

**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: 2017/62/93195/W

Site Address: 154, Laund Road, Salendine Nook, Huddersfield, HD3
3TY

Description: Erection of detached garage

Recommending Officer: Aimee Procter

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: 13-Nov-2017

Officer Report

Application: 2017/62/93195/W

Site: 154 Laund Road, Salendine Nook, Huddersfield HD3 3TY.

Proposal: Erection of detached garage

Site Description

The application relates to a two storey detached dwelling with integral double garage; the site is a new build development off Laund Road in Salendine Nook. The dwelling has its front elevation facing south west, and is constructed in natural coursed stone with concrete tiles to the roof. To the south west of the site is a driveway area suitable for off-road parking; to the east and north east is a garden currently laid with lawn. The boundary of this dwelling comprises of timber fence panels of approximately 2m in height. There are two trees within the rear garden area. These are not subject to TPO.

The area surrounding the site is residential in nature. To the east and south east of the applicant site is a new build development site, currently in progress, consisting of a number of detached dwellings. Access to the applicant site is taken off Laund Road; an access road is shared by the applicant site and the occupiers of the new build development. To the north west of the applicant site is the neighbouring detached dwelling of no. 158A, Laund Road; to the south west of the applicant site is the neighbouring semi-detached dwelling of no.156 Laund Road.

Description of the Proposal

The proposal seeks planning permission for the erection of a detached garage to the south east of the dwelling. The detached garage will be constructed with natural coursed stone and have a pitched roof covered in concrete roof tiles to match the existing dwelling.

The proposed garage will be a 6m by 6m square; it will have a pitched roof and reach a height of approximately 2.3m to the eaves and 4.3m to the ridge. The garage will have one large garage door on the front elevation facing south west, and one single access door to the side elevation facing north west.

Relevant Planning History

2003/62/90563/W2 Erection of detached dwelling with integral garage

Representations

The final publicity date expired on 31st October 2017.

No public representations were received.

Consultation Responses

No consultations were required.

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 EIP 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. 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 the Publication Draft Local Plan.

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)

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
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) 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.

Furthermore the site is without notation on the Publication Draft Local Plan. Policy PLP1 states that when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. The assessment below takes into account the aims of PLP1.

2 – Impact on visual amenity

The proposal seeks planning permission for the erection of a detached garage to the south east of the dwelling. The detached garage will be constructed with natural coursed stone and have a pitched roof covered in concrete roof tiles to match the existing dwelling, which is acceptable. In the context of the site’s curtilage and the surrounding area, the detached garage would not create a visually intrusive feature in the local area in terms of its size and design. As a number of dwellings in the surrounding area benefit from a detached garage, it is considered that this proposal would not have a detrimental effect on the street scene or surrounding area. Furthermore the structure would not amount to an overdevelopment of the site. Although the dwelling is large it also has a large curtilage in comparison to surrounding dwellings. In this context the garage would be proportionate within the site.

Given the above, the proposal complies with policies D2, BE1, BE13 and BE14 of the Unitary Development Plan, policies PLP1, PLP2 and PLP24 of the Publication Draft Local Plan and Chapter 7 of the NPPF.

3 – Impact on residential amenity

The proposed detached garage would be built to the south east of the existing dwelling. The detached garage would measure 6m by 6m and reach a height of 2.3m to the eaves and 4.3m to the ridge. To the north west of the applicant site is the neighbouring detached dwelling of no. 158A, Laund Road; to the south west of the applicant site is the neighbouring semi-detached dwelling of no.156 Laund Road.

The proposed garage will have one large garage door to the front elevation facing south west, and one single access door to the side elevation facing north west. Given that no windows are proposed through this application, it is considered that no overlooking of any neighbours private space or habitable room windows would occur.

The applicant site is reasonably spaced out from surrounding neighbours with the exception of no.158A Laund Road, closely situated to the north west. It is considered that the proposed detached garage would have no material impact upon the residential amenity of this neighbour due to the positioning of the garage being set further back from the neighbouring dwelling and the view to the garage being obscured by the applicant site's dwelling. Due to the positioning of the surrounding neighbours, it is considered that this proposal would not result in any overbearing, overshadowing or loss of outlook to neighbouring occupants.

Given the above, it is considered that the overall impact of the proposed detached garage on residential amenity is acceptable, and as such, complies with the requirements of policies D2, BE1 and BE14 of the Unitary Development Plan, policy PLP24 of the Publication Draft Local Plan and core planning principles of the NPPF.

4 – Impact on highway safety

The proposed detached garage would be built to the south east of the existing dwelling. The positioning of the garage would not affect the site's capability to host off-road turning nor would it affect the highway safety of the site. Indeed it would increase the capacity for off road parking of vehicles connected to the dwelling.

The proposal will include the construction of a substantial new section of hard surface. In order to mitigate a potential increase in surface water run-off it should be conditioned that the drive be surfaced in accordance with DCLG/EA guidance regarding the permeable surfacing of front gardens. This would comply with Policy BE1 of the UDP and PLP24 PDLP, Chapter 10 NPPF.

5 – Other Matters

Bats

The Council's GIS System indicates that the dwelling is within a Bat Alert Area. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. The proposed development would not result in the demolition of any existing building, nor does it include the demolition or alteration to an existing roof structure. Taking this into account it is considered that there is not a reasonable likelihood that this is a bat roost. However, as a precaution an advisory note has been added to the decision notice to the effect that if bats are discovered on site, development shall cease and the applicant is advised to contact Natural England for advice.

Trees

The garage would be built within the crown spread of two trees in the rear garden. One is a poor quality multi stemmed specimen and the other appears to be a lime with epicormic growth. Neither are worthy of TPO. In this context it is considered that the proposed development could be undertaken without conflict with Policy NE9 of the UDP which seeks the protection of mature trees as the trees are not worthy of such protection.

6 – Representations

The final publicity date expired on 31st October 2017.

No public representations were received.

7 – Conclusion

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.

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: 2017/62/93195/W

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 and Policies PLP1 and PLP24 of the Publication Draft Local 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 and Policies PLP1 and PLP24 of the Publication Draft Local Plan.

4. The development shall not be brought into use until the new driveway to serve the garage on the approved plan has been 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. The driveway shall be so retained, free of obstructions and available for access and parking of vehicles.

Reason: In the interests of amenity and to prevent an increase in flood risk through surface water run-off so as to comply with Policy BE1 of the Unitary Development Plan, Policy PLP24 of the Publication Draft Local Plan and Chapter 10 of the National Planning Policy Framework.

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
Proposed elevations	15/D73/52		21/09/2017
Proposed site/block layout	15/D73/52		21/09/2017
Existing site/block layout	15/D73/51		21/09/2017
Location plan			21/09/2017

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 applicant was not contacted during the course of the application as the development was considered acceptable in its submitted form.

Report Dated:

10/11/2017