

**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: 2020/62/92885/W

Site Address: 25, Portland Close, Marsh, Lindley, Huddersfield, HD3
4BS

Description: Erection of outbuilding

Recommending Officer: Tom Hunt

DECISION – Full Conditional 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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 10-Nov-2020

Officer Report

Site Description

25, Portland Close, Marsh, Lindley, Huddersfield, HD3 4BS

No 25 is a semi-detached, two storey, cream stone property with a modest roofed porch front left of the elevation rendered white to provide a side entrance. The main property roof form is gable and to the east or right hand of the elevation is a cream stone garage with a lean-to hipped roof and a red garage door. The main dwelling, porch and garage use the same grey concrete tile providing a cohesive visual language. To the front of the property set back from the road, there is a front stone patio to the left and a tarmacked drive to the right.

Description of Proposal

Permission is sought for the erection of [an] outbuilding.

The specific proposal is to erect a detached garden summerhouse in the rear garden, specifically to the top left corner of the garden which will be near the boundary of adjoining neighbour rear gardens. This will sit on 108mm base and raised patio 440mm from ground level. The garden has a pre-existing slope raising north and the patio cuts into the slope to level the ground.

Proposed materials are vertical cedar board cladding on front and side elevations and to the rear wall, external fireboard. It is proposed to have a flat rubber roof with vertical uPVC double doors to the front elevation and single vertical uPVC window to the east.

The outbuilding will have a recessed, stepped design orientated to the east where the doors and window will be able to view outwards to the south-east onto No. 27. The proposed outbuilding will be 3000mm across, maximum of 2400mm in depth and 2590mm in height. There is an irregular stepped recessed stepped design to the eastern corner of the elevation, the south elevation to the west 600mm across, steps in 145mm north to install double doors with glazing 2255mm east then 800mm north and 255mm east to complete the stepped design.

History of negotiations/amendments received

A request for amended plans was made 22/10/2020 to include the raised patio to assess the difference in levels and potential impact. Amended plans was received 4/11/2020 showing difference in levels and raised patio. This was sufficient to assess the application.

Relevant Planning History

The Planning Statement dated August 2020 note that Permitted Development Rights was removed as part of the original application to erect the dwelling (84/06100). Specifically Condition 7 of the application stated -

“Notwithstanding the provisions of the Town and Country Planning General

Development Orders 1977 to 1983, no buildings or extensions shall be erected in the area of the whole site shown on the approved plan without the prior approval of the District Planning Authority.

Reason: In the interests of visual amenity and to safeguard the amenities of nearby residents”

86/00637 – Erection of garden shed. Granted Conditionally. Decision: 14/03/1986.

2008/93849 – Erection of garage extension. Conditional Full Permission. Decision: 18/12/2008.

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: 16th October 2020

Site Notice expired: 16th October 2020

No representations have been received.

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 allocation on the Kirklees Local Plan.

Kirklees Local Plan (KLP):

- LP 1 – Achieving sustainable development
- LP21 - Highway Safety
- LP22 - Parking Standards
- 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 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

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) Other matters
- 5) Representations

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.”

Under normal circumstances, this proposal would fall under Permitted Development Rights. Due to its modest design, position to the rear of the garden and the neighbouring fences further reducing its impact, in this case, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity.

2 – Impact on visual amenity

In terms of visual amenity, the proposed detached outbuilding would be located in the rear garden, specifically to the north-west corner of the garden. Its position would not overshadow No. 23 materially. The scale, bulk and footprint of the building with a flat roof form and harmonious natural materials in the use of cedar wood will create a visually appropriate garden outbuilding. The proposed colour of the uPVC window and doors is anthracite grey so that would be suitably harmonious with its surroundings.

Taking into account all the above, the proposal is acceptable in terms of its impact on 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

The proposed outbuilding has a recessed, stepped design orientated to the east where the doors and window will be able to view outwards to the south-east onto No. 27. The view onto No. 27 is obscured by the height of the fence present and the distance to the nearest ground floor window and so would not constitute overlooking. This directed view has the effect of reducing any potential loss of privacy and overlooking for No. 23's boundary to the west which is close to the building footprint itself. This considered approach means that the proposal would have an acceptable impact on residential amenity and accord with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

4) Other matters

Use – the application seeks an outlying to be used ancillary to use of the main dwelling which is considered to be an acceptable arrangement and would ensure that there is no detrimental highway safety impact from the development. However, to ensure that this remains the case this will be secured by condition for the avoidance of doubt.

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 extremely limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this

development, however it is noted that the use of cedar wood cladding materials is a low carbon material.

5) Representations

There are no representations.

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: 2020/92885

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 LP24 of the Kirklees Local Plan.

3. The outbuilding hereby approved shall not be used for any purpose other than a use ancillary to the enjoyment of the host dwellinghouse, 25 Portland Close.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the proposal does not result in a loss of amenity for future and neighbouring residents or highway impacts and to accord with Policies LP21, LP22 and LP24 of the Kirklees Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan			2/9/2020
Block Plan			2/9/2020
Proposed Site Layout Plan	001		9/11/2020
Proposed Plans and Elevations		B	9/11/2020
Planning Statement	AUGUST 2020		2/9/2020

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 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 application was determined based on the submitted information.

5/11/2002

Report Dated: