

**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: 2020/62/93695/E
Site Address: 87, Fair View, Hightown, Liversedge, WF15 6LL
Description: Erection of garage/store to rear, demolition of existing garage and alterations
Recommending Officer: Olivia Roberts

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: 18-Jun-2021

Officer Report

Site Description

The application relates to 87 Fair View, a two-storey semi-detached dwelling in Liversedge. It is constructed from stone for the external walls to the front and brick to the side and rear. The dwelling is set back from the access road with a small area of amenity space to the front, a driveway to the side and a larger area of stepped amenity space to the rear. There is a porch to the front of the dwelling and a single storey extension and detached outbuilding to the rear.

The site is located within a residential area. Whilst Fair View comprises several semi-detached properties of a similar appearance to the application site, others vary in terms of their type, character and design.

Description of Proposal

The application seeks planning permission for the erection of garage/store to the rear, demolition of the existing garage and external alterations. Amendments have been made to the scheme, which is being assessed based on the following:

Demolition and Erection of Garage/Store

The existing garage would be demolished as part of the proposal and replaced with a garage/store which would measure 6m in length by 3.7m in width. The garage would be designed with a flat roof form, which would have a height of 2.6m and would be finished in render for the external walls. The garage would be in part, built into the slope of the garden, where land levels rise towards the rear of the site. The roof form of the garage would form part of the amenity space of the property, replacing the decking to house the existing greenhouse. Balustrading is proposed to frame this area of amenity space, set back from the front elevation of the garage.

External Alterations

The existing opening to the rear of the single storey rear extension would be replaced with bi-folding doors. Roof lights are also proposed in the existing roof form. The external walls of the extension would be faced in render as part of the proposal.

Minor alterations are proposed to the fenestration of the existing porch, the external walls of which would also be faced in a stone-coloured render.

The existing entrance door to the side elevation of the dwelling would be walled up as part of the proposal and minor alterations are proposed to the existing retaining wall, to create an area of usable amenity space to the rear of the existing rear extension.

History of negotiations/amendments received

The following amendments were requested during consideration of the application:

- Increase in height of boundary fence to the side of the proposed garage.
- Removal of proposed render finish to the side gable elevation of the dwelling.

Following a discussion with the applicant's agent, amended plans were submitted. Under the final amended drawings, the gable wall of the dwelling would be maintained in brick, and the existing porch and rear extension finished in render. Due to the nature of the revision made, which alter the materials to the existing dwelling and increase the height of the boundary treatment to the side of the garage, the amended plans were not advertised to the public in this case.

Relevant Planning History

No relevant planning history at the site or neighbouring properties.

Representations

The application was advertised by neighbour letters, which expired on 12 January 2021.

No representations have been received.

Parish/Town Council comments: not applicable.

Consultation Responses

No consultation responses were considered necessary.

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 on the Kirklees Local Plan proposals maps. However, it is located within the Strategic Green Infrastructure Network.

Kirklees Local Plan:

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highway and access
- LP 22 – Parking
- LP 24 – Design
- LP 30 – Biodiversity and geodiversity
- LP 31 – Strategic Green Infrastructure Network
- LP 51 – Protection and improvement of local 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 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Supplementary Planning Documents:

Kirklees Council is currently in the process of producing its supplementary planning guidance on house extensions. Although this is at the draft stage, it needs to be considered in the assessment of planning applications with some

weight attached. The general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the NPPF, requiring development to be considerate in terms of the character of the host property and the wider street scene.

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 proposal is for the erection of garage/store to the rear, demolition of the existing garage and external alterations. The site is without notation on the KLP, policy LP1 of which 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.

The application site is recorded as being located within the Strategic Green Infrastructure Network on the KLP.

Policy LP31 of the KLP states that proposals should ensure that the function and connectivity of green infrastructure networks and assets are retained, replaced or provided where appropriate, incorporating or providing new walking, cycling and ecological links.

The proposal is for the replacement of a garage within the curtilage of an existing residential property, as well as external alterations to the main dwelling. 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:

The proposed garage/store would replace an existing garage of a similar scale to the rear elevation of the property and would have an appearance typical of an outbuilding. The garage would be set back in relation to the existing garage at the site, as well as in relation to the garage at the neighbouring property. Whilst the front elevation of the garage would be visible from Fair View, its set-back position would reduce its prominence from the street scene. It is also noted that there are several existing garages within the street scene, which are located to the rear of the properties and vary in terms of their design and materials of construction. As such, the impact of the garage on the visual amenity of the host property and street scene is considered acceptable.

The use of render to the front porch and rear extension would introduce a new material to the dwelling. Notwithstanding this, it is noted that the rear extension would have limited visibility from the street scene, and that other properties along Fair View benefit from additions finished in render to the rear elevation. Whilst the front porch is visible within the street scene, the render would correspond with the existing stone and, as such, it is considered that the use of render would have a limited impact on the visual amenity of either the host property or street scene in this case. The alterations to the fenestration of the extensions and side elevation of the main dwelling, as well as the rear amenity space of the property are considered acceptable.

In summary, the impact of the proposed development on the visual amenity of the host property and wider street scene is considered acceptable, in accordance with Policy LP24 of the KLP and the aims of the NPPF.

3 – Impact on residential amenity:

Impact on 85 Fair View

The proposed garage would be set in from the boundary shared with this adjoining property. It is considered that the distance retained, as well as the limited height of the garage, would be sufficient to prevent there from being a harmful overbearing or overshadowing impact. It is considered that the use of the outbuilding as a garage/store would be sufficient to prevent harmful overlooking. The impact of the alterations to the rear of the rear extension are considered acceptable. It is noted that some alterations are proposed to the retaining wall to the rear of the property, to create more usable amenity space

to the rear of the existing extension. However, the impact of this on this neighbouring property is considered acceptable.

Impact on 89 Fair View

The proposed garage/store would be located along the boundary shared with this neighbouring property. The garage would be set back in relation to the existing outbuilding and would be built, in part, into the existing slope of the garden, which would reduce the additional bulk and massing to a degree. When considering the location of the garage in relation to the existing outbuilding, it is considered it would not have a significant impact on the amenity of the occupiers of the property over and above the existing relationship. Part of the roof of the garage would be used as amenity space for the property, which could introduce the potential for overlooking towards the rear of the property and its amenity space. It is, however, noted that there is an existing relationship established between the decking to the rear of the garage and the rear elevation of the property. The amended plans show that the existing boundary hedging would be replanted and a 1.5m fence would be erected to the top of the garage to the side elevation, which is considered sufficient to limit the potential for overlooking to ensure that there would be no detrimental impact to the occupiers of the property. The replacement openings to the rear of the existing rear extension as well, as the entrance porch, are considered to have an acceptable impact with regards to the impact on the residential amenity of the property.

There are no properties to the front or rear of the site, which would be impacted by the proposed development.

Having reviewed the above, the proposal is considered to result in no adverse impact upon the residential amenity of any surrounding neighbouring occupants, thereby complying with Policy LP24 of the KLP and Paragraph 127 (f) of the NPPF.

4 – Impact on highway safety:

The proposed development would not result in an intensification in the domestic use of the dwelling, which would require the provision of additional parking. The proposed garage/store would be of a sufficient size to house a vehicle. However, the existing outbuilding appears to be used for storage only. The proposal would not affect the existing parking and access arrangements at the site, which are considered sufficient to serve the dwelling following development. When taking the above into account, it is considered that the scheme would not represent additional harm in terms of highway safety, thus complying with Policies LP21 and LP22 of the KLP.

5 – Other matters:

Biodiversity

The site is identified as being located within the bat alert layer and therefore consideration must be given to the impact of the proposed development on bats and bat roosts. Following a site visit, the host dwelling and existing outbuilding appeared well-sealed and there was no evidence of bat roosts, nor any bat roost potential. As a precautionary measure, a footnote has been added to the decision notice to provide the applicant with advice should bats, or evidence of bats, be found during construction. This would accord with the aims of chapter 15 of the NPPF and policy LP30 of the KLP.

Carbon Budget

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 comprises 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.

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: 2020/93695

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, LP22 and LP24, of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external walls of the existing front porch and single storey rear extension shall be finished in render which shall be of a stone colour to harmonise with the stone to the front elevation 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. The area of amenity space above the garage/store hereby approved shall not be brought into use until a 1.5m screen fence, as indicated on the submitted plans, has been installed to the north western side elevation of the garage/store.

Reason: To not detract from the amenities of adjacent property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

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
Location Plan	-	-	04/11/2021
Existing Plans & Elevations	20/131	-	04/11/2021
Proposed Plans & Elevations (as amended)	20/131	B	17/05/2021

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.

Amended plans were submitted during consideration of the application to address officers' concerns regarding the impact of the development on both visual and residential amenity. The decision is based on the amended plans and conditions listed above.

Report Dated:

18/06/2021