

**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: 2019/62/92191/W

Site Address: 40, Moor Park Avenue, Beaumont Park, Huddersfield,
HD4 7AL

Description: Erection of single storey extension to garage

Recommending Officer: Danielle Cooper

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.

Emma Thompson

AUTHORISED OFFICER

Date: 23-Aug-2019

Officer Report

Site Description

40 Moor Park Avenue, is a bungalow constructed of natural stone & render, with a concrete tiled hipped roof. There is an existing attached flat roofed garage to the side. The site is open to the front with a reasonable area of garden and small wall along the site frontage. There is limited boundary treatment between the existing dwellings.

The property is located on a cul-de-sac with similar residential bungalows in terms of design and scale.

Description of Proposal

Permission is sought for the erection of a single storey extension to the garage. The projection of the proposed extension would be 3.3m from the original front elevation of the garage and have the same width as the existing garage of 2.7m. The height to the eaves would be 2.1 and the overall height of 2.3m.

The proposed alterations would be constructed from render with a flat roof to match the existing materials of the single storey garage to the side of the property. The garage door would be reused from the existing garage.

History of negotiations/amendments received

Following concerns raised regarding the parking area and the reduction of space that would only accommodate a single off street car parking space, the agent has submitted an additional plan demonstrating an additional parking space to enable the provision of 2 off-street car parking spaces.

Relevant Planning History

None.

Representations

The application was publicised by site notice and neighbour notification letter

Final publicity date Expires: 05/08/19

Consultation Responses

A formal consultation took place, given the scale of the proposal, formal comments have been sought from the KC Highways

KC Highways -

- The property currently boasts a garage measuring approximately 4.9m x 2.7m which, whilst under the recommended internal dimensions for a single garage, is of similar size to a single parking space and is therefore likely to be able to accommodate a car. There is also a driveway measuring 7.2m in length. As such, the current layout allows off-street parking for two vehicles.
- The proposal would see the length of the garage increase to 8.2m by reducing the driveway to 3.9m. This would have the effect of reducing the driveway to a length unsuitable for a large car whilst not increasing the length of the garage enough to accommodate two vehicles. In theory, the scheme would reduce off-street parking provision from two to one, with a single vehicle being housed within the garage.
- Given the above, the proposal is not acceptable in its present form.

Comment: Amended plans were submitted which shows an additional parking space to enable the provision of 2 off-street car parking spaces and no further objections have been raised.

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP1 Achieving sustainable development**
- **LP2 Place Shaping**
- **LP21 Highway safety and access**
- **LP22 Parking**
- **LP24 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 19th February 2019, 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 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

Principle of Development:

The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Policy LP1 goes on further to stating that “the council will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

Chapter 2 of the NPPF states that when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Chapter 2 of the NPPF goes on further to state that:

“to support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment”. As well as “making effective use of land”.

In this instance, it can be stated that the principle of development of this application is acceptable. Therefore, the application is subject to the assessment of impacts on visual and residential amenity, as well as highway safety.

Impact on visual amenity:

The NPPF provides guidance in respect of design in chapter 12 (Achieving well designed places) with paragraph 124 providing an overarching consideration of design stating:

‘124. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’

Kirklees Local Plan policies LP1, LP2 and importantly, LP24 are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

LP24 (a) states that proposals should promote good design by ensuring:

“the form, scale, layout and details of all development respects and enhances the character of the townscape”

(c) of the LP24 states:

“Extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”

In regards to the front extension of the garage which would be brought forward 3.3m and have the same width of the existing garage of 2.7m. The garage as extended would project beyond the principle elevation of the host property and as such wouldn't look ideal from the street scene particularly as other garages are characteristically set back from the front of the buildings. However, when considering the site specifically the existing dwelling already has a projecting element to the opposite side and the garage, to a degree, will balance this out visually. Furthermore the bungalow opposite has been extended with a car port/canopy to the front which is prominent within the street scene and has already begun to alter the general character. As such, it has been considered on balance, that the extension would cause minimal harm to the visual amenity given that the proposed materials would harmonise with the host property and surrounding area. The use of materials to match are considered acceptable.

In summary, the proposed extension would be of a satisfactory design quality in regards to the reasons above and would be keep in with the character of the area. Therefore the proposal would accord with LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

Impact on residential amenity:

LP24 (c) & (b) of the LP states that alterations to existing buildings should:

“...minimise impact on residential amenity of future and neighbouring occupiers”, as well as “maintaining appropriate distances between buildings”.

It is of officer's judgement that the proposal does satisfy LP24 (c)

With respect to residential amenity to the closest properties to be potentially affected are those located within the cul-de-sac, in particular the occupants of neighbouring dwelling no. 42 Moor Park Avenue.

In regards to no. 42, given the close relationship which the properties have, the proposed projection of the garage of 3.3m along the boundary line raises

concern with the development potentially being overbearing given the proximity of the two properties. Concerns have been raised over the proposed development being detrimental to the occupant's main principle habitable window which would block the neighbour's outlook of the window. However, given that it is within the applicant's right to impose a 2m boundary fence if they so wished along the boundary line separating the two properties which would also block the outlook from their window. Furthermore it is possible that an extension that could be constructed as permitted development could also replicate, to a degree, a similar relationship. It is for these reasons that it is not considered a refusal could be substantiated.

As a result, on balance the proposal has been considered acceptable in respect of residential amenity and against LP24 (b) and (c)

Impact on highway safety:

In regards to highway safety and parking access arrangements, initially concerns were raised with the agent regarding a reduction of hardstanding surface which would prevent a vehicle being able to park off the highway due to being substandard in terms of parking space remaining. Highways also raised concerns that the site should accommodate parking for 2 vehicles. The existing garage measures 4.9m x 2.7m which is under the standard recommended internal dimensions of a garage (6m x 3m) but has been accepted as being able to accommodate a car and the driveway which measures 7.2m in length would also allow off-street parking thus currently allowing for two vehicles off street. As the proposal would reduce the length of the driveway to 3.9m this is not accepted as being of a size to fit a vehicle on, in addition to the garage being below standards and unable to fit two vehicles within. As such the development in its original form would be unable to provide adequate off-street parking. Given the location within the turning head of Moor Park Avenue any displacement of vehicles onto the highway would not be in the interests of highway safety and manoeuvring.

After raising concerns with the agent an amended proposed block plan dwg: 19/547/07a has been submitted which proposes a parking space to the front of the dwelling. The plan demonstrates that one vehicle could be parked in the garage and one to the front of the dwelling therefore providing 2 off street parking spaces. Reconsultation with Highways confirms that this is acceptable subject to a suitable second off-street parking area being secured. It is noted there is ample space to the site frontage and a space could be created without the need for Planning Permission. A condition is imposed to ensure an appropriately sized vehicle parking area is formed to ensure there are two off street spaces in the interests of highway safety and to achieve a satisfactory layout.

As such, the amended plan demonstrates that the development would be able to provide adequate off-street parking and accord with LP21 & LP22 of the Kirklees Local Plan.

Other Matters:

None.

Representations:

None.

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: 2019/92191

Officer Recommendation: Full Conditional Approval

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.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

1. 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 LP1, LP2 and LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

2. The alterations to the external walls 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 and Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework

3. Prior to the development being brought into use, the approved vehicle parking space shown on plan reference: 19/547/07a measuring a minimum 2.4m x 4.8m shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout including adequate off street parking and to accord with Policies LP21 and LP22 of the Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed Site Sections	19/547/06	1	01/07/19
Proposed Floor Plans	19/547/05	1	01/07/19
Proposed Elevations	19/547/04	1	01/07/19
Existing plans and	19/547/03	1	01/07/19

Plan Type	Reference	Version	Date Received
Elevations			
Existing Block Plan	19/547/02	1	01/07/19
Location Plan	19/547/01		
Proposed Block Plan	19/547/07a	2	22/08/19

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. Amendments requested by officers to show the inclusion of a replacement parking space shown on the block plan were received during the application process.

Report Dated:

23/08/19
