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:	2020/62/91417/W
Site Address:	176, Lindley Moor Road, Lindley Moor, Huddersfield, HD3 3UE
Description:	Erection of single story garden room at rear of garage
Recommending Officer:	William Simcock

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: 02-Jul-2020

Officer Report 2020/91417
176 Lindley Moor Road

Site Description

176 Lindley Moor Road is a brick semi-detached house (the western or right-hand half of a pair) with an extensive back garden within which is a brick single-garage which has access to the highway. It was built as a dormer bungalow with a hipped roof and a front-facing dormer. It is in the middle of a row of similar properties; most of these have been extended. No. 176 has had a rear dormer and a flat-roofed single-storey extension. The rear garden, within which land level drops gradually to the rear boundary, is bounded to the rear by a low stone wall, to the east by a high conifer hedge (except for the lowest stretch which only has a low timber fence) and to the west by the garage and below this by a recently built brick wall of over 2m in height.

Description of Proposal

The proposal is for the erection of an extension to the rear of the garage to form a garden room. It is to be 8.3m in length, following the line of the garage on its western side, but on the eastern side it is to project 1.0m further into the garden, making it 6m wide externally. It would have a symmetrical double-pitched roof which would be approximately 4.5m high at its ridge, the building having an eaves height of 2.3m as the existing garage.

History of negotiations/amendments received

29-Jun, 01-07-2020: Amended plans clarifying dimensions of extension and garage.

The plans were not re-advertised because it was considered that they did not raise substantial new planning issues. The plans showed the length of the garden room increased by approximately 2m, but it was considered that this would not materially change the impact upon adjacent properties since the site plan already made it clear it would extend to the rear boundary of the garden.

Relevant Planning History

2015/91223 – Erection of single-storey rear extension, demolition of existing garage and erection of detached tandem garage and store room. Approved and implemented.

Representations
Final publicity date Expires: 03-Jul-2020 (neighbour letters only)

No representations received.

Consultation Responses

No consultations were deemed necessary in this instance.

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 without designation on Local Plan proposals map.

Kirklees Local Plan:

LP 21: Highway safety and access
LP 22: Parking
LP 24: 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 24th July 2018, 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 – Requiring good design

Assessment
The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity (including any heritage considerations)
3) Impact on residential amenity
4) Impact on highway safety

5) Other matters – e.g. trees/ecology (e.g. bats)
6) Representations
7) Conclusion

1 – Principle of development: The site is without designation in the Local Plan. Of particular relevance is Policy LP24(a) which states that the form, scale, layout and details of all development respects and enhances the character of the townscape, and Policy LP24(c) which requires that extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials, and details and minimise impact on residential amenity of future and neighbouring occupiers.

Policy LP24 does not have any text specifically relating to domestic outbuildings. It is however standard practice when assessing such proposals that the scale of the outbuilding, taking into account the size of the existing dwelling and its curtilage, and any existing detached buildings and extensions, avoids giving rise to the appearance of overdevelopment.

Any implications for highway safety will also be considered as required by Policies LP21-22.

2 –Impact on visual amenity: The Local Plan does not contain any policies specifically relating to the scale or design of domestic outbuildings. Large outbuildings must be carefully assessed to ensure that they do not give rise to the appearance of overdevelopment or cramming, especially if they are on a small plot.

The proposed development along with the existing garage would form a continuous 18m long structure. It would be situated within a long but not very wide plot, the original garden area being approximately 30m in length from the original rear wall of the house to the rear boundary and 12m in width; the size of the garden has already been somewhat reduced by the building of the rear extension. The new extension would be about half the width of the existing garden.

It would however allow more than half the original garden to remain as private amenity space, the building (including the existing garage) would be situated below the level of the house, which reduces its prominence, and the garden plot itself is already somewhat enclosed, being largely concealed from view by the high conifer hedge on the eastern side and another conifer hedge stretching across part of the rear boundary. The building would be single-storey within the context of two-storey houses to the south and a dormer bungalow to the north.

Design details and would harmonise with the existing garage and the host dwelling. Provided it is built in materials to match the existing garage, which can be conditioned, it would respect and conserve the appearance of its surroundings and accord with Policy LP24(a).

3 – Impact on residential amenity: The development would result in most of the western boundary, adjacent to no. 174's garden, being built up. The two garden plots appear to be at roughly the same level. For both plots, the house is above the level of the garden. Furthermore there are trees on no. 174's side of the boundary which already reduce light and open aspect and would have some effect in softening the visual impact of the development. It is considered that the impact would not be oppressive or overbearing. (It is noted that the brick wall on the boundary, being over 2m in height, would have required planning permission which has not been obtained, and so the impact of the existing wall has not been taken into account.)

To the rear it would be adjacent to the boundary with 16 Rafborn Grove but would there is a high conifer hedge extending across part of the border on no. 16's side which would be above the eaves height of the building, and next to the hedge is a small detached garage, furthermore the length of no. 16's garden is about 17m. In this context it is considered it would not be overbearing. The only windows in the new building would face east; although not fully screened, it is considered owing to the distance from the boundary and the fact that they would be looking towards the lower part of no. 178's garden, they would not compromise privacy. The rooflights would be too high to allow a view into neighbouring land.

In summary it is considered it would avoid harm to residential amenity or to neighbouring land (provided no additional windows are formed in the opposite side or rear and would thereby accord with the aims of Policy LP24(b&c).

4 – Impact on highway safety: The proposal would not affect the use of the existing garage or access to the site and is therefore considered to be neutral in its impact on highway safety.

5 – Other matters:

Biodiversity and Trees:
There is a mature tree within the site boundary, which the plans indicate would be removed. The tree is not covered by a Tree Preservation Order and is not considered to be of sufficient amenity value to be worthy of one. The site is in the bat alert layer but on the basis of an external viewing it is extremely unlikely that either the existing garage or the tree have any bat roost potential, and since the proposal is single-storey, there is unlikely to be much potential for enhancement. The standard precautionary note will be added to the decision notice.

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.

In this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. As the proposal is for an extension to an existing building within an urban area it is considered however that that it would make efficient use of land in a relatively sustainable location. Furthermore the rooflights would reduce the need for artificial light which would help to limit electricity consumption. It is considered that in the circumstances the applicant does not need to demonstrate further measures to combat climate change and the proposal is deemed to be in accordance with the aims set out above, and set out in NPPF Chapter 14.

6 – Representations: No representations have been made.

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: 2020/91417

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 with Policy LP24 of the Local Plan.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing garage.
Reason: In the interests of visual amenity and to accord with Policy LP24(a) of the Local Plan.

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 Act or Order with or without modification) no new door or window openings shall be constructed in the external south (rear) or east (side) wall of the extension at any time.
Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24(c) of the Local Plan.

NOTE: There is the potential for a bat roost to 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 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			18-May-2020
Location plan			28-May-2020
Site plan as proposed	12-25-17	A	01-Jul-2020
Side elevation and roof plan as proposed	12-15-15	A	29-Jun-2020
Front elevation as proposed	12-15-43	A	29-Jun-2020
Floorplans as proposed	12-25-44	A	01-Jul-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. The case officer requested amended plans from the applicant clarifying the scale and dimensions of the proposed development.

Report dated:

02-Jul-2020