application site is located within a bat alert area, it is not identified on the maps as having a bat roost. The dwelling is also well sealed and unlikely to have any significant bat roost potential. Notwithstanding this, a note recommending that the advice of licensed bat work should be sought if any bats are found during the development. If this application is approved this note would be relayed on the applicant via the decision notice, for the proposal to comply with the guidance contained within the NPPF.

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: 2017/92604

Officer Recommendation: Grant 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 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.

Note: There is 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, Block & Site Plans	HD3-02	-	26TH July 2017
Proposed Garage Planning/Building Regs	HD3-01	-	26th July 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.

No amendments were sought regarding this application. The proposed plans were considered acceptable to planning officers as submitted.

Report Dated: 29th September 2017