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: 2017/62/93360/W

Site Address: 7, Burcote Drive, Outlane, Huddersfield, HD3 3FY

Description: Erection of detached garage

Recommending Officer: Aimee Procter

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: 23-Jan-2018

Officer Report

Application: 2017/62/93360/W
Site: 7 Burcote Drive, Outlane, Huddersfield, HD3 3FY.
Proposal: Erection of detached garage

Site Description
The application relates to a two storey semi-detached dwelling in Outlane. The dwelling is constructed in brick and render with a stone facing to the ground floor front elevation, with dark grey concrete tiles to the roof. To the front of the dwelling is a driveway suitable for off-road parking and a small gravel garden. To the rear of the dwelling the occupiers benefit from a white UPVC conservatory, decking and lawn.

The area surrounding the site is predominantly residential in nature. To the west of the applicant site is the adjacent semi-detached dwelling no.9 Burcote Drive, these dwellings are separated at the rear by timber fence panels approx. 1.7m in height. To the east of the applicant site is the adjoining semi-detached dwelling no.5 Burcote Drive, these dwellings are separated at the rear by timber fence panels approx. 1.7m in height.

Description of the Proposal
The proposal seeks planning permission for the erection of a detached garage positioned to the south west corner of the applicant site. The detached garage will be constructed using rendered blockwork, dark grey concrete roof tiles, UPVC doors to match the existing dwelling.

The detached garage will measure 6m in length and 5.2m in width, it will have a pitched roof and will reach approx. 2.7m to the eaves and 3.9m to the ridge. The garage will have a roller shutter door to the elevation facing south and will have one door opening facing the neighbouring dwelling to the east.

Negotiations and/or Amendments
Amendments to the original scheme have been sought to reduce the scale of the detached garage to minimise any impact on visual and residential amenity.

Relevant Planning History
2005/92362 Erection of two storey extension – Conditional full permission
2003/94269 Erection of conservatory – Conditional full permission
94/93984 Erection of front porch and tiled roof over bay – Conditional full permission

Representations
The final publicity date expired on 24th November 2017.
No public representations were received.

Consultation Responses
Kirklees PROW – No comment to make.

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 on Kirklees 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)
- **T10** – Highway Safety

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

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 southern corner of the site, situated within the existing rear garden space. The detached garage will be constructed using rendered blockwork, dark grey concrete roof tiles and UPVC to match the existing dwelling, which is acceptable.

The proposed garage will be 6m by 5.2m; it will have a pitched roof reaching a maximum height of approx. 3.9m. Although the garage would be constructed within an existing garden space, it would not create a visually intrusive feature in the local area in terms of its size and design, given that a good level of amenity space will remain and given the applicant site is situated directly opposite a large industrial unit. The garage will replace an existing timber shed currently positioned to the southern corner of the applicant site.

Given the above, it is considered that the proposal would not have a detrimental effect on the street scene or surrounding area and therefore complies with the 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

A core principle of the National Planning Policy Framework is to seek high quality design and a good standard of amenity for all existing and future occupiers of land and buildings. The impact of the development on residential amenity also needs to be considered in relation to policies D2 and BE14 of the Unitary Development Plan. The host dwelling is surrounded by a number of dwellings, the closest of which being nos. 5 and 9 Burcote Drive. An assessment is carried out below:

No.5 Burcote Drive

To the east of the applicant site is the adjoining semi-detached dwelling no.5 Burcote Drive, these dwellings are separated at the rear by timber fence panels approx. 1.7m in height. The proposed detached garage will be built away from the boundary with this neighbour at an approximate distance of 2.8m. It is considered that given the distance between this neighbouring dwelling and the detached garage, the boundary features consisting of approx. 1.7m high timber fencing to prevent any direct overlooking, and given the orientation dwelling with south facing garden space therefore benefitting from a good level of direct sunlight, no unacceptable overbearing, overshadowing or loss of outlook would occur.

No.9 Burcote Drive

To the west of the applicant site is the adjacent semi-detached dwelling no.9 Burcote Drive, these dwellings are separated at the rear by timber fence panels approx. 1.7m in height. The proposed detached garage will be built close to the boundary with this adjacent neighbour, and will be positioned to the south west corner of the applicant site. It is considered that given the distance between this neighbouring dwelling and the detached garage of approximately 9m, the boundary features consisting of approx. 1.7m high timber fencing, and given the orientation to the rear is south therefore benefitting from a good level of direct sunlight, no unacceptable overbearing, overshadowing or loss of outlook would occur.

Given the above, the proposal complies with policies D2 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 will be accessed directly from Mulehouse Lane and vehicles would have to wait on street before accessing the garage. It is considered that although this is a footway in front of the garage, given the number of sites benefitting from dropped kerbs in and access from the rear of the site, no unacceptable impact would occur on the highway safety of the site. Furthermore the Mulehouse Lane does not form a classified road which further reduces any potential concerns.

5 – Other Matters

None

6 – Representations
The final publicity date expired on 24th November 2017.
No public representations were received.

7 – 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: 2017/62/93360/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, D11, BE13 and BE14 of the Kirklees Unitary

Development Plan, policies PLP1, PLP2 and PLP24 of the Kirklees Publication Draft Local Plan and Chapter 7 of the NPPF.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Grouped plans and elevations			19/01/2018

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 contacted and amendments to the original scheme were sought to reduce the scale of the detached garage to minimise any impact on visual and residential amenity.

Report Dated: 22/01/2018