

**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: 2020/62/93164/E
Site Address: 8, Crowlees Road, Mirfield, WF14 9PJ
Description: Erection of detached garage with hobbies room over
Recommending Officer: Callum Harrison

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.

Paul Dowd

AUTHORISED OFFICER

Date: 20-Jan-2021

Officer Report

8 Crowlees Road, Mirfield, WF14 9PJ

Site Description

The application relates to a site currently under construction for the erection of one dwelling approved under applications 2011/92144 (outline) and 2012/91218 (reserved matters) at what will be addressed as 8a Crowlees Road, once completed.

The dwelling under construction is large two-storey detached dwelling. It is to be faced with natural stone to the front and artificial stone to the sides and rear. The 2012/91218 application saw permission also granted permission for a single-storey, double garage on the site.

The wider area is primarily residential, with dwellings on Crowlees Road being mostly detached and set within good sized plots. Dwellings in the area are largely varied in style, design and materials.

Description of Proposal

The application is seeking permission for the erection of a two-storey double garage, with a hobby room above. The garage is to have a dual pitched roof and would benefit from a lean-to element to form a store to the rear. The building has a maximum height of 7m to the ridge, a width of 6.7m and a depth of 11m, when including the store element.

The garage is to be constructed using artificial stone for the walls, concrete tiles for the roof and Upvc for the windows and doors.

The proposed garage is set in front of the build line of the proposed dwelling's principle elevation. However, it is located to the west side and not directly in front of the dwelling. Its setting is in an identical position to the single-storey garage approved under the reserved matters application for the dwelling.

History of Negotiations

No amendments were sought for the proposal. However, the agent was asked to correct the plans by adding two windows to the proposed floor plans, as shown on the proposed elevations. The corrected plan was received on 18/12/2020.

Relevant Planning History

2011/92144 - Outline application for erection of detached dwelling – granted.

2012/91218 - Reserved Matters application for erection of detached dwelling – granted.

2017/91953 – Erection of 6 apartments – refused.

2017/93319 – Erection of 6 apartments – refused.

Representations

The application was advertised by neighbour notification letters. Publicity expired on 19/11/2020. No representations were received.

Consultation Responses

KC Highways Development Management – no objections.

Mirfield Town Council – no comments received.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 in the Kirklees Local Plan 2019.

Kirklees Local Plan (KLP):

LP 1 – Achieving sustainable development

LP 2 – Place shaping

LP 21 – Highway safety

LP 22 – Parking

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 2 – Achieving sustainable development

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) Impact on highway amenity
- 5) Other matters
- 6) Representations
- 7) Conclusion

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. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

1. Impact on Visual Amenity

Policy LP24 of the KLP states that *“proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape”* and ensure that *“extensions are subservient to the original building, are in keeping with existing buildings in terms of scale, material and details”*.

Given the scale of this proposal, in respect of the size of the plot and the size dwelling being constructed, the proposal is deemed to be subservient. The lowering of the eaves height to the front by changing the pitch of the roof also contributes to the garage appearing subservient, despite having a hobby room above. The proposed use of materials to match the host dwelling also ensures the proposed garage is in-keeping with the host dwelling in terms of its design and visual appearance. Whilst the garage is set in front of the host dwelling, considering that the plot is a significant distance from the highway, and is set behind another dwelling, it is considered that the design will have minimal impact on the visual amenity of the street scene also.

Therefore, given the reasons above, the application meets policy LP24 of the KLP and Chapter 12 of the NPPF regarding visual amenity and design.

2. Impact on Residential Amenity

LP24 of the Kirklees Local Plan states that proposal should *“provide a high standard of amenity for future and neighbouring occupiers’ and that development should ‘minimise any impact on residential amenity of future... occupiers”*.

Given the location of the proposed garage, the neighbouring dwellings that may be materially impacted by the proposal are no.4c, no.4a, no.6 and no.8 Crowlees Road. These dwelling effectively bound the proposed garage from the south-west clockwise through to the north-east.

No.4c Crowlees Road

No.4c is set approximately 6m away from the proposed garage. The corner of the front and north-east facing side elevation is set closest to application site. Given this orientation, no windows of any habitable rooms would face towards the proposed garage. The garage does not propose any windows to face towards no.4c. There is also no substantial amenity space between the proposed garage and no.4c. Therefore, it is considered that the proposed development would not cause any detrimental or material harm on no.4c in terms of privacy, overbearing impact or overshadowing.

No.4a Crowlees Road

No.4a is set approximately 24m to the north-west of the proposed garage. The driveway for no.4c also runs between no.4a and the application site. There are no proposed windows that face towards no.4a. Given the separation distance and fact that there are no proposed openings to face towards no.4a, the application is considered acceptable in terms of the impact on the residential amenity of no.4.

No.6 Crowlees Road

At the closest point, the rear elevation is set 15m away to the north-west, from the north side elevation of the proposed garage. The rear garden of no.6 is set between the dwelling and the proposed garage.

The proposal does include two small windows on the ground floor proposed of the north side elevation. The purpose of these windows is to provide natural light, rather than as a viewing point. Furthermore, the ground floor is for vehicle parking and, therefore, this is not considered a habitable room. Given these reasons, the separation distance is considered, on balance, acceptable and does not cause material harm in terms of an overbearing impact or overshadowing. In order to ensure that the no.6 is not materially impacted regarding privacy and overlooking, a condition will be inserted for the proposed windows in the north side of the proposed dwelling to be obscurely glazed before occupation and to be retained thereafter.

Subject to this condition, the application is considered acceptable regarding its potential impact on the residential amenity of no.6 Crowlees Road.

No.8 Crowlees Road

Whilst the application is addressed to no.8 at present due to the construction of no.8a, the garage shall fall within the curtilage of, and be under the ownership of, no.8a. Therefore, the impact on the future occupiers of no.8 Crowlees must be considered.

The rear elevation of no.8a is set 17m to the north-east of the proposed garage. The rear garden of no.8 will extend just up to the boundary by the front of the proposed garage. There are no proposed windows in the garage that face directly towards the garden or dwelling of no.8 and, therefore, it is considered that there would not be any material harm towards no.8 in respect of privacy or overlooking. The eaves to the front of the garage are set lower than at the rear, meaning the mass is reduced to the front and, therefore, this mitigates any material harm in regard to potential overshadowing or overbearing impacts.

Given the reasons above, the application is considered acceptable in regard to the impact on the residential amenity of no.8 Crowlees Road itself and will not cause any material or detrimental harm to any neighbouring dwellings in respect of residential amenity. The proposal is, therefore, considered to adhere to the requirements of Local Plan Policy LP24 and Chapter 12 of the NPPF, regarding residential amenity.

3. Impact on Highway Amenity

The proposed application retains the two parking spaces in the garage that was approved under application 2012/91218 and, therefore, it will not reduce any of the parking provision on the site. Furthermore, the hobby room above will not intensify the site in respect of needing the provision of additional parking spaces. Therefore, given the above, the proposal will not materially impact on highway amenity in regard to parking or access and is considered acceptable in respect of Policies LP21 and LP22 of the KLP and Chapter 12 of the NPPF.

4. Other matters

There are no other matters for consideration.

5. Representations

None.

6. 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.

As set out above, 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: 2020/93164

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 to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The proposed use of artificial stone for the walls of the application hereby above shall match the stone of the host dwelling.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of chapter 12 of the National Planning Policy Framework.

4. Prior to the occupation of the garage hereby approved, the 2no. window proposed in the north side elevation as shown on dwg. 19/49/3 rev B received on 18/12/2020 shall be non-opening and obscurely glazed and retained thereafter unless otherwise approved in writing by the Local Planning Authority and retained thereafter.

Reason: In the interests of residential amenity and to accord with Policy LP24 of the Kirklees Local Plan.

Plans and specification schedule:

Plan Type	Reference	Version	Date Received
Location Plan			05/10/2020
Grouped Plans and Elevations	19/49/3	Rev B	18/12/2020

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 has, 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 amendments were sought for the proposal. However, the agent was asked to correct the plans by adding two windows to the proposed floor plans as shown on the proposed elevations. The corrected plan was received on 18/12/2020.

20.01.2021