

**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: 2018/62/92490/E

Site Address: 26, Wakefield Road, Grange Moor, Huddersfield, WF4 4DS

Description: Erection of detached garage

Recommending Officer: Jennifer Booth

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 21-Sep-2018

OFFICER REPORT

Site Description

26 Wakefield Road is a detached bungalow. The dwelling is set back from the road and has a long drive from the road leading around to the rear of the property. There are gardens to the front and rear of the dwelling.

There are older two storey properties to each side of the dwelling, allotments on the opposite side of Wakefield Road and open fields to the rear of the dwelling.

Description of Proposal

The applicant is seeking permission for the erection of a detached garage to the side of the property.

The garage is proposed to be set back 1m from the front elevation of the dwelling, set 1.2m from the side of the dwelling and would project out 2.4m beyond the rear elevation. The garage would have a width of 6.7m and a depth of 8.7m with a height to the eaves of 2.7m and an overall height of 4.4m.

The walls of the garage are proposed to be constructed using natural stone with a slate roof form.

Relevant Planning History

2018/92150 – larger home notification – prior approval not required

Representations

The application was advertised by site notices and neighbour letters, which expired on 27/08/2018

As a result of the above publicity, no representations have been received.

Kirkburton Parish Council has been consulted although no comments have been received.

Consultation Responses

None

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 Green Belt on the UDP Proposals Map and within the PDLP

Kirklees Unitary Development Plan:

- **D11** – Green Belt
- **BE1** – Design principles
- **T10** – Highway Safety
- **T19** – Parking

Kirklees Publication Draft Local Plan Policies

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP 22** – Parking
- **PLP 24** - Design
- **PLP 30** – Biodiversity
- **PLP 57** – Extension, alteration or replacement within Green Belt

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 12 – Achieving well-designed places
- Chapter 13 – Protecting green belt land
- Chapter 15 – Conserving and enhancing the natural environment

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) Negotiations
- 7) Conditions
- 8) Conclusion

1 – Principle of development:

The site is within the Green Belt on the UDP Proposals Map. As such it will be assessed having regard to Policy D11 and NPPF chapter 13 which advise that extensions should be considered having regard to their impact on the openness of the Green Belt and the extent to which the existing building remains the dominant element, and should not create disproportionate additions.

National Planning Policy affords stringent control of development within the Green Belt, and the first stage in assessing a proposals is to determine whether it represents an inappropriate form of development. Paragraphs 145 and 146 of the NPPF set out those forms of development which may be acceptable within the Green Belt, and any development falling outside those exceptions is inappropriate and deemed harmful to the Green Belt by definition.

None of the exceptions listed in paragraphs 145 and 146 are relevant to the application proposal; - Paragraph 145 does not make any specific exception for domestic outbuildings or other garden structures, although the extension and alteration of a building, including a dwelling, is not considered as inappropriate providing that any additions are not disproportionate to the size of the original building.

The courts have held that some outbuildings may be considered as extensions on the basis that they are 'normal domestic adjuncts' for example the construction of a garage in close proximity to a dwelling. On this basis, therefore, Policy D11 of the UDP could also be considered to be relevant to the proposal.

Policy D11 states that an extension or alteration of a building (providing that it does not result in disproportionate additions over and above the size of the original building) need not be inappropriate in the Green Belt. Therefore, the principle of extending a dwelling which is located within the Green Belt is acceptable providing that it does not have a detrimental impact on visual/residential amenity, highway safety or on the Green Belt.

The property does have substantial gardens and the garage is proposed to be located to the side of the property between the side elevation of the dwelling and the substantial screening provided by the current hedging & wall. Given the single storey nature of the outbuilding and its position tucked in to the side of the dwelling it is considered that it would not affect the openness of the green belt and can therefore be considered to be acceptable in terms of the impact on the green belt.

These issues along with other policy considerations will be addressed below.

2 – Impact on visual amenity:

The property is sited within a rural area with limited development. Dependent upon design, scale and detailing, it may be acceptable to extend provide the host property with a detached garage.

The host property enjoys a substantial curtilage which would be capable of hosting the proposed garage without amounting to overdevelopment of the site. The use of natural stone for the walling and slates for the roof form would match the main house and the detailing is considered to be acceptable for such development.

Having taken the above into account, the proposed detached garage would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy BE1 of the UDP, Policy PLP24 of the PDLF and the aims of chapter 12 of the NPPF.

3 – Impact on residential amenity:

Given the semi-rural location of the dwelling, there are only two properties which could be affected by the proposal. The neighbouring 40 & 42 Wakefield Road occupy a position some 18m from the host property and the proposed garage would be built within 10m of the neighbouring properties. However, the structure is proposed to be single storey in scale and would have a pitched roof form which would take the vertical emphasis up and away from the neighbouring properties. Furthermore the existing boundary treatment consists of substantial hedging and a stone wall. Whilst the hedging may need to be removed to facilitate the garage, the walling would screen much of the garage from the neighbouring properties. It is considered therefore that the proposed garage would not cause any significant harm to the amenities of the occupiers of the neighbouring 40 & 42 Wakefield Road.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with paragraph 127 (f) of the National Planning Policy Framework (2018).

4 – Impact on highway safety:

The property has a substantial parking provision and two separate accesses for vehicles. The garage proposed would enhance the existing provision. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with policies T10 and T19 of the UDP and Policy PLP22 of the PDLP.

5– Other matters:

Biodiversity

It is noted that the property is located in area with potential for bats. Given the nature of the proposal, it is not likely that there would be any detrimental impact in terms of the local bat population.

There are no other matters for consideration.

6 – Representations:

None

7 – Negotiations:

None

8 – Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Matching materials to ensure that the garage will harmonise with the host property as using alternative materials would potentially be out of character with the wider area.

9 – Conclusion:

This application to erect a detached garage to the side of 26 Wakefield Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be acceptable.

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.

As set out above, 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:** 2018/92490**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 BE1, and T10 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan, and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the detached 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 BE1 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan, and the aims of chapter 12 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays

08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and

Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Location plan	101	702574	30/07/2018
Proposed site plan	200	702573	30/07/2018
Location plan	100	702572	30/07/2018
Proposed plans	201	702576	30/07/2018

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 Planning 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.

As the submitted plans were considered to be acceptable, no changes were sought.

Report Dated 20/09/2018