

**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: 2020/62/93734/W

Site Address: 34, Cromarty Avenue, Crosland Moor, Huddersfield,
HD4 5LG

Description: Erection of detached summer house

Recommending Officer: Lucy Taylor

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: 04-Jan-2021

Officer Report.

Reference: 2020/93734

Location: 34, Cromarty Avenue, Crosland Moor, Huddersfield, HD4 5LG

Proposal: Erection of detached summer house

Site Description.

34 Cromarty Avenue is a two-storey semi-detached property located in Crosland Moor, Huddersfield. The property is constructed from render which has been painted white and has a tiled gable roof.

The property is located in a residential area where properties are all semi-detached in their style of design and construction. However, the exterior construction materials vary from dwelling to dwelling. For example, some have been constructed using render and some have a pebble dash finish. All of the dwellings have tiled gable roofs and the fenestration detailing is very similar in that most of the windows on the properties have been constructed using white UPVC. Therefore, to some extent, there is similarity within the streetscene of Cromarty Avenue.

The rear garden of the property is of a substantial size. This backs onto the rear gardens of properties fronting Cromarty Drive.

Description of Proposal.

The proposal is seeking planning permission for the erection of a detached summer house.

Erection of Detached Summer House:

The summer house will be located at the rear of the garden, close to the rear boundary of the property. It will have a maximum height of 4.10 metres, a length of 3 metres and a width of 4 metres. The summer house will be constructed using concrete blocks and render and then will be painted white. Therefore, the exterior appearance of the summer house will correspond with the appearance of the main dwelling. In addition, it will have a gable roof infilled with plywood and decorated to have a decorative brown felt tile effect, therefore, will be in keeping with the style of the roof erected on the dominant dwellinghouse.

In regard to fenestration the summer house proposes an access door to be erected on the side elevation and a window on the front elevation facing the dwelling. Both will be constructed from UPVC.

In addition, a covered seating area will be erected on the side elevation of the summer house. This will have a length of 4 metres, a height of 2.8 metres and a width that corresponds with the width of the summer house. The seating

area will be covered with a roof that matches the proposed roof on the summer house.

History of Negotiations.

No negotiations have taken place and no amended plans have been sought or submitted.

Relevant Planning History.

No relevant planning history.

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 28th December 2020 – no representations were received.

Consultation Responses.

No consultations were required for this application.

Policy/Legislation.

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:

- **LP1** – Achieving Sustainable Development
- **LP2** – Place Shaping
- **LP24** – 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 February 2019, together with Circulars, Parliamentary 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 that will be considered as part of the assessment of the proposal are set below. These considerations will be looked at in detail individually:

- 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 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 NPPF.

Policy LP1 goes on further to state that “the council will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

In terms of extending and making alterations to a property Policy LP 24 of the Kirklees Local Plan will be used to assess the proposal, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design.

In the case of this application, the principle development on the application site is acceptable and shall be assessed against other material planning considerations below.

1. Impact on Visual Amenity:

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.

34 Cromarty Avenue is located in a residential area where to some extent, there is similarity within the streetscene. All the dwellings are semi-detached however, the material in which they are faced with differs between dwellings, some are constructed from render and some have a pebble dash finish.

The proposed detached summer house is single-storey in height and therefore, can be deemed as been subservient when viewed against the two-storey dwelling at the application site. In addition, the single-storey nature would mean that its erection would be subservient, especially due to the fact it would be located within an existing cluster of buildings, located amongst both dwellings and ancillary buildings in a discreet location at the rear of the garden. As such, the development would be in keeping with the surrounding

area. In addition, given the overall size of the garden area, it is not considered that the structure would result in an over development of the site.

The proposed materials of the enclosed part of the summer house are concrete blocks and render which will then be painted white. Therefore, the enclosed part of the summer house is in keeping with the host property and corresponds with the external construction materials present on the external walls. The open seating area to the side elevation of the detached summer house can be deemed as having a less permanent visual appearance than a solid structure and is common addition to this form of development. The entirety of the development will have a gable roof infilled with plywood and decorated to have a decorative brown felt tile effect. This will harmonise the roof previously erected on the dominant dwelling house and would help to mitigate the impact of the additional structure within the garden.

Overall therefore, the summer house can be suggested to be a neutral addition to the curtilage of the application site and the streetscene as a whole.

Taking into account all of the above, it is considered that the proposed outbuilding would comply with local, national and emerging policies in relation to design.

2. Impact on Residential Amenity

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to *“provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.”*

The site shares its boundary with properties to the north, east and west. Therefore, development at 34 Cromarty Avenue has the potential to have some form of impact upon these neighbours. The impacts that may affect these properties are set out and discussed below:

- *32 Cromarty Avenue* – This property is located to the east and adjoins the application site. The single-storey nature of the proposed summer house at 34 Cromarty Avenue will result in minimal impacts been caused in regard to overbearing and overshadowing for this neighbouring property. In addition, given the size and scale of the proposed development it will not be an obtrusive feature visually from the neighbouring garden. The erection of the proposed detached summer house will not increase the potential of overlooking or impact negatively upon neighbouring privacy because no glazing is proposed on the elevation which faces the garden of 32 Cromarty Avenue. Finally, it should be acknowledged that boundary treatment is in place on the side elevation between these neighbouring properties, this is in

the form of hedging and will further mitigate any potential negative impacts. The use of the structure would simply be a continuing use of a domestic garden.

- *36 Cromarty Avenue* – This property is located to the west of the application site. It should first be noted that this property has an outbuilding erected within the curtilage of its boundaries within a similar position to the proposed site of the detached summer house at 34 Cromarty Avenue. The proposed detached summer house is single-storey in height and therefore, will not present any undue overbearing or overshadowing for this neighbouring property. Furthermore, the open seating area will be located towards the boundary of this neighbouring property, this is deemed as having a more less permanent visual appearance than a solid structure and in turn, further emphasises the minimal impact in regard to overbearing and overshadowing for this neighbouring property. No glazing is proposed on the elevation of the summer house facing this neighbouring property and therefore, its development will not pose any impact in regard to neighbouring privacy or overlooking. Finally, boundary treatment is in place on the side elevation of the rear garden adjoining this neighbouring garden, this is in the form of hedging and will further mitigate any potential negative impacts. The use of the structure would simply be a continuing use of a domestic garden.
- *31 and 33 Cromarty Drive* – These properties are located to the north and overlook the rear of the application site. The proposed detached summer house is single-storey in height and is a substantial distance from these dwelling therefore, will be subservient when viewed from these neighbouring properties, and visually will be a neutral addition to the dominant dwellinghouse and surrounding streetscene. Due to the size and scale proposed no undue overbearing or overshadowing will be caused for these neighbouring properties, and the presence of an open seating area will further reduce any potential impacts and retain an open feel to the garden areas. There will be no impact upon neighbouring privacy for these properties because no glazing is proposed on the rear elevation of the summer house. Finally, it should be acknowledged that boundary treatment in the form of hedging and intensive shrubbery is erected on the rear boundaries of these neighbouring gardens, this will further mitigate any potential negative impacts. The use of the structure would simply be a continuing use of a domestic garden.

In light of the above the proposal is considered to have an acceptable impact on residential amenity.

3. Impact on Highway Safety:

It has been acknowledged that there would be no further impact upon highway safety as the proposal is unlikely to intensify the domestic use at the property and will not alter the existing parking arrangements. In addition,

highway access to and from the property will not be altered as a result of the proposal. For these reasons, the proposal is considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan.

4. Other Matters

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 it is not considered reasonable to require the applicant to put forward any specific resilience measures.

5. Representations

No representations were received.

6. Conclusions

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: 2020/93734
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.

Note: The application site is not located in a coal risk area.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans – Grouped Plans and Elevations	-	-	12.11.20
Plans – Location Plan	-	-	12.11.20
Plans – Proposed Site / Block Layout	-	-	13.11.20

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. No amended plans were sought or submitted and as a result, no active engagement was had with the applicant in dealing with this application.

Report Dated: 4.1.21