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:	2020/62/90254/W
Site Address:	22, The Fairway, Fixby, Huddersfield, HD2 2HU
Description:	Replacement of roof tiles, erection of shed/garage, pillars, railings, gates and exterior alterations
Recommending Officer:	Sam Jackman

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: 24-Mar-2020

SITE DESCRIPTION - 2020/90254

22, The Fairway, Fixby, is a detached bungalow faced in random stone with concrete pantile roof tiles. The roof is double pitched with a central ridge. The building's footprint is L shaped with a recently added rear extension currently under construction. The dwellinghouse, near central in its curtilage, is surrounded by garden. Access to no.22, from The Fairway to the south, is from a driveway west of the dwellinghouse that ends in a single storey garage. The site is set on a slight incline, sloping upwards towards the rear of the plot from south to north.

No.22 is located off a cul-de-sac section of The Fairway. As such; particularly its rear elevation, it has a staggered and un-intimate relationship with the immediate neighbouring properties. However, to the north, on a higher topography, are the rear elevations of nos.11 and 15 The Ghyll road. These properties are separated by thick and mature vegetation, including a hedge and trees although there are partial views of the roof/rear elevation of no.22.

DESCRIPTION OF PROPOSAL

The application seeks planning permission for the replacement of roof tiles, erection of shed/garage, pillars, railings, gates and exterior alterations

The proposed shed would be located in the NE corner of the garden, replacing an existing smaller shed. The shed would be 3.6m wide by 5.4m with opening doors replicating a garage by 2.85m high. The shed is to be used for storing the applicant's ride on lawn mower and garden equipment.

The application also includes a new boundary wall, pillars and railings along the road frontage. The base boundary wall would be 0.5m high, the railings would be 0.7m high separated by stone pillars with an overall height of 1.3m. this would be along the front of the property and extending 8m along the righthand side of the drive and 2m to the left. The gates will be constructed in timber and will have a height of 1.35 metres and open outwards.

Other alteration includes, the replacement of roof tiles from brown pantile roof to anthracite flat concrete tiles, replace timber facia with slate grey upvc,

replace all gutters and down pipes with upvc anthracite grey and replace existing timber frame windows with aluminium

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

RELEVANT HISTORY

2009/91244: Erection of rear extension and extension to garage – Conditional Full Permission

2012/90955: Extension to time limit to previous permission 2009/91244 for erection of rear extension and extension to existing garage – Extension to time limit granted

Application 2012/90955 extended the time that 2009/91244 is permitted until 30th of March 2015. 2009/91244 is near identical to this application, 2014/92169 except for the lack of the basement and porch.

2009/91244 was approved by planning committee following a recommendation for approval by planning officers. It was taken to committee due to concerns regarding the impact upon nos.11 and 15 The Ghyll. The issues raised related to the proposed developments potential impact due to its size, location and appearance.

2014/92169 Erection of rear extension with basement, porch and extensions to existing garage

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2014%2F92169

PUBLIC/MEMBERS RESPONSE

Final publicity date Expires: 24.2.20

2 letters of representation have been received commenting on this application assessed within the report.

CONSULTATION RESPONSES

None

POLICY

The statutory development plan comprises:

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):
LP 1– Achieving sustainable development
LP 2 – Place shaping
LP 22 - 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, 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 14** – Meeting the challenge of climate change, flooding & coastal change.

ASSESSMENT

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 pro-actively 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.”

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design.

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

Impact on visual and residential amenity:

The proposed shed would replace the existing shed, whilst larger in scale, it would be relatively small in relationship to the size of the garden, constructed in timber and would be screened by the existing boundary hedge.

It is considered that the proposed timber gate along with the dwarf wall and railings wouldn't look out of place either in relation to the host property or the wider street scene.

With regards to the other alterations for, the replacement of roof tiles from brown pantile roof to anthracite flat concrete tiles, replace timber facia with slate grey upvc, replace all gutters and down pipes with upvc anthracite grey and replace existing timber frame windows with aluminium. These works don't require planning permission in this case.

Both the boundary treatment and gates plus the shed have been designed using appropriate materials and style commonly used within a residential setting. Therefore, the proposal is in accordance of Policy LP24 of the Kirklees Local Plan and therefore regarded as acceptable as it would not significantly harm the visual or residential amenity of the area.

Impact on highway safety:

In terms of highway safety, the new gates would be set in from the cul-de-sac in order for the gates to be opened outwards with the applicant's ownership, however there isn't sufficient space to park the car off the highway when the gates are close. However, the property is located in a cul-de-sac with the application site located in the corner. Therefore, it is considered there would be minimal obstruction of other vehicles within the street, as such would meet the aims of Policy LP22 of the Kirklees Local Plan with respect to highway safety and advice in Chapter 12 of the National Planning Policy Framework.

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 size, scale and limited nature of development, it was not considered necessary to request specific measures to address the developments' resilience to climate change.

Representations:

It should be noted that two representations have been received as a result of site publicity.

- Whether the new roof tiles, windows and fascia's will blend in with the surrounding properties.
- **Response** – this part of the proposal does not require planning permission.

- The size of the proposed garage/workshop.
  Response – is acceptable for a domestic use and only just required planning permission

- The building currently taking place has been going on for years, this has caused an infestation in the area with rats due to the sewer and pipework being exposed for some time.
  Response – this would be an environmental health issue

- We object to the new plans due to it impacting on our views, impacting on our privacy as we can see their building directly from our bedroom straight into the house, previously this was garden, the noise and disturbance is difficult when it is ongoing for so many years and we feel it is decreasing the value of properties in the neighbourhood
  Response – the rear extension is not part of the application and the council can't control completion dates.

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.

Decision Authorisation - Delegated Powers

Application Number: 2020/90254

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 51 of the Planning and Compulsory Purchase Act 2004.

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 LP01, LP02 & LP24, of the Kirklees Local Plan and advice in the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Site plan 1:1250	14034-s100 A	27.1.20
Existing block Plan 1:200	JPH-9	27.1.20
Proposed block Plan 1:200	JPH-10	27.1.20
Proposed site plan 1:500	JPH-12	27.1.20
Existing front elevations	JPH-1	27.1.20
Proposed front elevations	JPH-2	27.1.20
Existing front boundary elevations	JPH-3	27.1.20
Proposed front boundary elevations	JPH-4	27.1.20
Existing garage view	JPH-5	27.1.20
Proposed garage view & gates	JPH-6	27.1.20
Existing side boundary	JPH-7	27.1.20
Proposed side boundary	JPH-8	27.1.20
Proposed alterations to elevations	JPH-11	27.1.20
Proposed garage layout & elevations	JPH-13	27.1.20

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 did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Recommendation and Authorisation Box

Report Dated:	20.3.20

Coal – low risk