

**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: 2018/62/91777/W
Site Address: 26, Marten Drive, Netherton, Huddersfield, HD4 7JX
Description: Erection of gazebo to rear
Recommending Officer: Francis Davies

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-Aug-2018

Officer Report

Reference: 2018/91777

Proposal: Erection of gazebo

Location: 26 Marten Drive, Netherton, Huddersfield, HD4 7JX

Site Description

The application related to a large two storey detached dwelling, constructed from red brick and render at the first floor level. Designed with a gable roof, finished in concrete tiles is noted that the dwelling benefits on a previous first floor extension (2009/90265).

Set within a generous plot the dwelling benefits from private amenity space to both the front (northwest) and rear (southeast). It is advised that an open field is located to the southeast of the application dwelling and is designated as Open Greenspace. Access to the field is taken via a ginnel which extends along the western boundary of the dwelling.

Description of Proposal

The application seeks planning permission for the erection of a gazebo in the rear garden space of the dwelling. As indicated on submitted plans the gazebo would be constructed from timber and have a hipped roof design, with an eaves height and total height of approximately 2.3m and 3.6m. The gazebo would have a rectangular footprint with a length of approximately 4.2m and width of 2.7m

History of negotiations

No negotiations were held regarding this application.

Relevant Planning History

2009/90265 – Erection of first floor extension (Conditional Full Permission)

Representations

Final publicity date Expires: 31st July 2018

No public representations were received in relation to this application.

Consultation Responses

No consultations were sought regarding this application.

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 48 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 unallocated on Kirklees Publication Draft Local Plan.

- Access considerations - None

Kirklees Unitary Development Plan:

- D2 – Unallocated Land
- BE1 – Design Principles
- BE2 – Quality of Design
- T10 – Highway Safety

Kirklees Publication Draft Local Plan (PDLP):

- PLP1 – Achieving Sustainable Development
- PLP21 – Highway Safety and Access
- 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 24th July 2018, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving Sustainable Development
- Chapter 12 – Achieving well-designed places

Assessment

The following matters are considered in the determination of this application:

1. Principle of Development
2. Impact on Visual Amenity
3. Impact on Residential Amenity
4. Impact on Highway Safety
5. Other Matters
6. Representations
7. Conclusion

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.

Impact on Visual Amenity

The application would introduce a standalone, timber gazebo into the rear (southeast) garden space of the host dwelling. A typical gazebo design the structure would be open sided thereby being lightweight in design. Located to the rear of the dwelling, the gazebo would not be visible from the highway. Equally, owing to substantial boundary treatment which consists of a close boarded timber fence approximately 2m high, only the roof section of the gazebo would be visible from the ginnel. Consequently, the proposed structure is not anticipated to harm the visual amenity of the ginnel, neighbouring dwellings or the Urban Greenspace.

Given the above the application is considered to be acceptable in respect on visual amenity, complying with Policies D2, BE1 and BE2 of the Unitary Development Plan (UDP), Policies PLP1 and PLP24 of the publication draft local Plan (PDLP) and guidance contained within Chapter 2 and Chapter 12 of the National Planning Policy Framework (NPPF).

Impact on Residential Amenity

The application has been assessed in relation to residential amenity and is considered to be acceptable.

Set within a residential area the dwelling is surrounded on all sides by other residential dwellings, save for the southwestern elevation which gives way to an open field (UGS). The application would introduce a standalone gazebo of 2.7m by 4.2m set within the rear garden space of the application site. The gazebo would not be located any closer to neighbouring properties and being designed and owing to its light weight design is not anticipated to unduly detract from the amenity currently enjoyed by occupiers of surrounding dwellings. The roof would be visible from the garden of no. 24 of but given it's scale and depth it is considered this would not cause undue overshadowing or overbearing impact.

Given the above the application is considered to be acceptable, not having a material impact. The application is therefore deemed to comply with Policy D2 of the UDP, Policies PLP1 and PLP24 of the PDL and guidance contained within the NPPF.

Impact on Highway Safety

The application does not propose any change the access or parking arrangements on site. As such the application is not considered to give rise to any highway safety concerns thereby complying with Policy T10 of the UDP and Policy PLP21 of the PDL.

Other Matters

No other matters for consideration.

Representations

No representations were received regarding this application.

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: 2018/91777`

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, BE1 and BE2 of the Kirklees Unitary Development Plan, Policies PLP1 and PLP24 of the publication draft Local Plan and guidance contained within Chapter 2 and Chapter 12 of the National Planning Policy Framework (NPPF).

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Floor Plan / Layout	13-06-2018	-	14th June 2018
Front and Side Views	1	-	14th June 2018
Front and Side Views	3	-	14th June 2018
Front and Side Views	2	-	14th June 2018
Front and Side Views	4	-	14th June 2018
Location of Gazebo	-	-	14th June 2018
Location Plan	-	-	14th June 2018
Photograph	T1626 – Rose	-	14th June 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 were held regarding this application. The scheme was considered acceptable as originally submitted.

Report Dated: 10/08/2018

