

**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: 2020/62/92840/W

Site Address: 71, Lightridge Road, Fixby, Huddersfield, HD2 2HF

Description: Erection of detached building to create dwelling forming annex accommodation associated with 71, Lightridge Road, Fixby, Huddersfield, HD2 2HF

Recommending Officer: Ellie Worth

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: 15-Jan-2021

Officer report

Site description

71 Lightridge Road, Fixby is a large, detached building, faced in stone with tiles upon the roof. Due to the site sloping from north-east to south-west, the rear elevation is two storeys, including a lower ground floor. To the rear, the dwelling includes a balcony which overlooks the garden. Vehicular access is taken from the driveway to the South West of the site onto Cowcliffe Hill Road. Boundary treatment consists of high hedging.

The site is situated within a predominantly residential area, whereby the neighbouring properties vary in design and form. Nonetheless, the common construction material is stone. The site is also unallocated on the Kirklees Local Plan.

Description of development

The applicant is seeking permission for the erection of a building to serve as annex accommodation. The measurements of the scheme are as follows (scaled at 1:100):

- 8m in width
- 6.4m in depth
- 2.3m in height to the eaves; 3.1m in overall height

The building will be constructed from timber weatherboarding with a composite flat tiles on a shallow pitched roof. Internally a bedroom, bathroom and kitchen/living area will be provided.

Parking will be retained as existing on the large driveway to the rear of the site.

History of negotiations/amendments sought

Multiple discussions have been held with the applicant and the agent regarding the size, scale and the materials proposed for the annex accommodation. As such, final amended plans were received on the 1st December 2020 to show a smaller building, sensitively placed closer to the host property. The materials have also been amended as requested.

An updated location plan was received on the 14th January 2021, to remove the previously proposed block plan.

Relevant Planning History

At the application site:

2015/93669 Erection of detached dwelling – Refused

Neighbouring properties:

2016/91983 Outline application for erection of 1 dwelling – Granted (adj 44 Lightridge Road)

2018/92341 Erection of 2 detached dwellings with integral garages – Granted (adj 44 Lightridge Road)

2018/94014 Discharge condition 3 (materials), 4 (footway), 6 (boundary detail) on previous permission 2018/92341 for erection of 2 detached dwellings with integral garages – Approved (adj 44 Lightridge Road)

2020/90542 Erection of detached dwelling – Refused (adj 322 Cowcliffe Hill Road)

2017/94157 **Erection** of one detached dwelling – Refused (322 Cowcliffe Hill Road)

2016/90624 Erection of detached dwelling – Refused (adj 322 Cowcliffe Hill Road)

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 23rd December 2020.

As a result of the above publicity, three representations have been received over two period of publicity. A summary of the concerns are as follows:

- The planning application has failed to address the reasons for refusal for the 2015 application – including overlooking form the host property itself
- The recent refusal at 332 Cowcliffe Hill Road is also relevant
- Impacts upon visual amenity due to the location and design of the building
- Potential impacts if solar panels where to be inserted on the roof
- The building would result in the overdevelopment of the site
- A site visit should be undertaken
- No previous knowledge of annexes within this area
- The works would be out of keeping with the area
- The development appears to be of a poor quality and is unsuitable for this residential location.
- It will have adverse impacts on neighbouring properties

Given the amendments sought to re-locate, reduce and alter the materials for the annex, officers considered it necessary to re-advertise the application. This was done via a 21 day neighbour notification letter.

Consultation responses

None necessary.

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 30 – Biodiversity

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 enhancing 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 erection of the new building to create annex accommodation may be acceptable in principle, subject to it being used in association with the main dwelling, which can be secured by condition.

2. Impact on visual amenity

The NPPF provides guidance in respect of design in chapter 12 (Achieving well designed places) with 124 providing an overarching consideration of design stating 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'.

Kirklees Local Plan policies LP1, LP2 and importantly, LP24 are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Policy LP24 states that all proposals should promote good design by ensuring the following: 'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape' and 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'. In this case, whilst the building is detached it is also assessed as an extension.

In this instance, it has been considered that the detached annex accommodation would on balance, appear subservient to the host property, gives its reduced footprint and new location closer to the dwelling. The overall height of the building has been kept to a minimum, in order to reduce any undue bulk and massing. As such, the works proposed would not result in the overdevelopment of the site, as the host property is a detached dwelling, in which occupies a spacious plot.

The design of the building has been considered acceptable from a visual perspective, as it would benefit from a simple form of development, to include a shallow dual pitched roof. The materials proposed are timber weatherboarding. Whilst these materials are not ideal, given that the host and neighbouring properties benefit from natural stone, it has been noted that the weatherboarding will complement its proposed use and would take more of an 'outbuilding' 'ancillary' appearance when viewed with the host property. Such materials are also light weight and the structure would be easily removed should the annex no longer be required. The site is also enclosed by tall hedge rows to the side and rear boundaries and therefore, any impact upon the wider area would not be undue.

In terms of fenestration, the openings would also have a satisfactory visual finish, as they would respect those that exist on the host property. Double doors will also be inserted into the south western elevation, to provide open views of the garden.

Whilst it is appreciated that the works would result in the loss of some of the existing garden space for the host property, it would not result in the overdevelopment of the site. Sufficient space would be retained for the dwelling and annex. More so, the amended scheme shows the annex accommodation to be significantly smaller and ancillary to the main dwelling.

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.

69 Lightridge Road is the neighbouring property to the South East of the application site. It has been considered that there would be no material impact upon these neighbours' amenity, given the amendments sought to reduce the footprint of the development. More specifically officers have noted that there is well established boundary treatment along the south eastern boundary, in which will help mitigate against any overbearing, overshadowing and overlooking. As such, the two windows proposed within the side elevation, would not overlook these neighbours' gardens as their views would be concealed by the high hedges. The bathroom window is also likely to be obscurely glazed.

In this case, any impact upon these neighbour's amenity can be supported.

73 and 73a Lightridge Road are the previously approved residential dwellings (2018/92341) to the North West of the site. Given that the annex will be situated at the opposite side of the host property, this will allow for a sufficient separation distance to the side boundary to be retained. The dwellings will also be located to the North East of the plot in line with the existing properties in which line Lightridge Road. As such, officers are satisfied that there would be no material overbearing, overshadowing and overlooking, in which would prejudice the future amenity of these neighbours.

To the rear of the site is Huddersfield Golf Club.

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 to potential to intensify the domestic use at the property. However, in this case, officers have noted that the large driveway to the rear of the site would be retained as part of this development and would be available for parking. This at present, can accommodate up to 4 off street vehicles and therefore no concern has been raised. This is to accord with Policies LP21 and LP22 of the KLP.

5. Other matters

Bats

The application site lies within the bat alert layer on the Council's GIS system. However, in this case, the proposal would result in the erection of a new building and therefore, is unlikely to impact upon roosting bats. This is to accord with the aims of Chapter 15 of the NPPF.

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 annex would be constructed from timber weatherboarding in which is considered to be light weight and easily reversible. The use of large areas of glazing to habitable rooms will also allow natural day light into the annex, whilst reducing the need for artificial light.

6. Representations

As a result of the above publicity, three objections have been received. A summary of these concerns alongside officer correspondence are as follows:

- The planning application has failed to address the reasons for refusal for the 2015 application – including overlooking form the host property itself

Comment: This has been noted, however, each scheme is assessed on its own merits. In this case, the works put forward are for annex in association with the host property.

- The recent refusal at 332 Cowcliffe Hill Road is also relevant

Comment: As outlined above, each application is determined on its own merits.

- Impacts upon visual amenity due to the location and design of the building

Comment: A full assessment upon the impact on visual amenity can be found in section 2 of the report above.

- Potential impacts if solar panels where to be inserted on the roof

Comment: The works, as proposed, do not involve the insertion of solar panels to the roof of the annex.

- The building would result in the overdevelopment of the site

Comment: Having reviewed the amended block plan, officers are satisfied that the works would not result in the overdevelopment of the site.

- A site visit should be undertaken
Comment: A site visit has been undertaken by the case officers as part of the planning process.
- No previous knowledge of annexes within this area
Comment: This has been noted.
- The works would be out of keeping with the area
Comment: A full assessment upon the impact on visual amenity can be found in section 2 of the report above.
- The development appears to be of a poor quality and is unsuitable for this residential location.
Comment: A full assessment upon the impact on visual amenity can be found in section 2 of the report above.
- It will have adverse impacts on neighbouring properties
Comment: A full assessment upon the impact on neighbouring amenity can be found in section 3 of the report 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 materials considerations. It is considered that the development would constitute to sustainable development and is therefore recommended for approval.

Recommendation Approve

Decision Authorisation - Delegated Powers

Application Number: 2020/92840

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 LP30 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external walls of the annex accommodation hereby approved shall be timber weatherboarding, 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.

4. The roof shall be finished in dark grey composite riles, 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.

5. The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 71, Lightridge Road, Fixby, Huddersfield, HD2 2HF. It shall at no time be sold or rented as a separate residential unit.

Reason: To define the permission granted, in the interests of highway safety, visual amenity and residential amenity and 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.

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	2A	-	14 th January 2021
Proposed elevations	3	-	1 st December 2020
Proposed floor plans	3	-	1 st December 2020
Proposed block plan	2A	-	1 st December 2020
Design and access statement			10 th September 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, multiple discussions have been held with the applicant and the agent regarding the

size, scale and the materials proposed for the annex accommodation. As such, final amended plans were received on the 1st December 2020 to show a smaller building, sensitively placed closer to the host property. An updated location plan was received on the 14th January 2021, to remove the previously proposed block plan.

Report Dated: 15.01.21