

**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: 2020/62/91455/W

Site Address: 33, Jackroyd Lane, Newsome, Huddersfield, HD4 6RB

Description: Erection of single storey rear extension, demolition of garage, erection of detached garage with store below, rear raised terrace area and regrading of rear garden.

Recommending Officer: Sam Jackman

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: 30-Jul-2020

SITE DESCRIPTION – 2020/91455

33 Jackroyd Lane is a stone semi-detached property with a hipped blue slate roof. The property benefits from a detached concrete sectional garage located at the end of the garden, at a lower level.

The property is located on a sloping site resulting in the adjacent neighbour No.31 being at a lower level by approx. 1.8m with the attached neighbour at the same level. Furthermore, due to the topography of the area the rear garden slopes steeply down, towards the rear boundary.

DESCRIPTION OF PROPOSAL

The proposal is to demolish the existing garage and build it closer to the property with an under store and a single storey rear extension.

The rear extension would project 3m by the full width of the property with a lean-to roof.

The garage would be 3.3m wide by 6.2m deep with a flat roof. The height of the garage would be split level, 2.8m to the front and a maximum of 5.2m to the rear.

Materials proposed are stone with blue slate roof for the rear extension and stone with a single ply for the garage roof.

The plans also highlight steps and patio areas to be formed to the rear between the extension and lower rear garden area.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f91455>

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

RELEVANT HISTORY

None

PUBLIC/MEMBERS RESPONSE

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 8.7.20, whereby one representation has been received.

There concerns are: -

- Boundary fence being removed
- Excavation works and stability of garden
- Loss of view
- Rear extension would reduce day light and create overshadowing
- Overdevelopment – height and mass create dominant form
- Out of character

CONSULTATION RESPONSES

None

POLICY

The statutory development plan comprises:

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):

LP 1– Achieving sustainable development

LP 2 – Place shaping

LP 22 - Parking

LP 24 – Design

LP 30 - Biodiversity and geodiversity

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, together with Circulars, Parliamentary 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 14** – Meeting the challenge of climate change, flooding & coastal change.
- **Chapter 15** – Conserving and enhancing the natural environment

ASSESSMENT

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 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 LP1 goes on further to stating that “the council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design.

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

2 – Impact on visual amenity:

The proposed single storey rear extension would project 3m by the width of the property and have a lean-to roof. The proposed works will not be visible from the highway and therefore will not harm the appearance of the street scene. The extension will be constructed of materials to match those of the existing building and will remain subordinate to the host building. The extension is considered to relate satisfactorily to the host building and will have an acceptable impact on visual amenity, thereby acceptable and compliant with the requirements of policies LP1, LP2 & LP24 of the Local Plan and advice in chapter 12 of the NPPF.

With regards to the replacement garage, this will be partially seen when viewing between the neighbouring properties however it will be set behind the existing property in line with neighbouring garages and built from stone. Although the flat roof wouldn't reflect the host property, this would reduce its bulk and the potential of having an impact on the neighbours at No 31 Jackroyd lane. Furthermore there are similar detached garages with flat roofs within the area, therefore on balance the detached garage with understore is considered to relate satisfactorily to the host building and its surroundings

when seen from Jackroyd Lane. The garage would appear as a two-storey structure when glimpsed from Garsdale Road to the north. This is not dissimilar to other structures that have been erected on raised platforms along this section of Jackroyd Lane. Thus the scheme would have an acceptable impact on visual amenity, given the context of the site and existing development in the area, thereby acceptable and compliant with the requirements of policies LP1, LP2 & LP24 of the Local Plan and advice in chapter 12 of the NPPF.

3 – Impact on residential amenity:

The proposal is single storey rear extension projecting 3m, falls within 'permitted development rights' which this property enjoys. The fallback position would result in a similar structure being erected without the need to submit a planning application. Taking this into account, and the scheme on its own merits, the rear extension would not result in an undue loss of amenity to the adjoining or adjacent residents (nos. 35 and 31 Jackroyd Lane respectively). It is of single storey scale with a mono-pitch roof and is set off the boundary with no. 31 by around 3m. This property has a conservatory, again set off the boundary but at a much lower ground level. The extension would have some limited impact on sunlight to the conservatory in the morning but not to an undue effect. Although it would be built to the boundary with no 35, again its limited projection and height would mitigate this from having an undue impact. Therefore the rear extension is considered to have little impact on neighbours with regards being overbearing or overshadowing; furthermore there are no windows in the side elevations to create any overlooking.

However due to the sloping site, access from the rear would be onto a raised decking area which is small in scale and unlikely to be used as a seating area and rather as a landing in order to gain access into the garden. Therefore, the raised decking is considered acceptable.

With regards the garage and under store this has potential to have an impact on the neighbours to the west (no. 31) who are at a lower level and who are already affected by the retaining wall and their own garage. In addition, as the rear gardens face north, the host property already will already cast some shadow. The garage at no. 31 is in a similar position against the shared boundary. There is a garden shed north of this. The proposed garage and understore will be higher than this garage but would not project any further forward of this garage, it would project beyond the garage but not materially beyond the garden shed. The height of the garage will again cast shadow and be a clearly visible structure to the rear of no 31. However, it would be seen against existing structures rather than a whole mass, includes a flat roof and follow a pattern of similar development to the rear of other houses in the row. Taking all these elements into account the siting and scale of the garage structure is considered acceptable.

The proposal therefore accords with policies LP1, LP2 & LP24 of the Kirklees Local Plan which states "extensions...minimise impact on residential amenity

of future and neighbouring occupiers.” Having considered the above factors affecting neighbouring properties and relevant policies, the proposed development is not deemed to result in any significant harm upon the residential amenity, as well as chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

In terms of highway safety there are no highway issues as the drive is not being affected by the proposal, it would still exist whether this is resurfaced/reggraded or not, and can accommodate 2 cars, and albeit the existing garage is being replaced it doesn't meet current standards, but would accommodate a small family car, as such would meet the aims of Policy LP22 of the Kirklees Local Plan with respect to highway safety and advice in Chapter 12 of the National Planning Policy Framework.

The existing drive is concrete and the plans show this to be re-surfaced in tarmac. Given the impermeable nature of the existing drive, the proposal does not raise new issues of surface water run off. Indeed to re-siting of the garage and the removal of the existing structure and a length of driveway may improve the permeable surface area within the application site

5 – 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.

Due to the size, scale and limited nature of development, it was not considered necessary to request specific measures to address the developments' resilience to climate change.

K.C. Biodiversity – the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance.

This is due to the fact the extension would have no impact on the existing roof structure of the host property and is single storey. The garage to be removed has a flat roof and would not form a suitable roosting habitat for bats.

As such the development would have little impact on bats and would be in accordance with Chapter 15 of the National Planning Policy Framework and Policy LP30 of the Kirklees LP.

6 – Representations:

One representation has been received with their concerns being as follows: -

- Boundary fence being removed
- **Response:** - this doesn't require planning permission

- Excavation works and stability of garden
- **Response:** - this would be a private matter beyond the remit of this planning application. The granting of planning permission does not negate the responsibility of the developer/landowner for securing a safe development where there may be land stability issues, as set out in the NPPF.

- Loss of view
- **Response:** - this is not a material planning consideration

- Rear extension would reduce day light and create overshadowing
- **Response:** - the impact of the rear extension on neighbouring properties has been considered in the report above.

- Overdevelopment – height and mass create dominant form
- **Response:** - discussed in the application above. This takes into account the scale of the garage with understore and its impact on the visual amenity of the area.

- Out of character
- **Response:** - discussed in the application above. This takes into account the development at the application site and also considers this in the context of the wider locality

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.

Decision Authorisation - Delegated Powers

Application Number: 2020/91455

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 51 of the Planning and Compulsory Purchase Act 2004.

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 Policies LP01, LP02 & LP24, of the Kirklees Local Plan and advice in the National Planning Policy Framework.

3. The external walls and roofing materials of the rear extension and the walls of the garage and understore 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 LP01, LP02 & LP 24 of the Kirklees Local Plan and advice in the National Planning Policy Framework

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan 1:1250	300-005		20.5.20
Existing & proposed elevations	300-001		20.5.20
Existing & proposed layout & roof plan	300-002		20.5.20
Existing & proposed site plan	300-003		20.5.20
Proposed rear elevation / sections	300-004	B	29.5.20

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 did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Recommendation and Authorisation Box

Report Dated:

27.7.20

Coal – low risk