

**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: 2018/62/90573/W
Site Address: 53, Riddings Road, Sheepridge, Huddersfield, HD2 1HL
Description: Erection of detached garage

Recommending Officer: Laura Yeadon

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: 09-Apr-2018

Officer Report

Site Description

53 Riddings Road is a mid-terraced property located within an area defined as Unallocated Land within the Kirklees UDP. The property is constructed from render with a concrete tiled pitched roof. The floor level of the terraced row is set up from the pavement level with the row set back from roadside, separated by front gardens. To the rear of the property is a garden area. Between No's 41 and 43 Riddings Road is a Byway which runs along the rear boundaries of No's 34 and 57 Ridding Road. Within the rear garden of the application site is an existing garage which has a garage door and is accessed off the Byway with the site sloping upwards from south to north. The wider area is comprised of mainly residential properties however behind the rear gardens of the properties along this section of Riddings Road are designated allotment gardens.

Description of Proposal

Permission is sought for the erection of a detached garage. The existing garage would be demolished to accommodate the development.

The garage would be located in the same position as the existing, albeit with the proposed garage having a larger footprint and scale. The garage would have a width of 5.4 metres, depth of 6.5 metres with an eaves height of 2.4 metres and a maximum height of 5.3 metres. Due to the sloping nature of the land access steps are required to the rear of the building providing pedestrian access into the garden.

The garage would be constructed from blockwork with a rendered finish and would have an insulated metal sheeting tiled effect roof. The garage door would be a roller shutter type.

Vehicular access would be taken from the Byway to the rear of the rear boundary.

It is noted that the gutters would overhang the side boundaries of the properties however the submitted application form indicates that notice has been served on both neighbouring properties.

History of negotiations/amendments received

No negotiations have taken place and no amendments sought or received.

Relevant Planning History

No history

Representations

Final publicity date expired 3rd April 2018 including the newspaper article – no representations received

Parish/Town Council comments – not applicable

Consultation Responses

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

K.C. Public Rights of Way – no objection to garage door openings to a Byway open to all traffic Huddersfield 35

Policy

The statutory development plan comprises:

The Unitary Development Plan (UDP). This report will refer only to those policies of the UDP 'saved' under the direction of the Secretary of State beyond September 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 Land on the UDP Proposals Map and is proposed to be retained as such on the Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **R131** – Public Rights of Way

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP 24** – Design
- **PLP23** – Core walking and cycling network

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 (including any heritage considerations)
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology (e.g. bats)
- 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 National Planning Policy Framework.

2 –Impact on visual amenity:

In terms of visual amenity, the garage would be located to the rear of the garden area in a similar position to the existing spanning but the full width of the curtilage and of a significantly greater scale. The garage would be visible from the rear of the properties within the terraced row, from Riddings Close to the north east and also from the Byway beyond the rear boundary. Due to the introduction of a pitched roof and significant increase in width the structure would have an imposing impact, especially when viewed from the byway as there is little development to the rear gardens of the properties which have an open aspect. However this is off-set by a more visual appealing structure which would have a rendered finish and tile effect roof. In addition it would be largely seen against development – to the south of the structure of similar palette of materials. On balance it is considered it would respect the visual amenity and the character of the area.

It is therefore considered that in terms of visual amenity, the proposal is acceptable in accordance with Policies BE1 and BE2 of the UDP, Policy PLP24 of the Publication Draft Local Plan and advice within the NPPF.

3 – Impact on residential amenity:

In terms of being overbearing and causing overshadowing the garage would be located at the most northern part of the site and therefore, would not cause any loss of direct sunlight to dwellings although it would cause shade to the upper sections of gardens. Whilst the overall structure would be higher than the existing due to the formation of the pitched roof and increased width, the roof would slope away from each side boundary thus minimising the extra height. In addition, there is a good degree of separation between the structure and the rear elevations of the neighbouring properties so any impact from the proposal would be to the northern section of the gardens. As such, it is not considered that the garage would cause undue harm from being overbearing or overshadowing.

With regard to overlooking, there is a proposed garage door within the north elevation and a personal door within the southern elevation. No other openings are proposed. As the garage would be non-habitable accommodation, there are no concerns regarding overlooking,

As such, it is considered that the proposal is acceptable in terms of residential amenity in accordance with Policy BE1 of the UDP, Policy PLP24 of the Publication Draft Local Plan and Chapter 7 of the NPPF.

4 – Impact on highway safety:

The proposed garage is of sufficient size to accommodate a vehicle and therefore there are no concerns.

Byway Huddersfield 35 provides access to the garage and is a byway which is open to all traffic. The Council's Public Rights of Way have raised no objection to the scheme however it is requested that a footnote is attached to the

decision notice stating that this should not be obstructed, prior to, during, of following construction works.

It may be necessary to relocate a streetlight to accommodate the garage. The applicant would need to arrange this with Highways.

5 – Other matters:

There are no other matters for consideration.

6 – Representations:

No representations have been 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: 208/90573

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 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 Kirklees Unitary Development Plan.

NOTE Byway open to all traffic Huddersfield 35 is adjacent to the development site and must not be obstructed, prior to, during or after development works.

The Council's Public Rights of Way unit may be contacted by telephone on 01484 221000 and ask for Sharon Huddleston. Public Rights of Way is based at Flint Street, Fartown, Huddersfield, HD1 6LG and the email address is publicrightsofway@kirklees.gov.uk

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan			19th February 2018
Site/Block plan			19th February 2018
Existing and proposed elevations and floor plans	18 C 1		19th February 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. No negotiations have taken place as it was considered that the application was acceptable in its submitted format.

6 th April 2018

Report Dated: