

**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:** 2020/62/90597/E

**Site Address:** Willow Lodge, 251, Huddersfield Road, Shelley,  
Huddersfield, HD8 8LJ

**Description:** Erection of car port

**Recommending Officer:** Olivia Roberts

**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.**

Paul Dowd

***AUTHORISED OFFICER***

**Date: 19-Aug-2020**

## **Officer Report**

### **Site Description**

Willow Lodge is a two-storey detached dwelling at 251 Huddersfield Road in Shelley. It is constructed from stone and is designed with a hipped roof from which is finished in roof tiles. The dwelling benefits from a large driveway, amenity space and a detached outbuilding to the front.

The site is located in a predominantly residential area comprising mainly stone built properties, which vary in terms of their style and design.

### **Description of Proposal**

The application seeks planning permission for the erection of a carport. Amendments have been made to the scheme which is being assessed as follows:

The carport would be located to the front of the property, adjacent to the boundary with Huddersfield Road. It would have a length of 7.3m and a depth of 6.2m, with an additional 2m of hardstanding provided to the front. The carport would comprise timber posts and cladding, with a natural finish, to the side elevations, and would be designed with a gable roof form which would have an eaves height of 2.5m and a ridge height of 3.5m and would be finished in slate roof tiles. An additional lean-to element would be provided to the eastern elevation of the carport.

### **History of negotiations/amendments received**

The following amendments were requested during the course of the application:

- Corrections to the existing and proposed plans to correctly represent the boundary treatment to the front of the site.
- Reduction in height of the proposed carport.

Amended plans have been received from the agent, details of which are set out above. Due to the nature of the revisions, it was not considered necessary for these to be advertised.

### **Relevant Planning History**

No relevant planning history.

## **Representations**

The application was advertised by neighbour letters which expired on 13<sup>th</sup> April 2020.

As a result of the above publicity, one representation has been received. The following concerns have been raised:

- Surface water should be directed away from boundary to avoid flooding
- No line of site when entering onto Huddersfield Road

All comments have been carefully considered during the assessment of the application and officer comments regarding material planning considerations will be made in Section 6 of this report.

Kirkburton Parish Council comments: no comments received.

## **Consultation Responses**

No consultations were considered necessary during the course of the application.

## **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 27<sup>th</sup> 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 21 – Highways and access
- LP22 – Parking
- LP 24 – Design
- LP 51 – Protection and improvement of local air quality

## **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19<sup>th</sup> February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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
- Chapter 14 – Meeting the challenge of climate, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural 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:**

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP 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. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

These issues along with other policy considerations will be addressed below.

## 2 –Impact on visual amenity:

The proposed carport would represent a relatively large addition to the property. However, given the size of the existing dwelling and its curtilage, it is considered that the property would be able to accommodate a carport of this scale, without it appearing disproportionate in relation to the host dwelling or amounting to an overdevelopment of the site. The carport would be designed with a gable roof form, which would be finished in slate tiles to match the host property. Whilst the side walls of the carport would be finished in timber cladding of a natural finish, it is not considered that this would be detrimental to the visual amenity of the host property in this instance.

Whilst the carport would be located against the boundary shared with the highway, it is noted that other neighbouring properties are also built up to Huddersfield Road. Most of the carport would be screened by existing boundary treatment to the front of the site, with only the apex and roof form visible from the street scene. With this in mind, it is considered that the carport would not appear overly dominant within the street scene. The timber cladding would not be detrimental to the visual amenity of the area, due to its limited visibility.

Having taken the above into account, the proposed carport would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan and the aims of chapter 12 of the National Planning Policy Framework.

## 3 – Impact on residential amenity:

### *Impact on 245 Huddersfield Road*

The carport would be located to the side of the property which does not benefit from openings in the side elevation. It is considered that this, along with the distance that would be retained, would be sufficient to prevent the proposal from having a significant impact on the occupiers of the flats within this property.

### *Impact on 261 Huddersfield Road*

It is considered that sufficient distance would be retained to prevent the proposal from having a significant impact on the neighbouring property to the east. There is substantial boundary treatment along the shared boundary which would further limit this.

### *Impact on 251 Huddersfield Road*

It is considered that sufficient distance would be retained between the carport and the property located to the rear of the site to prevent the proposal from having an impact in terms of residential amenity.

### *Impact on 112 Huddersfield Road*

The carport would be located across from the entrance to the property. Due to the distance retained, its single storey nature, and the fact that most of the proposal would be screened by existing boundary treatment, it is not considered that the proposal would have a significant impact on the occupiers in terms of residential amenity.

Having considered the above factors, the proposal is not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan and Paragraph 127 (f) of the National Planning Policy Framework.

### 4 – Impact on highway safety:

The carport would be located behind existing boundary treatment which fronts Huddersfield Road, would not affect the existing access arrangements at the property and would accommodate two off-street parking spaces. Additional off-street parking would be retained to the front of the property following development. As such, it is not considered that the scheme would represent additional harm in terms of highway safety in accordance with Policies LP21 and LP22 of the Kirklees Local Plan.

### 5 – Other matters:

#### *Carbon Budget*

On 12<sup>th</sup> 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.

The proposal is a domestic development within the curtilage of an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards. For this reason, the proposed development is considered to comply with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

## 6 – Representations:

One representation has been received as a result of the above publicity. The following concerns were raised:

- Surface water should be directed away from boundary to avoid flooding
- No line of site when entering onto Huddersfield Road

The material considerations have been taken into account as part of the assessment of this application and the impact of the proposed development is considered to be acceptable. The carport would be located behind existing boundary treatment which fronts Huddersfield Road and would utilise the existing access to the property. The impact on highway safety, resulting from the proposed carport, has been considered in this report and is considered acceptable in this instance.

## 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:** 2020/90597

**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 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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP22 and LP24, of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external roofing materials of the carport 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 the aims of Chapter 12 of the National Planning Policy Framework.

**NOTE:** To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours, Mondays to Fridays 08.00 and 13.00 hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:

| Plan Type      | Reference          | Version | Date Received |
|----------------|--------------------|---------|---------------|
| Existing Plans | 1905-BE-XX-10-1000 | P3      | 07/08/2020    |
| Proposed Plans | 1905-BE-XX-20-2000 | P3      | 07/08/2020    |

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.

Amended plans were sought and received from the agent during the course of the application.

**Report Dated:** 19/08/2020