

**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: 2020/62/91234/W

Site Address: 238, Deighton Road, Deighton, Huddersfield, HD2 1JJ

Description: Erection of extensions and alterations to existing outbuilding to create dwelling forming annex accommodation associated with 238, Deighton Road, Deighton, Huddersfield, HD2 1JJ

Recommending Officer: Ellie Worth

DECISION – Full Conditional 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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 15-Dec-2020

Officer report

Site description

238 Deighton Road, Deighton is an end terrace property in which is set over three floors. The building is finished in natural stone with a tiled roof. The property appears to benefit from a small garden to the front, a driveway to the side and private amenity space to the rear. There is also a detached red brick outbuilding to the North West. Pedestrian and vehicular access can be taken from the front boundary onto Deighton Road. Boundary treatment consists of fencing and brick and stone walling to the rear.

The site is situated within a predominantly residential area, whereby the neighbouring properties vary in size and scale. There is also a change in topography within the wider area, as the properties along Wood View are situated on a significantly lower level. The site is unallocated on the Kirklees Local Plan.

Description of development

The applicant is seeking permission for the demolition and rebuild of the existing outbuilding, in order to provide annex accommodation associated with the host property. The measurements of the scheme are as follows:

- 6.3m in width
- 5.8m in depth
- 2.6m in height to the eaves; 4m in overall height

The annex accommodation will be constructed from stone and render with a concrete tiled roof. The new windows will be UPVC with a composite door.

Parking will be retained on the driveway to the front/side of the host property.

History of negotiations/amendments

Officers have entered into several discussions with the applicant regarding the size, scale and internal layout of the annex accommodation. As such, a final amended plan was received on the 26th November 2020. Furthermore, the proposed construction materials have also been confirmed via telephone on the 14th December 2020 and therefore will be conditioned appropriately.

Relevant planning history

No previous history at the application site

Neighbouring properties

2003/90092 Erection of conservatory – Granted (1 Sunny View Crescent)

2004/94785 Erection of 50 no.2 and 3 bedroom dwellings and 6 no. 2 bedroom apartments with garages – Granted (Deighton Road/Wiggan Lane)

2013/93829 Compliance conditions on previous permission 2004/94785 for erection of 50 dwellings and 6 apartments with garages – Conditions approved (Deighton Road/Wiggan Lane)

Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on the 30th November 2020, whereby one representation has been received. A summary of the concerns are as follows:

- Impact upon neighbouring amenity by overbearing, overshadowing and overlooking

Given the alterations/reduction in the building's footprint, the scheme has been readvertised via a 10 day neighbour notification letter.

Consultation responses

KC Environmental Health: No objections subject to conditions regarding the finding of unexpected contamination land and an electrical charging vehicle point being attached to the decision notice.

KC Highways DM: In support of the scheme, so long as the annex accommodation is ancillary to the main house.

KC HSE Executive: Do not advise against the granting of planning permission.

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 unallocated on the Kirklees Local Plan.

Kirklees Local Plan:

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highway safety
- LP 22 – Parking
- LP 24 – Design
- LP 53 – Contaminated and unstable land

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 design places
- Chapter 15 – Conserving and protecting 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 highways
5. Other matters
6. Representations
7. Conclusions

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. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case, the principle development on the application site is acceptable and shall be assessed against other material planning considerations below.

The demolition and rebuild of the existing outbuilding would lead to the formation of annex accommodation for which there is no objection subject to the use being in association with the main dwelling which can be secured by a condition.

2. Impact on visual amenity

General design considerations are set out in Policy LP24, which seeks to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity. This is reiterated in Chapter 12 of the NPPF.

The existing outbuilding will be demolished and rebuilt into annex accommodation as part of this permission. Nonetheless, concerns were raised regarding the footprint of the works proposed and therefore the development has been significantly reduced. This means that the overall height and width of the outbuilding will be retained as existing. As such, there would be a reasonable amount of amenity space retained to the front and rear of the host property.

The design of the building has been considered acceptable from a visual perspective, as it would retain a dual pitch with side facing gables. The development would also be retained at single storey in order to reduce some of the bulk and massing. With regards to materials, the annex will be finished in natural stone to the front elevation and render to the sides and rear. Whilst no specific details have been provided regarding the colour of the render, a

condition will be attached to the decision notice to state that this will be of an off white/cream colour. These materials have been considered satisfactory, as they will be in keeping with the host property and neighbouring development in which appear to be predominantly constructed from stone.

In terms of fenestration, the submitted plans show additional openings to be inserted into the front and rear elevations. These have been considered acceptable from a visual perspective, as they would have a similar appearance to those that already exist on the outbuilding. A double door will also be inserted into the front elevation, in order to provide flexible space for the future occupier.

Whilst it has been acknowledged that the works would create more bulk and massing at the site, it would not result in overdevelopment, as a significant amount of amenity space will be retained.

Having taken into account the above, it has been assessed that the proposal would harmonise, to an acceptable degree, with the host property and surrounding development complying with the aims of Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

3. Impact on residential amenity

With regard to residential amenity, Policy LP24 advises that proposals should ensure that a high standard of amenity is achieved for future and neighbouring occupiers. The impact of the development on each of the surrounding properties will be assessed in turn.

26 and 28 Wood View are the neighbouring properties to the North of the application site. It has been acknowledged that the original scheme would have an undue overbearing and overlooking impact upon these neighbour's amenity, given the close relationship between these neighbour's rear elevations. However, amendments have been sought in order to retain the footprint and overall height of the existing building and to extend it slightly to the south, towards to the host property. As a result, officers are satisfied that there would be no material overbearing and overshadowing, when compared to the existing arrangement.

The submitted plans show two openings to be inserted into the rear elevation, however, these will be obscurely glazed to serve a W.C and a secondary opening to the living area. This will retain these neighbour's amenity from any undue overlooking and therefore a condition will be attached to the decision notice to state that the glazing shall be a minimum of grade 4 and shall be retained for the lifetime of the development.

Having taken into account the above, it has been considered that an acceptable level of amenity would be retained at these neighbours.

1, 2 and 3 Sunny View Crescent are the residential properties to the East of the application site. It has been noted that there would be some impact upon these neighbour's amenity as a result of the additional bulk and massing to

the front of the existing outbuilding. However, the plans show the existing separation distance of approximately 11m to the nearest elevation at no. 3 to be retained. As such any overbearing is not considered to be undue. There would also be limited overshadowing, as these neighbours are situated to the East.

The plans also show no additional openings to be inserted into the eastern facing elevation, in which will help protect these neighbour's privacy. This has been considered acceptable and therefore permitted development rights for future openings within this elevation will be removed.

Overall, it has been considered that there would be no significant impact upon these neighbours' amenity.

240 Deighton Road is the attached residential property to the West of the application site. Whilst there would be some additional bulk and massing as part of this application, officers have considered that any impact would not be undue. This is due to the fact that these neighbours benefit from a large garden, whereby the majority of the works could be screened by a 2m high timber fence. Any overshadowing would be limited and therefore would only be evident within a morning.

The plans show three new openings to be inserted into the front elevation, one to serve the bedroom and the others to serve the kitchen/diner. These may have the potential to impact upon the amenity of no. 240 Deighton Road, however, officers have noted that the openings would retain an outlook directly into the application site. As such, any potential impact could be screened by a timber fence.

The plans also show no additional openings to be inserted into the western facing elevation, in which will help protect these neighbour's privacy. This has been considered acceptable and therefore permitted development rights for future openings within this elevation will be removed.

Overall, it has been noted that a reasonable level of amenity would be retained at these neighbours.

230 Deighton Road is the neighbouring property to the South East of the application site. Due to the location of the new outbuilding, it has been considered that there would be no material impact upon these neighbours' amenity.

In summary the application is considered to have an acceptable impact on residential amenity and therefore complies with LP24 of the KLP from this perspective.

4. Impact on highway safety

It has been considered that the proposal has the potential to intensify the domestic use at the host property and therefore KC Highways DM have been formally consulted.

In this case, no objections have been raised as three on-site parking spaces would be retained on the driveway to the front/side of the host property. However, given that the driveway is only suitable for tandem parking, Highways DM would be unlikely to support any future application for this outbuilding to be a separate dwelling in its own right.

As such, a condition will be attached to the decision notice to ensure that the development is used by the occupier or a relative of the host property and is not sold or rented separately for commercial purposes. This has been considered acceptable and therefore a condition will be attached to the decision notice, in accordance with Policies LP21 and LP22 of the KLP.

5. Other matters

Health and safety

The application site falls within the outer zone of a hazardous material site. As such, KC Health and Safety Executive have been formally consulted. In this instance no objections are raised, to prevent the granting of planning permission, in accordance with Policy LP53 of the KLP.

Contaminated Land

KC Environmental Health have been formally consulted as part of this application. In this instance, the site has been identified on the councils internal mapping systems as having the potential of being contaminated. As such, the officer has requested that a condition regarding the finding of unexpected land contamination is to be attached to the decision notice, in accordance with Policy LP53 of the KLP.

Air quality

As part of this permission, KC Environmental Health have requested that a condition is attached to the decision notice to ensure that an electrical charging vehicle point is installed within the site. However, given the nature of this scheme, to provide only annex accommodation, officers do not consider to reasonable to impose this condition.

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 predates 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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures. Nonetheless, it has been noted that the outbuilding will be constructed from

natural stone to the front elevation in which can be locally sourced and easily recycled. Furthermore, the works will benefit from large areas of glazing within the southern elevation, to allow natural day light into the building, reducing the need for artificial lighting.

6. Representations

As a result of the above publicity, one representation has been received. A summary of the concerns raised, alongside officer correspondence can be seen below:

- Impact upon neighbouring amenity by overbearing, overshadowing and overlooking
Comment: This has been noted and therefore a reduced scheme has been sought. A full assessment can also be found within section 3 of the report above.

The above comments have been carefully considered in the determination of this application. However, they are not deemed to substantiate defensible reasons for refusal for the reasons outlined above.

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: 2020/91234

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, and to accord Policy LP1, LP2, LP21, LP22, LP24 and LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The front (south eastern facing) elevation shall be finished in natural stone, that shall in all respects matches the stone used in the construction of the host property. The annex accommodation shall thereafter be retained within this finish.

Reason: In the interests of visual amenity and to accord with Policies LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

4. The render to the rear and side elevations shall be finished in an off white/cream colour. The annex accommodation shall thereafter be retained within this finish.

Reason: In the interests of visual amenity and to accord with Policies LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

5. The roofing materials of the outbuilding hereby approved shall be grey concrete tiles to respect those used in the construction of the host property, in accordance with the details shown on the approved plan.

Reason: In the interests of visual amenity and to accord with Policies LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the side and rear elevations of the annex accommodation hereby approved.

Reason: So as not to detract from the amenities of neighbouring property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan.

7. The ground floor openings within the north western facing rear elevation of the annex accommodation to serve the W.C and living room, as shown on Dwg. no 003 shall be fitted with obscure glazing, minimum grade 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 Order with or without modification) the windows shall thereafter be so retained obscure glazed.

Reason: So as not to detract from the amenities of neighbouring properties by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan.

8. The residential annexe accommodation approved as part of this permission shall be used by the occupants or relative of the dwellinghouse known as 238, Deighton Road, Deighton, Huddersfield, HD2 1JJ for uses ancillary to the enjoyment of this dwelling house and shall at no time be sold or rented as a separate residential unit.

Reason: In the interests of highway safety and residential amenity in accordance with the aims of Policies LP21, LP22 and LP24 of the Kirklees Local Plan and the aims of the of the National Planning Policy Framework.

9. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the Local Planning authority shall be notified in writing within 2 working days. Works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved

Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and the aims 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 13.00hours , 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 work may be carried out.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan and existing floor plans and elevations	003	-	13 th July 2020
Drainage and foul sewerage	-	-	13 th July 2020
Parking information	-	-	13 th July 2020
Proposed site plan, floor plans and elevations	003	-	26 th November 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 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. In this instance, officers have entered into several discussions with the applicant regarding the size, scale and internal layout of the annex accommodation. As such, a final amended plan was received on the 26th November 2020. Furthermore, the proposed construction materials have also been confirmed via telephone on the 14th December 2020 and therefore will be conditioned appropriately.

Report Dated: 15.12.20

