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:	2017/62/92845/W
Site Address:	24, Holly Bank Road, Lindley, Huddersfield, HD3 3LX
Description:	Demolition of existing garage and erection of new 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: 20-Oct-2017

Officer Report

Reference: 2017/92845

Location: 24 Holly Bank Road, Lindley, Huudersfield, HD3 3LX

Proposal: Demolition of existing garage and erection of new garage

Site Description

The application relates to 24 Holly Bank Road in Lindley which is a large detached property located within an area defined as Unallocated Land within the Kirklees Unitary Development Plan. The property is constructed from stone with a slate roof and uPVC windows with timber doors with garden areas to the side and rear. Beyond the rear boundary is an area of Urban Greenspace which forms a recreation ground.

The property has an existing garage to the west of the site, which has an off-road parking space to the front for one vehicle. Otherwise, there is availability of on-street parking within the vicinity of the house.

Description of Proposal

The application is seeking planning permission for the demolition of the existing garage within the site, and the erection of a new garage. The existing garage has a width of approximately 3.1m, and a length of approximately 6.0m, with a distance to the front boundary of the site of approximately 3.9m, and a total distance to the edge of the highway – Holly Bank Road at approximately 5.4m.

The proposed garage would have a small store room to the back, and would have a total width of approximately 4.2m, and a length of approximately 7.6m. The garage structure would have a pitched roof with an eaves height of 2.2m, and an overall height of 4.0m. From the edge of the proposed garage, to the front boundary of the site, there would be a distance of 2.5 metres.

The existing garage is constructed from concrete walls, and the new proposed structure would be clad with timber weatherboarding and the roof structure would be covered in tiles to match the original house.

History of negotiations/amendments received

The description of the application has been amended to remove the reference to a car port as this was removed from the previous application. The agent confirmed that this was acceptable.

Relevant Planning History

2017/92344 - Non material amendment to previous application 2017/90709 for the demolition of existing garage and erection of new garage – Refused

2017/90709 – Demolition of existing garage and erection of new garage (Conditional Full Permission)

2015/92901: Erection of two storey side and rear extension (Conditional Full Permission)

2015/93780: Non material amendment to previous permission no.2015/92901 for erection of two storey side and rear extension (NMA – Approved)

Representations

Final publicity date Expires: 03rd October 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 –** Land Without Notation On The Proposals Map (Unallocated Land)
- **BE1 –** Design Principles
- **BE2 –** Quality of Design
- **BE11 –** Materials

Kirklees Publication Draft Local Plan (PDLP):

- PLP1 – Achieving Sustainable Development
- PLP24 - 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.

- Paragraph 17 – Core Planning Principles
- Chapter 7 – Requiring good design

Assessment

The following matters are considered in the assessment below:

1) Principle of Development
1) Impact on Visual Amenity
2) Impact on Residential Amenity
3) Impact on Highway Safety
4) Other Matters
    5- Biodiversity and Ecology
5) Representations
6) Conclusion

<u>The Principle of Development</u>

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.

Impact on Visual Amenity

The proposed garage is slightly larger than the existing and in order to preserve a garden tree the garage has been repositioned, moving slightly further forward. Consequently the separating distance between the northern boundary and proposed garage would be approximately 2.5m. As such the garage would protrude beyond the principal elevation of the host dwelling. It is noted that a previous non-material amendment application (2017/92344) offered comments advising that re-positioning of the garage further forward would create a visually prominent feature resulting in a detrimental impact to the streetscape.

However, following a site visit it is considered that the garage would remain subservient to the main dwelling. Equally, due to boundary treatment, which delineates the garage from the house, the two buildings appear separate and are not naturally considered together. Therefore the subsequent re-positioning of the garage would not appear incongruous in terms of orientation to the parent property. Additionally, owing to a retained separating distance of approximately 2.5m to the boundary, setting the garage back from the highway and visible street view, it is not considered to create an overly prominent feature in the streetscape.

Policy BE11 requires all new development to be built using matching materials to that prevailing in the area. In this location the predominant construction material is stone, although it is noted there are other concrete constructed garages within the vicinity. The proposed garage would be clad with timber weatherboarding. Although this material would not necessarily be in keeping with the area, it is not expected to become an incongruous feature in the street. It is considered the timber clad garage structure may be an improvement to the existing concrete garage.

Overall the proposal is considered to comply with Policies D2 (Criteria vi), BE1, BE2 and BE11 of the Unitary Development Plan (UDP), Policies PLP1 and PLP24 of the publication draft Local Plan (PDLP) and guidance contained within paragraph 17 and Chapter 7 of the National Planning Policy Framework (NPPF).

Impact on Residential Amenity

The proposed garage, although slightly larger, would essentially replace the existing garage. The adjacent properties are to the west, and are newly built at three-storeys high. Although the overall height of the garage would be increased, this is not considered to be significant taking into account the

heights of adjacent buildings. Furthermore, residential properties to the west are elevated against the considered site and no.22d does not contain any substantial habitable room windows at the first floor level which would be impacted by this development.

It is considered the proposed garage would not significantly change the existing relationship between it and the adjacent properties. Therefore it is considered the proposal would comply with Policy D2 of the UDP Policy PLP1 of the PDLP and guidance contained within the NPPF.

Impact on Highway Safety

The site is located on a residential street where on-street parking is acceptable. However, it is considered that the repositioning of the garage would reduce the separating distance to the boundary from approximately 3.8m to 2.5m thereby removing an off-road parking space, though it is noted that the existing depth of 3.8 metres would be substandard for a parking space which is usually 4.8 metres.

Notwithstanding this the garage is of sufficient dimensions as to accommodate a vehicle and as such the proposal is considered to retain a vehicle parking space which mirrors the existing situation. Consequently, the parking arrangements or access arrangements would not be affected or changed if the proposal were to go ahead. The development therefore accords with policy T10 of the Unitary Development Plan (UDP).

Other Matters

Biodiversity and Ecology

The application site is within a bat alert area; however there no indication that there is a bat roost on site therefore a bat survey would not be required in this case. However, a note the recommending that the advice of licensed bat work to be sought if any bats are found during the development will be relayed on to the applicant if this application is approved for the proposal to comply with Chapter 11 of the NPPF.

Representations

No public representations were received.

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: 2017/92845

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 and BE2 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, Site and Block Plans	3366-01	A	16th August 2017
Garage Plans	3366-02	B	16th August 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.

Discussions were held between the agent and planning officer regarding the description of proposed works. In all other respects the application was considered acceptable.

Report Dated: 20/10/2017