

**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: 2018/62/91312/E

Site Address: Adj, 1060, Halifax Road, Scholes, Cleckheaton, BD19
6PE

Description: Erection of detached storage/garage

Recommending Officer: Anthony Monaghan

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.

Julia Steadman

AUTHORISED OFFICER

Date: 22-Nov-2018

Officer Report

Site Description

The application relates to a newly developed housing site for four dwellings; the dwellings have been built with the particular dwelling in question now being occupied.

The dwellings are accessed from Halifax Road and there is a service road within the site. The dwellings are set back behind the service road with each having off street parking to the front and small garden areas to the rear.

The site is adjacent to other residential developments, whilst to the rear is a Yorkshire Water site on which there are two covered reservoirs; the site is unallocated on both the UDP and Draft Local Plan.

Description of Proposal

The proposal is for the erection of a detached garage/store to the front of the dwelling referred to as plot 4 of the site. It would be sited in a garden area belonging to the property and would face onto the access road.

At the time of the site visit the garage had been constructed and was nearing completion.

It was noted that this did not appear to accord with the submitted plans and amended plans requested.

HISTORY OF NEGOTIATIONS (including revisions to the scheme):

Amended plans were received 13/06/18 which show the garage/store as built. The garage/store measures 4.715m x 3.270m x approximately 3m to the ridge and 2.15m to the eaves.

Planning History.

2017/92175 Erection of 4 detached dwellings. Approved.

2017/93412. Discharge conditions 3 (materials), 4 (water supply), 5 (soak-away) on previous permission 2017/92175 for erection of 4 detached dwellings. Split decision.

2017/94179. Variation of condition 2 on application 2017/92175 for the erection of 4 detached dwellings. Approved.

2018/90072. Discharge of conditions 6 (boundary treatments) and 9 (ecology design strategy) on previous permission 2017/92175 for erection of 4 detached dwellings. Split decision.

Representations.

Final publicity date Expires: 29/06/18

6 letters of representation received to initial plans. The amended plans were re-publicised and a further 6 letters of representation received, 4 of these from persons who had previously objected.

Issues raised are summarised as follows:

- Plans do not reflect the size of the garage.
- No requirement of occupiers of plot 4 for mobility scooter storage.
- Building makes the adjacent dwelling feel claustrophobic.
- Garage should have a flat roof.
- The garage has already been built.
- Garage not in keeping.
- Blocking of light and views.
- Planting will not disguise the garage.
- Planning officer should have stopped the building of the garage.
- Building without permission should be censured and the garage removed.

Consultation Responses.

None required

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). 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 47 of the National Planning Policy Framework (2018). 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 (2018), 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 is not proposed to change as part of the PDL.

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **T10**- highway safety.

Kirklees Publication Draft Local Plan:

Whilst the local plan is not yet the adopted plan of the Council, it has now been submitted for inspection and is now considered to carry significant weight, particularly where there has been little or no objection to policies.

The weight given to the policies in the Local Plan is likely to increase over time as the inspection progresses.

- **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 24th July 2018, 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 12** – Achieving well designed places.

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 visual and residential amenity”. All these considerations are addressed later in this assessment.

2 –Impact on visual amenity.

UDP policy BE1 advises that a development should contribute to a healthy environment including space and landscaping about buildings; Policy BE2 says that new development should be in keeping with surrounding development in terms of layout and building height and mass.

Policy PLP 24 of the PDLP suggests that proposals should promote good design by ensuring (amongst other things) the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.

The site as approved and constructed has the four detached dwellings arranged in a linear fashion behind the access road. The dwellings are a mix of true and dormer bungalows, with each one having some elements of design in common.

There were no outdoor buildings proposed originally although two have included an integral garage or store. The dwelling on plot 4 is located at the end of the service road within the site and the garage/store is located on an area of garden. Whilst it is located to the front it is still set back a reasonable distance from the highway and, given the relatively small scale is not considered unduly prominent. It is also no closer to the highway than the existing dwellings on Halifax Road, including those adjacent to the site nos. 1056 and 1060.

In terms of the design detail, the building has a twin pitched roof to match that of the host dwelling and is constructed of the same materials. A shallow pitch roof was first proposed however given the location to the front of the dwelling a pitched roof to match that of the host property is considered more appropriate.

The proposed plans show planting to the south side of the garage facing the highway; there would also be some to the north. Whilst this would help soften the impact and would provide some soft landscaping, it is not considered necessary that the building should be screened from the highway or that the planting is required to make the development acceptable. Furthermore as this is the garden area of the dwelling it is likely that the occupiers would want to carry out some form of planting. As such no condition is required to be imposed regarding the planting.

Given the above it is considered that the proposals would be acceptable in terms visual amenity and in accordance with policies D2 and BE1 of the UDP, policy PLP 24 of the PDLP and national policy in paragraphs 58 and 64 of the NPPF chapter 12.

3 – Impact on residential amenity:

The garage/store is sited close to the side boundary with no. 1056 Halifax Road. This property has the front elevation facing Halifax Road and as such

there is no direct relationship between the garage/store and any habitable room windows in this front elevation.

With regard to the side elevation of this adjacent dwelling there is approximately 9m between this and the rear elevation of the garage/store; there is a small single window in the main part of the side elevation which, according to the representations received, is a secondary window serving the lounge/dining room. There is also a kitchen window in a rear projecting element of this adjacent house.

These windows currently face out onto the driveway of the property with the main outdoor amenity space to the front, rear and other side of the dwelling.

It is noted that concerns have been raised regarding the loss of view and light caused by the garage. It is understandable that the changes to the proposals to the adjacent site may have an impact by the mere fact that the garage is very visible from this neighbouring property. However being visible does not always equate to being harmful to residential amenity and it is particularly important to note that there is no right to a view.

It is unlikely given the distance to the garage and the existence of other windows in this adjacent property that there would be a loss of light or outlook to the occupiers of no. 1056 Halifax Road, neither could the structure be considered to have an overbearing impact.

There are no other dwellings close enough to the garage/store such that it would have an impact on residential amenity.

Given the above it is considered that there would not be any significant harm to residential amenity from the proposals which are therefore in accordance with policies D2 and BE1 of the UDP and advice in chapter 12 of the NPPF, requiring good design.

4 – Impact on highway safety:

The garage/store is sited on area which forms part of the front garden of the host property, it does not affect any of the off street parking provision for this dwelling, although it is noted on the plans that there would be one less visitor parking place at the front of this site. It is also the case that the garage/store is not large enough to be considered as an off street parking place by current standards. Notwithstanding this point, there are no restrictions to the front of the site to prevent on –street parking which could be used by visitors.

5 – Other matters:

The garage/store is largely completed as such no condition on the time limit for commencement of development is required. The only condition considered necessary is that the development is carried out in accordance with the submitted plans.

6 – Representations:

12 letters of representation have received. The issues raised are summarised and responded to as follows:

- Plans do not reflect the size of the garage. **Response:** This is an objection to the original plans. Amended plans were submitted showing the garage as it has been constructed.
- No requirement of occupiers of plot 4 for mobility scooter storage. **Response:** The issue of whether or not there is a requirement for the storage of a mobility scooter was not a deciding factor in the assessment of the application.
- Building makes the adjacent dwelling feel claustrophobic. **Response:** residential amenity has been assessed in the report above.
- Garage should have a flat roof. **Response:** The impact the development would have upon visual amenity has been assessed above. It is considered that the use of a pitched roof, which would match that incorporated on the wider development, is more appropriate in this context than a flat roof design.
- The garage has already been built. **Response:** any work being carried out would be at the risk of the applicant. It would not affect the recommendation.
- Garage not in keeping. **Response:** This has been assessed in the main report under the visual amenity section.
- Blocking of light and views. **Response:** This has been assessed in the main report under the visual amenity section.
- Planting will not disguise the garage. **Response:** the use of planting between the garage and the boundary wall with the highway has been acknowledged in the visual amenity section above. It is considered that the use of planting is not necessary to make the development acceptable and as such, it does not need to be disguised.
- Planning officer should have stopped the building of the garage. **Response:** Any work being carried out would be at the risk of the applicant.
- Building without permission should be censured and the garage removed. **Response:** planning policy and legislation does not allow for this unless the application is refused in which case enforcement action may be taken.

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. For the reasons set out

above it is considered that the development would constitute sustainable development and is therefore recommended for approval.

RECOMMENDATION

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2018/91312

Officer Recommendation: Approve.

Conditions and Reasons

1. 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, BE1, BE2 and T10 of the Kirklees Unitary Development Plan, Policies PLP21 and PLP24 of The Kirklees Publication Draft Local Plan and the aims of the National Planning Policy Framework.

Plans and specification schedule:-

Plan Type	Reference	Version	Date Received
Location plan.	HMT- 00b	1	23/04/18
Yorkshire water easement plan.	HMT-03D	1	23/04/18
Proposed block plan.	HMT – 103c	Rev C	13/06/18
Plans and elevations.	HMT- 104c	Rev C	13/06/18

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 Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter and otherwise actively engaged with the applicant in dealing with the application. Discussions took place with the agent in order to submit amended plans which show the garage as constructed.

Report Date: 20/11/18