

**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: 2018/62/92569/W
Site Address: 10, Broomfield Road, Fixby, Huddersfield, HD2 2HG
Description: Erection of detached garage
Recommending Officer: Sam Jackman

DECISION - REFUSED

I hereby authorise the refusal 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: 16-Nov-2018

SITE DESCRIPTION

10 Broomfield Road, Fixby is a 1940's stone semi-detached property, located across the corner with The Fairway. The characteristics of the property include a steeper pitched tiled roof compared with modern properties, with the front elevation having a mansard roof incorporating the first floor windows. Central to the front is a small gabled detail with small dormers either side.

The property has an existing attached single garage and drive at the front.

The property benefits from a large garden to the side and due to the topography of the area the garden to the east of the property is at a lower level accessed via steps at the rear of the property.

DESCRIPTION OF PROPOSAL

The proposal is to build a double garage, adjacent to the existing garage using the existing drive.

The garage would be 6m wide by 7.05m long with a height of 3m, however the overall height from ground level would be 4m when viewed from the east of the rear elevation as indicated on the drawings.

The position of the garage would be set 1.75m behind the front corner of the existing garage, where at this point the land has been infilled in part and slopes down towards the lower garden level. Therefore the majority of the garage will be raised above the existing ground level. However the drawings don't indicate a true representation of the levels on site as the garden slopes down towards the neighbour's garden at No 49.

The materials proposed would be stone for the front elevation with stone coloured render to the remaining 3 elevations. Roof materials have not been indicated, however due to the shallow roof pitch it is unlikely to be a tiled roof.

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

The original plans showed a large 2 story garage with basement 7m wide by 13.5m long by 6m high.

Amended plans have been received following a lengthy first site visit with the applicant and numerous phone calls. Where the applicant was advised to position the garage on the lower garden level, built into the banking. However the applicant wished the garage closer to the house for personal reasons. It was also suggested to extend the existing garage, this was discarded due to expense.

However the amended plans submitted on the higher ground are still not acceptable, where the applicant has been informed of this. The applicant has sent in a statement supporting his application in the revised location and size.

An extension of time was requested due the amended plans this has been agreed by the agent.

RELEVANT HISTORY

None

PUBLIC/MEMBERS RESPONSE

Final publicity date Expires: 19.9.18

A summary of the comments received is set out below:

- the proposed garage is too large
- too close to the borders of the property
- designed in render, out of context with the stone built or stone faced properties in the area
- the plot where any such structure would potentially have a significant visual impact and result in loss of daylight/sunlight to our property.
- I would be unlikely to have complaints about the addition of a double garage to the side of the existing house provided stone is the material used.

The amended plans were considered to have a reduced impact on neighbours than the original submission and as such were not publicised, however the previous comments would appear to still stand for the revised plans with regard materials and size and visual impact.

CONSULTATION RESPONSES

K.C. Biodiversity – the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been received from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance.

This is due to the fact the extension would be a new detached structure.

POLICY

The statutory development plan comprises:

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

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 designated as unallocated on the UDP Proposals Map and on the Kirklees Publication Draft Local Plan. .

Kirklees Unitary Development Plan:

D2 - Unallocated

BE1 – Design principles

BE2 – Quality of design

T10 – Highways

Kirklees Publication Draft Local Plan: Submitted for examination April 2017:

PLP 1 – Achieving sustainable development

PLP 2 – Place shaping

PLP 24 – Design

PLP 30 - Biodiversity and geodiversity

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 of 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
- **Chapter 15** – Conserving and enhancing the natural environment

ASSESSMENT

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity (including any heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Representations
- 7) Conclusion

1 – Principle of development:

The site is unallocated on the Kirklees Unitary Development Plan (UDP) proposals map and as such Policy D2 applies and does indicate that permission will normally be granted provided it would not have any prejudicial impact upon, for example, visual and / or residential amenity or result in the overdevelopment of a site. This is followed by general design Policy PLP24 of the PDL.

2 – Impact on visual amenity:

10 Broomfield Road is located across the corner with The Fairway where the garden drops away at the side and rear of the property towards No. 49 the Fairway, where part of the side garden has been filled in and the level raised.

The proposed garage would be 6m by 7m and built on a raised area, raising the height of the garage to be 4m high as indicated on the drawings, however the plans don't appear to give a true representation of the site levels. Therefore it is considered that the garage would be taller than the plans show for the rear elevation.

The materials proposed are stone to the front which would be acceptable, however the remaining three would be stone coloured render, furthermore the shallow pitched roof would not be suitable for a tiled roof, and therefore sheeting is likely proposed. These materials and design would be out of character with the host property and would appear incongruous within the street scene.

The position of the garage would be approximately 35cm away from the dry stone wall which appears will be acting as a retaining wall for the infill area, furthermore the ground level of the drive is almost level with the top of the existing boundary wall, with an existing timber fence which is in a poor state of repair.



Therefore it is considered that the position and size of the garage in relation to the boundary will give a dominant and overbearing appearance with in the street scene at a prominent location close to The Fairway and its junction with Broomfield Road. Furthermore the proposed materials are unacceptable combined with the design of the shallow pitched roof which would be out of character with the area. As such the application would be contrary to policies D2, BE1, and BE2 of the Unitary Development Plan, emerging Policy PLP24 of the PDLP and advice in the NPPF

3 – Impact on residential amenity:

The proposed extension and alterations are assessed upon whether they would have a detrimental effect on adjoining dwellings or any occupier of adjacent land by way of overshadowing or overlooking and also in terms of its design, size and visual amenities (overbearing impact).

There will be no impact on neighbouring properties in terms of overshadowing or overlooking as the proposal is at a sufficient distance of 8.8m from the shared boundaries with neighbours at No 49 The Fairway, not to create any overshadowing with no windows overlooking the highway or neighbouring properties. The reduced scale of the development from that originally proposed overcomes, on balance, the overbearing impact that could have been caused to no. 49

The application therefore accords with in this regard with Policy D2 of the UDP, PLP24 of the PDLP and paragraph 127 of the NPPF.

4 – Impact on highway safety:

In terms of highway safety there are no highway issues as the drive is not being affected by the proposal and can still sufficient off-street parking to serve the dwelling. As such would meet the aims of Policy T10 of the Unitary Development Plan with respect to highway safety and emerging Policy PLP21/22 of the Publication Draft Local Plan.

5 – Other matters:

K.C. Biodiversity – the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance.

This is due to the fact the garage is a detached building.

Supporting document submitted by the agent/applicant.

The Agent has submitted a supporting document which refers to other extensions within the area, his statement is included in full:-

Following on from site visit and email correspondence by Sam Jackman, we have submitted new drawings. These are much smaller in size nearly half the original size and is now only a single storey in high.

Your email dated 27th September 2018 13:09, you stated
"I have again visited the site and looked at the amended proposal in context. Discussing your amendments with my line manager today, my earlier comments still stand, where the garage in its proposed position would be overbearing within the street scene."

We would like to bring to your attention the following extensions they are all 'larger' to the proposed, and are of similar position relation to street scene.



Location. Broomfield road with junction with Fixby Road.

Here we can see a double storey and a single extension within 1m of the public footpath. If this being a double storey is not "overbearing within the street scene" How can the one we are proposing which is single storey and at max is 1 meter higher than the public highway be overbearing ?



Location. Fixby Road junction with Kennedy Avenue.
 Here once again we can see a double storey and a single extension within 1m of the public footpath. If this being a double storey is not “overbearing within the street scene” How can the one we are proposing which is single storey and at max is 1 meter higher than the public highway be overbearing compared to this ?



Location. Fixby Road junction with Kennedy Avenue. Opp corner
 Here we have a 2 storey extension which the ground level is approx. 80cm higher than the public highway (similar to ours).

With the new plans we have the backing of our neighbours.

In response to the applicants comments.

The first property at Broomfield road with junction with Fixby Road, was for a single storey extension to a commercial business, where the design and materials are in keeping with the property and the existing footpath is level with the garden.

http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2000/90473&file_reference=150836

the second property at Fixby Road junction with Kennedy Avenue , was for a 1½ storey extension which hasn't been built in accordance with the approved plan. Furthermore the pavement and garden are level, along with the design and materials are acceptable, reflecting the host property.

http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2011/90683&file_reference=320236

The third property, Fixby Road junction with Kennedy Avenue is for a side extension set in from the boundary.

None of the examples given are for detached structures, where the materials and design match the host properties. Therefore none of the examples are similar to the proposal in order to give support to the proposed garage.

Negotiations have taken place with the applicant to gain permission for a double garage on the lower level with access of the Fairway. However the applicant wishes to have a level access to the garage and as the suggested relocation would involve a stepped access could not accept this proposal.

6 – Representations:

It should be noted that one representation has been received as a result of site publicity.

the proposed garage is too large

Response – this was in response to the original submission, amended plans have been received to reflect this concern.

too close to the borders of the property

Response - **this was in response to the original submission, amended plans have been received to reflect this concern.**

designed in render, out of context with the stone built or stone faced properties in the area

Response – this still stands with regard to the amended drawings.

The plot where any such structure would potentially have a significant visual impact and result in loss of daylight/sunlight to our property.

Response - **this was in response to the original submission, amended plans have been received to reflect this concern.**

I would be unlikely to have complaints about the addition of a double garage to the side of the existing house provided stone is the material used.

Response – **this is noted.**

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 not constitute sustainable development and that the

adverse impacts of approving this development would significantly and demonstrably outweigh the benefits, when assessed against policies in the development plan, the emerging development plan and the NPPF taken as a whole.

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- Decision Authorisation - Delegated Powers

Application Number: 2018/92569

Officer Recommendation: Refuse

The proposed detached garage, by reason of its size, materials, design and location in a prominent position at the side of the property, would result in over prominent and incongruous feature detrimental both to the appearance of the host dwelling and to the character of the surrounding residential street scene. To approve the application would be contrary to Policies BE1(ii), BE2(i,ii)& D2(vi,vii) of the Unitary Development Plan, Policy PLP24(a) of the Publication Draft Local Plan and paragraph 127 of the National Planning Policy Framework.

- Plans and specifications schedule:-
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Plan Type	Reference	Version	Date Received
Proposed block Plan 1:200	001		20.9.18
Proposed side elevations	002		20.9.18
Proposed front & rear elevations	003		20.9.18
Design & Access Statement			8.10.18

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 2015 and otherwise actively engaged with the applicant in dealing with the application.

The Case Officer requested amended plans during the process of the application to seek an amendment which would to reduce the impact of the development on the visual amenity of the street scene. This decision is based on the amended/additional documents submitted which did not overcome all objections to the proposed development.

Recommendation and Authorisation Box

Report Dated:

15.11.18

Coal – low risk