

**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: 2020/62/90830/W

Site Address: 89, New North Road, Edgerton, Huddersfield, HD1 5ND

Description: Erection of detached garage (Listed Building within a Conservation Area)

Recommending Officer: Alice Huxley

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: 23-Jun-2020

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Officer Report

Site Description

89, New North Road, Edgerton, Huddersfield.

The site occupies a large semi-detached Grade II Listed Building located within Greenhead Park/New North Road Conservation Area. Vehicular access to the property is taken from Cedar Avenue via a single track private road to the rear of the dwelling.

Description of Proposal

Erection of detached garage (Listed Building within a Conservation Area).

The proposed double garage would be located on the existing car park to the rear that served the Physiotherapy Practice once occupying 89 New North Road.

Dimensions are as follows:

Length – 8m

Depth – 6.6m

Eaves height – 2.87m

Height – 4.42m

Proposed materials consist of through coloured render to the side and rear elevation, coursed natural stone to the gable end, ashlar heads and corbels and a natural blue slate pitched roof.

History of negotiations/amendments received

Officers secured an amended location plan showing the correct red line boundary and an updated proposed site layout plan showing a swept path analysis for vehicle turning. This re-validated the application on 15th April.

Relevant Planning History

2019/93041 - Change of use of (D1) physiotherapy clinic to (C3) dwelling (Listed Building within a Conservation Area) – *conditional full permission*.

Representations

Final publicity date Expires:

Neighbour letters expire 7th May 2020; site notice expires on 20th May 2020; press advertisement expires on 8th May 2020.

As a result of the above publicity three representations were received – two objections and one supporting comment. These are as follows:

Objection one expressed concerns regarding the accuracy of the location plan and how it included land not in the applicant's ownership.

Officer comment: A new location plan has been received showing the correct red line boundary which re-validated the application.

Objection two expressed concerns regarding access and vehicle manoeuvring as well as increased surface run off. Additionally, concerns were raised regarding loss of light and loss of outlook due to the location and elevation of the proposed garage.

Officer comment: A site layout plan has since been received showing how a vehicle is able to manoeuvre and exit onto Cedar Avenue in forward gear. In regards to increased surface run off, the site is already hardsurfaced as it is a car park. Surface water run-off from the garage would need to be disposed of in accordance with Building Regulations. With regards to loss of light and outlook, this is addressed in the residential amenity section of the report.

The supporting comment made reference to highlighting where the location details can be found.

Officer comment: This is noted.

Parish/Town Council comments:

Not applicable.

Consultation Responses

K.C Conservation and Design – no objections.

Highways Development Management – no objections once updated site plan showing turning for no.90 was received.

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 located within Edgerton Conservation Area on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highway Safety and Access
- LP 22 – Parking
- LP 24 – Design
- LP 35 – Historic environment

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**
- **Chapter 14 – Meeting the challenge of climate change, flooding and coastal change**
- **Chapter 16 – Conserving and enhancing the historical environment**

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity (including any heritage considerations)
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology (e.g. bats)
- 5) Representations
- 6) Conclusion

Principle of development:

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area. Furthermore, Section 66 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Furthermore this relates to Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

LP35 states that:

‘Development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in...harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring... public benefits that clearly outweigh the harm’.

This will be assessed and discussed later in the report.

Impact on visual amenity, the Conservation Area and Listed Building:

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby 124 provides a principal consideration concerning design which states:

‘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 significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

‘a. the form, scale, layout and details of all development respects and enhances the character of the townscape..’ and ‘c. 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 setting of the Listed Building and Conservation Area, given the discreet location of the garage along with its sympathetic design, it has been considered that this would cause no harm to the setting of the Listed Building or Conservation Area and as such would comply with LP35 of the Kirklees Local Plan. The location of the building is within an existing area of car park which is clearly defined separately to the curtilage of the host building or other buildings in the area. Historic maps also indicate that the land has not been part of the curtilage of buildings along New North Road in the past. Given the form and function of the land in the past, its last use as a car park and its relationship to other buildings, the erection of a well designed garage would be in keeping with the character of the area – and its well established use for the parking of vehicles.

Regarding visual amenity, as mentioned above, given the location of the proposed garage and that the proposed materials would match/harmonise well with the applicant dwelling as well as the surrounding properties, no harm would be caused to the visual amenity of the area. The development accords with Policies LP24 and LP35 of the Local Plan.

Impact on residential amenity:

Section B and C of LP24 states that alterations to existing buildings should:

‘...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers’.

In regards to residential amenity, the proposed garage would sit within an existing car parking/access/turning area adjacent the shared boundary with 3 Vernon Close. The garage would be located to the north east of the property with access to the garage from the south east elevation of the building. Given the nature of the proposal along with its location and sympathetic scale it is considered that no harm to this neighbour would be caused as a result of the proposed development.

The property to the north west of the garage, across the access track, is no. 91 New North Road. There is a parking space to the rear of this property with access onto the access track/car park area. The siting of the garage would not unduly hinder access into or out of this parking space by vehicles. Planning permission has not been sought for the gates and fence shown on the plan, for which there are certain permitted development rights. The garage would be separated from no. 91 New North Road boundary by around 6m and by around 25m to the dwelling itself. It is also noted that the existing car park land level slopes up from therefore the garage would be situated on slightly higher land. Notwithstanding this, given the scale and significant separation of the proposed garage to this property it is considered that no material harm in respect of overbearing, overlooking or overshadowing would ensue.

As a result of the above, the proposed development is acceptable in terms of residential amenity.

Impact on highway safety:

In regards to highway safety, it is noted that the garage would be built on an existing car park and therefore will cause some impact. Notwithstanding this, the applicant dwelling was granted planning permission under the 2019/93041 application to be used as a single dwellinghouse and therefore the loss of parking for a physical garage is not considered to be harmful given that the garage would replace and provide two parking spaces. Additionally, a swept path analysis plan was received showing sufficient space for the turning/manoeuvring of a vehicle exiting no.91.

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.

Policy LP24 (d) of the Kirklees Local Plan emphasises that *‘proposals should promote good design by ensuring...high levels of sustainability, to a degree proportionate to the proposal through...considering the use of innovative construction materials...’*

In this instance, the application proposes a detached garage that is constructed from stone. Stone is considered to be an eco-friendly building material that is durable and completely recyclable. As such, the proposed development is likely to be well sealed and lasting, and as such would potentially reduce the need for repairs in the future.

For the reasons above, the proposal is considered to comply with LP24 (d) of the Local Plan.

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: 2020/90830

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 so as to ensure the satisfactory appearance of the development on completion, in the interests of the significance of designated heritage assets and to accord Policies LP35 and LP24 of the Kirklees Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	-	2	14/04/2020
Existing Site/Block Layout Plan	2008/12	1	19/03/2020
Proposed Site/Block Layout Plan	2008/10A	2	24/04/2020
Grouped Plans and Elevations	2008/10	1	19/03/2020

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. Officers secured an amended location plan showing the correct red line boundary and an updated proposed site layout plan showing a swept path analysis for vehicle turning

Report dated 23rd June 2020

