

**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: 2020/62/90321/W

Site Address: 3, Two Gates, Holme Lane, Slaithwaite, Huddersfield,
HD7 5UG

Description: Demolition of existing garage, erection of new garage
to rear and dry stone wall boundary

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.

Emma Thompson

AUTHORISED OFFICER

Date: 10-Jul-2020

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f90321>

Site Description

3 Two Gates is a semi-detached property which is located on the outskirts of the village of Slaithwaite which is also a Grade II Listed Building. The property is two storeys in height and has a lean-to extension to the side and an attached barn to the rear. To the side of the property was a driveway which led to a single storey stone fronted garage. At the time of the site visit, excavation works had commenced and the garage demolished. The property itself is within land without notation on the Kirklees Local Plan and with the rear elevation of the property (excluding the barn) forming the boundary with the adjacent expanse of Green Belt. Residential properties are located to the east of the site with Slaithwaite Reservoir to the north, open fields to the south and to the west with Slaithwaite Junior and Infant School to the south-east.

Description of Proposal

Planning permission is sought for the demolition of existing garage, erection of new garage to rear and dry stone wall boundary.

Demolition of existing garage

It is proposed that the existing garage at the site would be demolished to allow for the new garage to be constructed. The footprint of the building was 3.1 metres in width and 5.3 metres in depth. No details other than photographs have been received in relation to the garage have been received and at the time of the site visit, the garage had been demolished.

New garage

It is proposed that a new garage would be constructed within the curtilage of the dwelling. The new garage would be set back within the site further than the previous garage, set back from the roadside by approximately 16 metres. The garage would have a length of 7.6 metres with a width of 3.4 metres, eaves height of 2.4 metres and overall height of 4.2 metres. The proposed construction materials are stone for the walls and natural blue slate for the roof. No details of the materials of the fenestration details have been submitted.

Boundary wall

It is proposed that a new boundary wall would be located along the south-western boundary of the site. Details submitted state that the overall height of

the dry stone wall will be 1.2 metres, being 0.9 metres at the lowest point and 1.5 metres at the highest point.

History of negotiations/amendments received

Whilst no negotiations have taken place, further details were requested with regards to the boundary wall in terms of a cross section and elevation drawing.

Relevant Planning History

1986/03533 Conversion of barn to form extension to dwelling and erection of porch (Listed Building)
Granted Conditionally

1986/03534 Listed Building Consent for conversion of to form extension to dwelling and erection of porch
Consent Granted

1995/91524 Re-use and adaptation of barn/outbuilding to form extension to existing dwelling
Conditional Full Permission

1995/91622 Listed Building Consent for re-use and adaptation of barn/outbuilding to form extension to existing dwelling
Consent Granted

2020/90322 Listed Building Consent for demolition of existing garage, erection of new garage to rear and dry stone wall boundary
Runs concurrently with this application

2020/90370 Partial demolition of existing dwelling and erection of replacement dwelling (Listed Building)
Under consideration – not yet determined

2020/90371 Listed Building Consent for partial demolition of existing dwelling and erection of replacement dwelling
Under consideration – not yet determined

Representations

Final expiry date: 3rd April 2020 including the newspaper advertisement – no representations received

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

K.C. Enforcement – informal discussion – no comments to add

K.C. Highway Structures – no conditions pertaining to structures required

K.C. Highways Development Management – no objection

K.C. Public Rights of Way – footnote requested to be added to the decision notice should the application be approved

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 within the Green Belt on the Kirklees Local Plan. The host property is also a Listed Building with the listing description as follows:

No 3 late C18. No 4 early C19. Two houses. Hammer stone. Quoins to No 3. Stone slate roof. Ashlar chimney to western end. 2 chimneys with square string course and water tabling. 2 storeys. South elevation: No 3: Ground floor; Two 3-light stone mullioned windows (recessed). One 2-light stone mullioned window (recessed). First floor; Three 3-light stone mullioned windows. No 4: Ground floor; One doorway with stone surrounds and tie-stones (blocked). One doorway with stone surrounds to porch. One 3-light stone mullioned window. One 4-light stone mullioned window. First floor; One 10-light stone mullioned window (4 lights blocked). East elevation: Ground floor; Barn doorway and one doorway with stone surrounds and tie-stones and modern windows to extension. First floor; One 2-light stone mullioned window. North elevation: No 3: Ground floor; One doorway and one small window with stone surrounds. First floor; One window with stone surround. No 4. Ground floor; One modern window. First floor; One modern window. One 2-light stone mullioned window. West elevation: No 30 . One small window to gable apex with stone surround. Lean-to extension at western end with concrete roof. Single storey porch extension with monopitch stone slated roof at eastern end. Extension to rear of No 3 probably originally a barn.

Kirklees Local Plan:

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP24 – Design
- LP30 – Biodiversity and geodiversity
- LP35 – Historic Environment
- LP57 – The extension, alteration or replacement of existing buildings

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 13 – Protecting green belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

Principle of development:

The general principle of extending and making alterations to a property are assessed against Policy LP57 of the Kirklees Local Plan and advice within Chapter 13 of the NPPF regarding design. In relation to design and heritage, Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 15 of the NPPF are relevant which seek good design that protects the historic importance of the heritage asset and protects residential amenity. Policies LP1 and LP22 are also relevant in respect to highway safety.

The site is within the Green Belt and therefore the main issues are:

- Whether the proposal would be inappropriate development for the purposes of the NPPF and Kirklees Local Plan
- The effect of the proposal on the openness of the Green Belt, and on the character and appearance of the area
- If found to be inappropriate development, whether the harm by reason of inappropriateness is clearly outweighed by other considerations, so as to amount to the very special circumstances, so as to amount to the very special circumstances necessary to justify development

Is the development inappropriate in the Green Belt?

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt, the most relevant in this case being to assist in safeguarding the countryside from encroachment. Paragraph 143 of the NPPF states that inappropriate development should not be approved except in very special circumstances. Certain forms of development are

exceptions to 'inappropriate development'. These are set out within paragraphs 145 and 146 of the NPPF.

The erection of an outbuilding to a dwelling can be considered as an "extension" to the house if it is closely associated with that building. This may be considered as acceptable in accordance with paragraph 145 c) providing that that this does not result in disproportionate additions over and above the size of the original buildings. This takes into account the cumulative impact of the proposed development and any previous extensions to the original building. Due to the separation distance to the house it would not be unreasonable to consider the development as the construction of a new building. The construction of new buildings is regarded as inappropriate development in the Green Belt unless it can be considered as a replacement building and not materially larger than the one it replaces in accordance with part d) of paragraph 145 of the NPPF.

Policy LP57 supports the advice within the NPPF by emphasising that previous extensions will be taken into account and also that proposals do not result in a greater impact on openness of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access and in the case of replacement buildings the new building shall be in the same use and not materially larger than that which it replaces.

The planning history for this property relates to the conversion of the barn which is attached to the rear of the property. The barn itself is clearly evident on the 1907 historical map and is therefore an original structure. There is a later addition located on the side elevation of the extension however this is small in scale when viewed against the host dwelling. In terms of considering the proposed development as the replacement of the existing garage, at the time of the site visit, the existing had already been removed from the site however the Agent has submitted photographs of the previous garage and it is also clearly evident on Google Maps. It is reasonable to afford weight to there having been a building in situ until very recently.

The new garage is shown to be located within the domestic curtilage of the properties and would be set back from the rear elevation of the attached barn. When considering the proposed development as an "extension" the provision of the garage is considered to be subservient by virtue of being single storey in height and detached from the host building with the boundary wall limited in its height. Policy LP57 requires that the original building should remain the dominant element in terms of size and overall appearance. This is re-iterated in Policy LP24 which states that any extensions should be subservient. It is considered that a single garage, of adequate size to house a vehicle can be considered as not being inappropriate in this Green Belt location. It is not considered that the proposal would result in disproportionate additions, compliant with LP57 of the Kirklees Local Plan. When considered as a replacement building it is the same use however is increased in size being materially larger than what previously existed. As such justification for the increase shall be considered below. It is also noted that there are other applications being considered at the site on their own merit.

The effect of the proposal on the openness of the Green Belt and on the character and appearance of the area

The garage would be located within the rear area of the curtilage to the site and is of sufficient size to accommodate a vehicle. The previous garage was located closer to the host listed building and due to the poor construction materials did not appear particularly aesthetically pleasing. By removing the existing unsympathetic garage and replacing it with one that is of better design, location and materials would improve the setting of the listed building. This benefit adds weight to the assessment of the proposed development. It is not considered that the development would be inappropriate being set within the residential curtilage, being tucked into the topography of the land, and being a replacement building albeit set within a different location as previous. It would not have a detrimental impact on the Green Belt or the character of the area. The function of the building and site would not be altered. It is not anticipated that the use of the site would be intensified, given the previous garage within the site, to such a degree that there would be a detrimental impact on the character of the area. Generally, permitted development rights for buildings would be removed for properties within the Green Belt to extend further however, in this instance, the host property is a listed building and therefore, planning permission for any structure within its curtilage would require planning permission and therefore a condition is not required to remove permitted development rights.

As part of the works, excavation of the driveway area to access the garage has taken place. Due to the topography of the area sloping upwards to the field to the side of the site, a retaining wall is proposed. By widening the driveway area and widening the access with the excavation of the land, this would provide a more practical access to the proposed garage. The proposed wall retains the wider agricultural setting by being a dry stone wall 1.2 metres in height. Whilst the creation of the elongated driveway would result in a decrease in green landscaping, to provide a natural stone gravel driveway is an acceptable feature within a domestic setting. However, any development that results in a loss of greenspace would impact on the Green Belt and impact on its character.

Very special circumstances

When considered as a replacement building which is materially larger than that which it replaces, and thereby inappropriate, very special circumstances should be considered. The erection of a larger building will have some impact on the openness of the green belt and wider character of the area. The proposed replacement building is an improvement in terms of its design and setting back within the site improving views to the host building. There is justification for the redesign and resulting increase due to the improvement to the character and setting of the Listed Building. Taking this into consideration and that the setting of the listed building of the listed building would be improved as a result of the works, in this instance it is considered that the proposal is acceptable when considered as a replacement outbuilding.

Impact on the Listed Building

The application site is a Grade II Listed Building and the proposed works are therefore assessed against the National Planning Policy Framework and the Kirklees Local Plan. Paragraph 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also needs to be considered which places a statutory in preserving the building or its setting or any features of special or historic interest which it possesses.

Paragraph 185 of the NPPF states that development should take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation and that the desirability of new development making a positive contribution to local character and distinctiveness.

The proposed works involve the construction of a new garage and boundary wall. The existing garage has already been removed from the site. The Conservation and Design Officer has assessed the scheme in terms of the Listed Building Consent application and considers that the demolition of the existing garage would be beneficial to the setting of the listed building. It is considered that the recently removed garage and concrete hardstanding to the front of the property detract from the setting of the listed building. The consultation response cites that the proposed development would have a neutral impact on the listed building and its setting and there are no concerns regarding the proposal on heritage grounds.

This is further assessed within the Officer Report for Listed Building Consent.

Impact on visual amenity:

In terms of visual amenity the garage would be subservient when viewed against the backdrop of the two storey dwelling with the garage located behind the dwelling. The dry stone wall would be located on the south-western boundary of the property, adjacent to the adjacent field which is set on a higher level than the application site and would act as a retaining wall from the from the adjacent land. A dry stone wall is considered to be in keeping with the traditional dwelling and its surroundings and therefore, there are minimal concerns. As described above, excavations works and the loss of green landscaping to the side of the property is required to provide a functional access. Whilst this results in a change to the setting of the property with the addition and requirement of a dry stone retaining wall, this would be contained within the domestic setting of the property and is not considered to cause significant harm to visual amenity.

With specific regard to the garage, this would be constructed from natural stone with a blue slate roof. The fenestration details include double doors within the front elevation and a door and window within the side elevation

which are considered to be typical of this form of development and are therefore acceptable. The submitted plans indicate that the former garage would fall short of modern standards in terms of size and therefore a larger garage is proposed. The proposed garage is of a more traditional design with a pitched roof, the overall size is mitigated somewhat by being located further back within the site, minimising any harm from the increased size and scale.

Taking into account the total development and the size of the curtilage, it is not considered that the proposed works would result in an overdevelopment of the site however, in the interests of visual amenity.

Impact on residential amenity:

With regards to residential amenity, the garage would be set back within the site. Due to the existing barn which is located on the rear elevation of the property, the views of the garage from the attached neighbour would be obscured. As there are no neighbouring properties to the west of the proposed garage and dry stone wall, it is not considered that there would be significant harm from overlooking or from overshadowing or being overbearing and would therefore be compliant with Policy LP24 of the Kirklees Local Plan.

It is therefore considered that the proposal is acceptable in terms of the impact of the proposal in terms of the impact of the proposal on residential amenity and would accord with both the Kirklees Local Plan and NPPF policy.

Impact on highway safety:

The existing access to the property is off Holme Lane which is a 30mph tow way single carriageway rural link road which is approximately 5 metres in width with no footways and limited street lighting. Due to the narrow road width there is so no safe opportunity, there is no safe opportunity for on street parking outside the site and with the school approximately 45 metres from the site, parking may be an issue at certain times.

As part of the application process, Highways Development Management were formally consulted as have cited that the application would not create any additional traffic generation to the existing situation. The response goes on to state that the access is existing and any intensification of use would be expected to be very low and not have an impact on highway safety. There is currently off road parking for 2 no. vehicles, one in the garage and one to the front of the garage and it is considered that by moving the location of the garage to the rear of the property this would create tandem parking on the driveway. The Highways Officer considers that the proposal would not have an influence on the storage and collection of waste from the premises and is therefore expected to remain as existing.

It is therefore considered that taking into account the above and that the garage is of a sufficient size to accommodate a vehicle, that the proposal is acceptable from a highways perspective.

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. It is considered that the use of natural, sustainable, locally sourced materials would contribute to the mitigation against climate change.

Biodiversity – the site is located within a Bat Alert layer on the Council's GIS system. As the development is for the construction of a new garage with the previous garage already removed from the site, it is not considered that a Bat Survey is required in this instance.

Representations:

No representations have been received.

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: 2020/90321

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, LP24, LP30, LP35 and LP57 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3. The external walls and roofing materials of the garage 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 and advice within the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: Public footpath Colne Valley 141 is adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works.

The Council's public rights of way unit may be contacted by telephone 01484 221000 and ask for Sharon Huddleston. Public rights of way is based at Flint Street, Fartown, Huddersfield HD1 6LG and the email address is publicrightsofway@kirklees.gov.uk

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	1106 (PL) 01		31 st January 2020
Existing elevations, floor plans and site plan	1106 (PL) 02		31 st January 2020
Proposed elevations, floor plans and site plan	1106 (PL) 04B		31 st January 2020
Proposed boundary wall plans	1106 (PL) 09		27 th February 2020
Heritage, Design and Access Statement			12 th February 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. Whilst no negotiations have taken place, further details were requested with regards to the boundary wall in terms of a cross section and elevation drawing.

Report Dated:

8th July 2020

Coal - None