

**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:** 2018/62/93467/W  
**Site Address:** 7, New Mill Road, Wooldale, Holmfirth, HD9 7SG  
**Description:** Erection of single garage to rear  
**Recommending Officer:** Callum Harrison

**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: 13-Dec-2018**

## Officer Report

### Site Description

7 New Mill Road is a semi-detached three storey dwelling, with a lower ground floor accessible through the rear elevation. The dwelling is faced in natural stone with a slate tiled roof. The property is set within a small curtilage with a small garden to the front, a path running down the eastern elevation to a fair sized yard at the rear with a size approximately 85m<sup>2</sup>. The yard appears to of been mostly hard standing for a while, with a concreted driveway suitable for 1 car and a paved area making up this space. The dwelling has an attached neighbour to west at no.5; a detached neighbour to the east at no.9 who's attached garage is approximately 2m away. Across the road at the rear (Heys Road) is a late 18 century, grade II listed terrace building.

New Mill Road otherwise known as the A635 is a highway which leads from New Mill, around the villages of Wooldale and Town End and in to Holmfirth. There is a significant amount of development set on the road with it almost entirely being residential. The dwellings on the section of New Mill Road around the host site are mostly natural stone properties whilst more modern bungalows faced in natural stone and cladding can also be found.

### Description of Proposal

The application is seeking permission for the erection of an attached, but not integral single garage to the rear. These works would require alterations to the lower ground floor in order to implement the garage. The proposed garage has a projection of 6m from the rear of no.7, a width of 3.1m, a maximum height of 3.5m with the eaves at 2.7m. The materials proposed for the development are natural stone and panted render for the walls, imitation stone slate for the roof with an up and over garage door.

### Relevant Planning History

#### Host Property

None.

Elsewhere: 2006/93222 – Erection of first floor extension at 9 New Mill Road - conditional full permission.

2011/92721 – Erection of upper ground floor side extension - conditional full permission.

### History of Negotiations

The applicant was contacted with regard to the proposed materials of construction of the garage. Officers considered that the use of render for the side elevations of the garage was not appropriate in this instance where the site is located in close proximity to listed buildings and where the predominant material is stone. As such, the applicant agreed the use of natural stone for all elevations of the garage.

### **Representations**

The application was advertised by a site notice and neighbour notification letters.

Final publicity date expired: 13/12/18.

No representations have been received.

### **Consultation Responses**

Holme Valley Parish Council support the application.

### **Policy**

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. 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 on the PLP Policies Map.

### **Kirklees Unitary Development Plan**

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)
- **T10** – Highway Safety
- **T19** - Parking

### **Kirklees Publication Draft Local Plan**

- **PLP1** – Presumption in favour of sustainable development

- **PLP2** – Place shaping
- **PLP22** - Parking
- **PLP24** – Design
- **PLP35** – Historic Environment

### **National Policies and Guidance**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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 16:** Conserving and enhancing the historic environment

### **Assessment**

The following matters are considered in the assessment below –

- 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

#### **1) Principle of development**

In terms of the application site, this 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]’*

As well as this, PLP1 of the PDLP states:

*‘Is that accord with the policies in the Kirklees Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.’*

Whilst this would usually mean the principle for development is acceptable on unallocated land, it is important to consider the proposed location of works is located across the road approximately 8m away from a listed building 1134882 as referenced by English Heritage. Paragraph 190, within Chapter 16 of the NPPF states:

*‘Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking*

*account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'*

Due to the proposed scale of the garage being modest and the proposed materials of construction somewhat matching the host dwelling and the listed building in regards to the use of natural stone, and given that detached, similar, garages can be found in closer proximity to the listed building, it can be stated the proposal, as it is conditioned to be constructed using natural stone on all elevations would not harm the significance of the listed building and in turn have no notable impact upon it.

Due to the reasons mentioned above, the principle of development for the proposal is acceptable and in accordance to BE1, BE2 and BE5 of the Kirklees Unitary Development Plan, Policy PLP35 of the PDLP and policies in Chapters 12 and 16 of the NPPF.

## **2) Impact on Visual Amenity**

BE13 of the Unitary Development Plan (UDP) states that “extensions to building should respect the design features of the existing house...” and in this case it can be assessed the development fulfils the intention of BE13 as the dimensions of the proposed garage are modest, as well as the proposed materials noting features of the host property's design within the proposal. The proposed garage is clearly subservient to the original dwelling whilst the use of natural stone within the construction respects the design of the host dwelling. The imposition of a condition requiring all elevations to be constructed using natural stone ensures there would be no detrimental impact upon on visual amenity or the setting of adjacent listed buildings.

PLP24 of the Publication Draft Local Plan is also adhered to due to similar reasons as BE13, including the choice of materials and scale. The shallow pitch minimise the maximum height of the development and maintains that the scale is appropriate in regards to its positioning against the lower ground floor

It is considered the development is in keeping and acceptable regarding conserving the visual amenity of the location and therefore comply with the aims of Policies D2, BE1, BE2 and BE13 of the UDP and Policy PLP24 of the PDLP.

## **3) Impact on Residential Amenity**

The National Planning Policy Framework seeks high quality design and a good standard of amenity for all existing and future occupiers of land and buildings. Policy BE14 of the Unitary Development Plan reiterates that and states that extensions to dwellings should not have a detrimental impact on 'adjoining dwellings or any occupier of adjacent land', in this case it can be stated the proposal will not have any notable effect to the direct neighbours at no.5 or no.9. In regards to no.5, whilst the proposed garage will run in close proximity to the shared boundary with no.7 and have an element of tunnelling, the fact that no.5 has a garage in a very similar position and of similar

dimensions within a large rear yard means that approximately 70m<sup>2</sup> of the yard will be unaffected by the proposed garage. The land between the two garages primarily acts as an access point to the rear door at no.5 and with the main garden area situated outside of this space. In regards to no.9, the garage is not situated close to the boundary between the dwellings and subsequently it can be stated it would not have an effect on the residential amenity of no.9.

Due to the reason above, it is considered the development is acceptable regarding conserving the residential amenity of the area and therefore complies with the aims of Policies D2, BE1, BE2, BE13 and BE14 of the UDP and Policy PLP24 of the PDL.

#### **4) Impact on Highway Safety**

Despite the proposal being for the erection of a garage, the amount of parking provision on site will stay the same. As the proposal does not seek to increase the number of bedrooms, it can be stated the dwelling has sufficient parking to ensure there is no impact on highway safety regarding parking. It should also be noted that as the proposed garage is set back approximately 7m from the highway meaning sight lines will not be affected and the same level of highway safety maintained.

It is considered the development is acceptable regarding conserving the highway safety of the location and therefore complies with the aims of Policies D2, BE1, BE2, T10 and T19 of the UDP and Policy PLP22 of the PDL.

#### **5) Other Matters**

There are no other matters for consideration.

#### **6) Representations**

No representations were received.

#### **7) Conclusions**

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: 2018/93467**

**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, BE2, BE13, BE14 and T19 of the Kirklees Unitary Development Plan; PLP1 PLP2, PLP24 of the Kirklees Publication Draft Local Plan and Chapter 12 of the National Planning Policy Framework.

3. Notwithstanding the submitted details, all elevations of the garage hereby approved shall be faced in natural stone of a colour and texture to harmonise with the original dwelling.

**Reason:** In the interest of visual amenity and to preserve the setting of the adjacent listed buildings, in accordance with Policies D2 and BE13 of the Kirklees Unitary Development Plan; PLP2, PLP24 and PLP25 of the Kirklees Publication Draft Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Grouped Plans and Elevations	01 – Existing and proposed plan and location plan	1	18/10/18

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 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. Negotiations were undertaken with the applicant regarding the proposed materials of construction of the garage to ensure it harmonised with its surroundings.

**Report Dated:** 13/12/18