

**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: 2020/62/93395/E

Site Address: 8, Marsh Hall Lane, Thurstonland, Huddersfield, HD4 6XD

Description: Erection of car port to front

Recommending Officer: Alice Downham

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: 24-Dec-2020

Officer Report

Site Description

8 Marsh Hall Lane is a two-storey semi-detached dwelling in Thurstonland, Huddersfield. It is constructed of brick with a stone facing on the front elevation. The roof is a gable design finished in concrete tiles. The property benefits from an attached garage with a flat roof to the side and a large conservatory to the rear. There is a driveway and an off-street parking area to the front. There are gardens to the front and rear. The front of the site is bounded by a low wall, and the shared boundary with 6 Marsh Hall Lane comprises fencing, approximately 2.0m high.

The application site is located close to a conservation area, in which there are multiple listed properties. To the north, south, and west, the applicant site is surrounded by single and two-storey properties of a similar age, style, and pallet of materials. To the west, within the Conservation Area, the properties are more varied in terms of age, style, and materials, and there is also an area of open land.

Description of Proposal

The applicant is seeking permission for the erection of a car port to the front of the house. It would be detached from the main building and located in the south-western corner of the site. The dimensions of the proposed car port are as follows:

2.2m deep x 3.0m wide x 2.4m high, on a base 5.0m deep x 3.0m wide.

Proposed materials consist of timber for the supports and the roof, with a Sarna waterproofing membrane on the roof.

History of negotiations/amendments received

Concerns were raised regarding the proposed location of the car port, to the front of the property. It was considered that this location could have a negative impact on the visual amenity of the host dwelling and the street scene. An amendment was requested for the car port to be set to the side of the property. Discussion with the applicant explored the insufficient area to the side of the property, the lower elevation of the car port compared with the street level, and the potential for screening by fencing and garden planting. Therefore, it was agreed that the location of the car port as shown on the plans could, on balance, be deemed acceptable and, consequently, an amendment was no longer required.

Relevant Planning History

None at applicant property.

At neighbouring properties:

94/91750 - Erection of ground floor dining room and porch/first floor bedroom extension. Conditional full permission.

97/91024 - Erection of ground floor extension to form larger garage and utility room/first floor bedroom and dressing room. Conditional full permission.

Representations

The application was advertised by neighbour letter, site notice and in the press, due to the proximity of the site to a conservation area. Final publicity expiry date: 14/12/2020.

No representations were received following this publicity.

Kirkburton Parish Council were consulted and had no comment on this application.

Consultation Responses

None were considered necessary in this instance.

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.

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.

Kirklees Local Plan (KLP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety
- **LP 22** – Parking

- **LP 24** – Design
- **LP 35** – Historic environment
- **LP 51** – Protection and improvement of air quality

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
- **Chapter 16** – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity and historic environment
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conditions
- 8) 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.

These issues along with other policy considerations will be addressed below.

2 – Impact on visual amenity and historic environment:

The host dwelling is located on a residential street with properties, which are similar in terms of age and style, and pallet of materials. It is important to note that several houses on this street have been extended or altered in some way and it is, therefore, considered that, dependent on design, scale, and detailing, it may be acceptable to erect a car port at the host property.

The proposed car port to the front is small in scale and is considered subservient to the host dwelling, which would remain the dominant feature following development. The use of timber as a construction material is considered acceptable as it is natural and sustainable. Due to the location of the development to the south-west of the property, it will be visible from Marsh Hall Lane and by the neighbouring property (No. 6 Marsh Hall Lane). The small scale and use of natural materials means it will not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, thus complying with Policy LP24 in the KLP and the aims of Chapter 12 of the NPPF.

The site is neighbouring the Kirkburton Conservation Area. After an informal consultation with the Kirklees Council conservation officer, it is considered that this development will not have a harmful impact on the conservation area. The proposal, therefore, complies with LP35 in the KLP and Chapter 16 of the NPPF.

3 – Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out in terms of Policy LP24 c), which states that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

Impact on 2 Moor Top Avenue

This is the adjoining property to the north of the application site. As the proposal is for a carport to the south-west of the applicant property, there will be no impact from overlooking. There will be no impact from overshadowing or overbearing as the location of the carport will be in the far corner of the curtilage of the applicant property and will be small in scale. Therefore, there will be no impact on the amenity of 2 Moor Top Avenue.

Impact on 6 Marsh Hall Lane

This is the adjoining property to the south of the application site. This property is at a higher elevation and angled away from the applicant property. As the proposal is for a carport to the south-west of the applicant property, and as the side of the neighbouring property faces onto the development site, there will be no impact from overlooking. The carport will be constructed close to the shared boundary with this neighbour. Given that this will be an open structure constructed of timber, which will be small in scale and at a lower elevation than the neighbouring property, there will be minimal impact from

overshadowing or overbearing. Therefore, there will be minimal impact on the amenity of 6 Marsh Hall Lane resulting from this proposal.

Impact on The Old Vicarage, Marsh Hall Lane

This is the neighbouring property to the west of the application site. Due to the separation between this property and the development site (approximately 58m), it is considered that there will be no impact on the amenity of The Old Vicarage, Marsh Hall Lane, resulting from this proposal.

Having considered the above factors, the proposal is considered not to result in any significant adverse impact upon the residential amenity of any surrounding neighbouring occupants, thus complying with Policy LP24 of the KLP and Paragraph 127 (f) of the NPPF.

4 – Impact on highway safety:

The proposed carport would be located to the front of the property and would not affect the existing parking arrangements at the site. The current parking arrangements are considered to be sufficient. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policies LP21 and LP22 of the Kirklees Local Plan.

5 – Other matters:

Carbon Budget

The proposal is a small-scale domestic development to an existing dwelling. As such, no special measures are required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations, which will need to be adhered to as part of the construction process and which will require compliance with national standards. For this reason, the proposed development is considered to comply with Policy LP51 of the KLP and Chapter 14 of the NPPF.

There are no other matters considered relevant to the determination of this application.

6 – Representations:

No representations have been received.

7 – Conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following condition:

- Accordance with the approved plans, to ensure the development is carried out in line with the officer's assessment.

Notes will also be added regarding the hours of work and notifying the applicant that neighbours do not have to grant access to their land.

8 – Conclusion:

This application to erect a car port to the front of 8 Marsh Hall Lane, Thurstonland, Huddersfield, has been assessed against relevant policies in the development plan, as listed in the policy section of the report, the NPPF and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered acceptable.

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: 2020/93395

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 Policies LP1, LP2, LP21, LP22, LP24, LP35, and LP51 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

NOTE: Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

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 13.00 hours, 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 may control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations		-	05/11/2020

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 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.

Concerns were raised regarding the proposed location of the car port to the front of the property. It was considered that this location could have a negative impact on the visual amenity of the host dwelling and the street scene. An amendment was requested for the car port to be set to the side of the property. Discussion with the applicant explored the insufficient area to the side of the property, the lower elevation of the car port compared with the street level, and the potential for screening by fencing and garden planting. Therefore, it was agreed that the location of the car port as shown on the plans could, on balance, be deemed acceptable and, consequently, an amendment was no longer required.

Report Dated: 22/12/2020