

**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: 2020/62/92317/W

Site Address: 53, Upper Bank End Road, Holmfirth, HD9 1EP

Description: Erection of detached garage

Recommending Officer: Laura Yeadon

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: 13-Nov-2020

Officer Report

Site Description

53 Upper Bank End Road is a semi-detached property located within an area without notation on the Kirklees Local Plan. The property is two storeys in height and constructed from stone and set up from the roadside due to the topography of the area. The property is set back from the roadside by a garden area and to the side is a driveway which leads to a detached flat roofed garage. A garden area is located to the rear of the property. The rear boundary of the property forms the boundary with the adjacent Green Belt and to the south of the property is a plot of land which has recently benefitted from the approval of planning permission for a new dwelling. The surrounding area is semi-rural and comprised of residential properties with a large expanse of Green Belt to the east and south.

Description of Proposal

Permission is sought for the erection of a detached garage.

The proposed garage would replace the existing garage and would be slightly larger. Due to the topography of the area, the rear of the garage would be subterranean.

The garage would be located to the side of the dwelling within the south-eastern corner of the site and would be accessed from the existing driveway. The garage would have a width of 4.3 metres, depth of 7 metres with an eaves height at 2.2 metres and overall height of 3.8 metres.

It is proposed that the garage would have a natural stone finish, blue slates with red ridge tiles for the gabled roof and an electric roller shutter door.

History of negotiations/amendments received

No amendments have been submitted and no amended plans requested.

Relevant Planning History

Application site

No history

Land adjacent

2020/90111 Erection of detached dwelling (modified proposal)
Conditional Full Permission

2018/94195 Erection of detached dwelling
Conditional Full Permission

Representations

We are currently undertaking the legal 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.

Final publicity date expired 11th September 2020 – no representations received

Holme Valley Parish Council – support

Consultation Responses

None required

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 notation on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 24** – Design

Neighbourhood Development Plans:

Holme Valley Neighbourhood Development Plan has been formally submitted to Kirklees Council and Peak District National Park Authority. It covers the whole of the Holme Valley Parish Area. The plan has not been subject to publicity (Regulation 16, The Neighbourhood Planning (General) Regulations 2012) at this time. There are unresolved objections between the Kirklees Council and the neighbourhood plan body therefore the plan has no weight at this stage.

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-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

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 highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

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 National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

In this case, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity and highway safety.

2 –Impact on visual amenity:

The proposed garage would be located to the side of the property in the south-east corner of the site and would replace an existing structure. There are a number of garages in similar positions along the east side of Upper Bank End Road and therefore would not be out of character with the surrounding area.

The design of the garage is a simple structure which is typical for a domestic structure and single storey in height which ensures subservience when viewed against the host dwelling, noting that the curtilage of the property has

been reduced when this was separated for the dwelling to the south. The proposed construction materials would be natural stone for the walls with blue slate with red ridge tiles for the roof which are in keeping with the host property. It is considered the increased footprint and scale of the garage would not result in the overdevelopment of the site.

Taking into account the above, the proposal is acceptable in terms of visual amenity and would accord with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3 – Impact on residential amenity:

In terms of overlooking, other than the garage door and a personal door within the side elevation facing into the garden area, no other openings are proposed and therefore there are minimal concerns in relation to overlooking. With regard to overshadowing and/or being overbearing the southern side elevation of the property would face the side elevation of the new dwelling, once constructed. The section of the property which the garage would face would be the utility room window and a secondary kitchen window. Whilst there would be some impact on these openings, given that the garage is a replacement structure, it is not considered that the harm to the future occupiers would be so great that there would be justification to refuse the application on this basis.

It is therefore considered that the proposal is acceptable and would have a minimal impact on residential amenity and therefore would accord with Policy LP24 of the Kirklees Local Plan.

4 – Impact on highway safety:

The footprint of the property is sufficient to accommodate 1 no. domestic vehicle and there is sufficient space on the existing driveway to occupy a further vehicle and therefore, there are no concerns with regard to highway safety.

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. The proposal will be constructed from natural stone

which shall be locally sourced and a sustainable material which meets the criteria in terms of the mitigation of climate change.

6 – Representations:

No representations have been received.

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: 2020/92317

Officer Recommendation: Approve

Conditions

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 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 LP1, LP2 and LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	1093/00-10		21 st July 2020
Existing elevations and floor plan	1093/00-05 – Rev: A		21 st July 2020
Proposed site plan, elevations and floor	1093/00-4 – Rec: A		21 st July 2020

Plan Type	Reference	Version	Date Received
plans			

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. No negotiations have taken place as it was considered that the proposal was acceptable in its submitted format.

Report Dated: 12th November 2020

Coal - low