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:	2020/62/91616/W
Site Address:	110, James Street, Golcar, Huddersfield, HD7 4HT
Description:	Erection of detached garage (within a Conservation Area)
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: 11-Sep-2020

SITE DESCRIPTION – 2020/91616

110 James street, Golcar is a large semi-detached Victorian Villa in Golcar Conservation Area and is located on elevated ground on the corner of James Street and Carr Top Lane.

The entrance to the property is via the corner of James Street and Park Lane. The drive passes a row of cottages to the north until it arrives at the main house frontage.

The main house frontage dominates the site at the top of two flights of external steps and has a stone facade to the ground storey up to a projecting stone string course and rendered upper storey. From the main house the site slopes steeply down to road level where it is bounded by a high wall and hedge, and is terraced in formation.

The curtilage of the garden and site is surrounded and screened by thick tall hedging and
mature trees. This has the effect of obscuring most of the house, site and garden from the
road.

DESCRIPTION OF PROPOSAL

The proposal is to build a double garage at the end of the drive, in front of the property at a lower terrace level.

The proposed materials for the walls are timber to be stained with a light oak finish
and for the roof a New tech artificial roofing grey slate

the proposed garage would be 5.7m wide by 5.1m deep by 3.1m high.

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f91616

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 Press advert, Site notice and neighbour notification letters which expired on the 7.8.20, whereby one representation has been received supporting the application.

CONSULTATION RESPONSES

K.C. Conservation & Design - It is considered that this application satisfies the relevant local plan and NPPF policies and therefore can be supported by Conservation and Design.

K.C. Arboricultural officer – No objection raised.

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 within Golcar Conservation Area

Kirklees Local Plan (LP):
LP 1– Achieving sustainable development
LP 2 – Place shaping
LP 22 - Parking
LP 24 – Design
LP 33 - Trees
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, 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
- **Chapter 16** – Conserving and enhancing the historic environment

ASSESSMENT

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is enshrined in policy LP1 of the Kirklees Local Plan. This policy stipulates that proposals that accord with policies in the Kirklees Local Plan will be approved without delay unless material considerations indicate otherwise.

Policy LP 35 requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that the proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

Policy LP 24 requires that the form, scale, layout and details of all development "respects and enhances the character of the townscape, heritage assets and landscape…"

In terms of national planning Policy Chapter 16 of the NPPF needs to be considered which in paragraph 193 states: "*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation…".* Chapter 16 further details that an assessment has to be made in relation to the level of harm (if harm accrues) and that any harm must be be outweighed by public benefit of the proposal.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act requires that the Local Planning Authority shall pay special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area in discharging its planning functions.

2 – Impact on visual amenity:

The property occupies an elevated position above the junction of James Street and Carr Top Lane with the front garden terraced down towards the junction.

The proposed garage is single storey in height and constructed in timber, with horizontal timber tongue and groove cladding and would have a shallow pitched roof.

The proposed garage is set at a lower level than the house due to the steeply sloping garden and given the large scale of the house itself, it is considered that this structure would not dominate the site – even though it is forward of the front elevation. As the garage is set away from the boundary and is partially screened from view, it wouldn't harm the character of the conservation area or the visual amenity of the area. It would appear as a lightweight outbuilding.

Therefore, the proposal is in accordance with Policy LP24 of the Kirklees Local Plan that states "extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details".

In addition, the development would accord with Policy LP35. The proposal would maintain and reinforce local distinctiveness and conserve the significance of designated heritage asset. The outbuilding would have a neutral impact on the character and appearance of the conservation area due to its scale and appearance and would not result in harm to its significance.

3 – Impact on residential amenity:

The proposal is for a single storey detached building within fairly large grounds, located on a lower terrace to the main property and positioned along the western boundary of the property, in this location the proposal is set away from all neighbours.

In this case the nearest neighbour is over 15m away to the east and at an angle. Therefore, it is considered there will be no impact on neighbouring properties with regards to the garage in terms of overshadowing, overbearing or overlooking as the proposal is at an acceptable distance from the neighbouring properties.

The proposal therefore accords with policies LP1, LP2 & LP24 of the Kirklees Local Plan which states that development should "…minimise impact on residential amenity of future and neighbouring occupiers." Having considered the above factors affecting neighbouring properties and relevant policies, the proposed outbuilding is not deemed to result in any significant harm upon the residential amenity, as well as complying with 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 and can easily accommodate several cars with internal turning. The garage is of a substandard depth for larger modern cars (the minimum length is now 6m). Nonetheless it would form garaging for

smaller vehicles and for domestic storage. In addition the significant drive area would still be available for parking. As such the development 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.

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. Conservation & Design - The proposed garage is set at a lower level than the house due to the steeply sloping garden and given the large scale of the house itself I do not consider that this structure would dominate the site. As the garage is set away from the boundary and is partially screened from view, I do not consider that it would harm the character of the conservation area. I have no objections to this proposal.

K.C. Arboricultural officer – I am satisfied the proposals would not adversely affect the adjacent trees of quality due to the existing levels and land use having likely restricted significant root development in the area of the proposed development. No objection raised.

6 – Representations:

It should be noted that one representation has been received as a result of the site publicity supporting the application. They consider the applicant has been considerate to their neighbours given the proposed location of the garage.

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: 2020/91616

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 of the detached garage hereby approved shall be horizontal timber tongue and groove cladding stained in a light oak finish.
Reason: In the interests of visual amenity and to accord with LP01, LP02, LP 24 & LP35 of the Kirklees Local Plan and advice in the National Planning Policy Framework

4. The roofing materials of the detached garage hereby approved shall be artificial grey slate.
Reason: In the interests of visual amenity and to accord with policies LP01, LP02 & LP24 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	2020-622-04		18 June 2020
Block Plan 1:200	2020-622-01		18 June 2020
Proposed cross section	2020-622-02		18 June 2020
Proposed layout & elevations	2020-622-03		18 June 2020
Garage specifications			18 June 2020
Heritage Statement			18 June 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 did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Recommendation and Authorisation Box

Report Dated:	11.9.20

Coal – none