

**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: 2020/62/90016/W
Site Address: 29, Warwick Avenue, Golcar, Huddersfield, HD7 4BX
Description: Erection of attached garage
Recommending Officer: Laura Yeadon

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: 26-Feb-2020

Officer Report

Site Description

The application site relates to a two storey detached dwelling which is constructed from brick and has a tiled roof. The property is set back from the roadside, separated by a front garden with a driveway to the side, leading to a detached double garage. A single storey small extension is located on the rear elevation of the property. Further amenity areas are located to the other side and to the rear of the property. The surrounding area is comprised of mainly detached or semi-detached properties which are predominantly bungalows, some of which have been extended with dormer extensions.

Description of Proposal

Permission is sought for the erection of an attached garage.

The proposed extension would be located on the west side elevation of the property, set back from the front elevation by 2 metres. The garage projects to the side by 5.2 metres and would span the depth of the property lying flush with the existing rear elevation. The eaves height would be 2.3 metres with an overall height of 4.4 metres to the ridge of the lean-to roof.

The proposed construction materials would be brickwork for the walls and double roman roof tiles, both to match the host property. A roller shutter door would be located within the front elevation and access would be provided from existing timber gates which are located within the front boundary of the site. A dropped crossing would be required however this is subject to a separate application for Highways consent. The existing driveway to the other side of the property would be retained and whilst the existing garage is not shown on plan, the proposed description of development does not indicate that this is to be demolished.

History of negotiations/amendments received

No negotiations have taken place nor have any amended plans been sought or received.

Relevant Planning History

No history

Representations

Final publicity date expired 12th February 2020 – no representations received

Parish/ Town Council – not applicable

Consultation Responses

None required

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 without notation on the Kirklees Local Plan.

Kirklees Local Plan

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 24** – 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 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

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) Conclusion

1 – 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 National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

In this case, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity and highway safety.

2 – Impact on visual amenity:

The extension would be set back from the front elevation of the property by 2 metres lying flush with the rear elevation and would be single storey in height with a long sloping mono-pitch roof ridge that would be set below the existing eaves. The scale of development would clearly appear as an addition to the property and not part of the original dwellinghouse.

The fenestration details include a garage door to the front elevation and personnel door to the rear elevation which would be finished in a colour to match the existing. There are no proposed openings facing the adjacent bungalow, 38A Arthur Street which is screened from the application site by beech hedging, some of which would be removed to accommodate the garage, and is set on a higher ground level due to the topography of the area.

The construction materials would match the host dwelling. The design of the structure is relatively simple and typical of a domestic extension and whilst having a significant projection to the side, is set back from the front elevation of the property by 2 metres.

It is noted that the proposal would lead to a substantial amount of development at the site and it is not clear as to whether the existing garage would be removed once the proposed garage is constructed. As such, overdevelopment of the site needs to be considered. A significant private amenity space would be retained to serve the property and the development, either with or without the existing garage, would not lead to an overdevelopment of the site.

The proposal would have an acceptable impact on the character of the area and would accord with Policy LP24 (c) of the Kirklees Local Plan.

3 – Impact on residential amenity:

The impact of the development on residential amenity needs to be considered with regard to Policy LP24 of the Local Plan. The impact of the development in terms of overlooking, overbearing and overshadowing will therefore be considered.

In terms of overlooking, the plans indicate that there would be new openings within the front and rear of the garage which would not cause a loss of privacy. There are no proposed openings within the side elevation of the extension however due to the close proximity with the shared boundary, it is considered reasonable to remove permitted development rights for windows to be positioned in this elevation, including in the roof, to prevent overlooking at close proximity.

With regard to overshadowing and/or being overbearing, the dwelling is detached and separated from the adjacent property, No. 38A which has a rear elevation facing the side elevation of the application property. There is a small window located within this elevation and it is noted that some screening would need to be removed to accommodate the proposal. Given the difference in levels and the orientation of the extension in relation to the neighbour it is not considered that the extension would cause significant harm to this opening by being overbearing or from overshadowing.

Taking all the above into consideration, it is considered that the proposal is, on balance, acceptable from a residential amenity perspective and would accord with Policy LP24 of the Kirklees Local Plan.

4 – Impact on highway safety:

The proposal would provide garage accommodation for the dwelling and is of a sufficient size to accommodate 1 no. vehicle with additional accommodation due to its width. There is a driveway running to the other side of the property which can accommodate further vehicles. To access and facilitate the new garage, a new dropped crossing would be required. This would require consent from the Highway Authority and details shall be added to the decision notice as to the contact details for an application to be made.

5 – Other matters:

Climate Change - On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Due to the small scale of the application, it is not considered that mitigation measures would be required in this instance to address climate change. The

extension itself is likely to improve the insulation of the existing building envelope by enclosing the side elevation.

6 – Representations:

No representations have been received.

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 constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2019/90016

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

3. The external walls and roofing materials of the extension 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 LP24 of the Kirklees Local Plan.

4. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General

Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed in the side elevation external walls or roof of the extension hereby approved at any time without the prior written approval of the local planning authority.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan, block plan, existing elevations and floor plan	HD.19.18.EX.01		20 th January 2020
Proposed site layout plan	HD.19.18.WX.02 Rev: A		20 th January 2020
Proposed elevation and floor plan	HD.19.18.PP.01		20 th January 2020
Proposed block plan	HD.19.18.PP.02		20 th January 2020

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 amendments were sought as it was considered that the proposal was acceptable in its submitted format.

Report Dated: 26th February 2020

