

**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: 2021/62/90027/W

Site Address: 34, Rushbearers Walk, Almondbury, Huddersfield,
HD5 8DG

Description: Erection of detached garage and alterations to convert
attached garage to extend living accommodation

Recommending Officer: Lucy Taylor

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: 11-Mar-2021

Officer Report.

Reference: 2021/90027

Location: 34, Rushbearers Walk, Almondbury, Huddersfield, HD5 8DG

Proposal: Erection of detached garage and alterations to convert attached garage to extend living accommodation.

Site Description.

34 Rushbearers Walk is a single-storey detached property located in Almondbury, Huddersfield. The property is constructed from stone and has a gable roof infilled with concrete tiles. At present, the property benefits from an integral garage and garden amenity space to both the front and rear elevation.

The property is located in a residential cul-de-sac where there is strong sense of similarity within the streetscene. This is because, although the properties in the immediate vicinity are both single-storey and two-storey in height, they have been constructed in a very similar way using similar construction materials externally.

The green belt land boundary is located to the rear of the property.

Description of Proposal.

Permission is sought for the erection of a detached garage and alterations to convert the attached garage to extended living accommodation.

Alterations to Attached Garage:

At present, the attached garage has the external appearance of a traditional garage with a garage door located on the front elevation of the dwelling and a regular access door on the rear elevation. Following alterations, the existing footprint of the attached garage will remain the same, however external alterations to both the front and rear elevations will occur. Firstly, on the front elevation the existing garage door will be removed, and the garage door will be walled up and finished in neutral render. Additionally, within the new render wall a new window will be erected, the style of this window will match the existing windows erected on the dwelling. To the rear, the existing access door will also be removed, and a stone wall used to infill the space. Furthermore, a regular window will also be erected. Additional glazing will be erected on the south rear elevation of the dwelling to create larger opening, this includes long length window panels and glazed access doors. All of the proposed doors and windows will be constructed using white UPVC.

Within the interior of the dwelling, the converted garage space will function as a kitchen and facilitate an extended dining area, as well as providing amenity space for a utility room.

Erection of Detached Garage:

The proposed detached garage will be constructed upon the existing front garden amenity space. The garage will have a length of 6.3 metres, a width of 6 metres and a height of 3.45 metres. The garage will be constructed from stone and will have a hipped roof, which overhangs the side, front and rear elevations of the garage slightly and is infilled with concrete tiles. The hipped roof will have a relatively low roof pitch, flattened in style at the top.

To the west elevation a garage door will be erected alongside a regular window and to the south elevation a regular access door and window will be erected. The proposed windows and doors will be constructed from white UPVC.

History of Negotiations.

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

Relevant Planning History.

Similar applications have been made nearby to the application site:

- **2008/93257** – 26 Rushbearers Walk, Almondbury – Erection of garage. *Granted in 2008.*
- **2019/91501** – 5 Rushbearers Walk, Almondbury – Alterations to convert integral garage to living accommodation. *Granted in 2019.*

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 25th February 2021 – 4 representations were received.

One representation was received regarding potential impact to a neighbouring conservatory from the erection of a new building.

Another representation received was also with regard to the proposed detached garage, suggesting the construction of a detached garage on the shared boundary will restrict visual amenity, cause loss of light and cause loss of privacy. This representation also raised concerns with regard to the garage potentially been built on top of a retaining wall and questioned what was proposed to deal with rainwater run-off.

This representation objected to the garage, stating the erection of a detached garage would not be in keeping with the area and suggesting front gardens on the estate have several covenants for no fencing or walls and that they have to be kept open. Therefore, stating that building a garage on the front garden would be against the covenants. The representation further suggested that the garage looked like a garage/workshop as it is far too big to be a single garage, suggesting that this will overcrowd the area and impede light and space which the covenants were put there to protect.

The other representation covered a vast array of objections to the proposed development, these were numbered as followed:

- The proposed development of a double garage would clearly represent a breach of covenant.
- A significant loss of privacy would be caused to a neighbouring property as a result of changes to the turning/parking space at the application site, resulting in a direct line of sight into neighbouring bedroom.
- The headlights of any vehicle departing the space would illuminate neighbouring bedroom.
- A loss of visual amenity would be caused by the removal of much of the neighbouring front garden.
- The layout of the proposed double garage appears to include additional space for another purpose.
- Due to the position of the garage, noise transmission will be increased to neighbouring properties.
- Additional 'wear and tear' would be caused to the shared driveway area by construction traffic during the building works and neighbours are jointly liable for funding repairs.

Consultation Responses.

- **Conservation and Design** – no comments were made.
- **KC, Highways** – Concluded sufficient parking to be retained and therefore, considered the proposal acceptable.

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**
- **Chapter 15 – Protecting and enhancing the natural environment**

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, 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.

The application site is located within a residential cul-de-sac where there is a strong sense of similarity within the streetscene. However, the application site is not prominent, set back from the immediate streetscene.

With regard to the alterations to the integral garage these will not alter the size or scale of the dwelling and as such, will not result in any additional bulking or massing to be property and be subservient externally. The proposed changes to the rear are in keeping with the existing appearance of the host dwelling, with stone used to infill the wall and the proposed window in keeping with existing fenestration detailing on the property. Additional glazing proposed in conjunction with the garage alterations to the rear of the dwelling, are also considered acceptable.

On the front elevation of the garage, render will be used to infill the garage door, this is acceptable visually given that it will harmonise and it is considered that it would harmonise with the existing stone on the front elevation. Additionally, the proposed glazing on the front elevation is minor in size and scale and in keeping with the dominant dwellinghouse.

The proposed detached garage would be positioned to the front of the dwelling introducing a new feature into the street scene. However the application site is not prominent within the street scene and the proposed building is single storey with a shallow pitched roof reducing its visual impact. The use of natural stone also aids in the garage sitting comfortably adjunct to the host dwelling.

Taking into account all of the above, it is considered that the proposed garage alterations and erection of detached garage 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 several properties. Therefore, development at 34 Rushbearers Walk 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 Rushbearers Walk* – this property is located to the west of the application site. The proposed detached garage, due to the separation distance achieved will have no detrimental overbearing, overshadowing or overlooking impact on no. 32. The alterations to the existing garage

will also not have a detrimental impact due to it being a conversion with no additional windows facing no.32.

- *15 Rushbearers Walk* – this property is located to the north of the application site. The proposed alterations to the existing garage will have no impact on this neighbouring property with regard to overbearing, overshadowing or overlooking as good separation is achieved to no.15. The proposed detached garage whilst located to the south, is set off the shared boundary has a low overall height with a hipped roof and it is considered would not lead to any detrimental overshadowing or over bearing impact. No windows are proposed in the side elevation ensuring that there is no detrimental overlooking,.
- *11 and 15 Heltd Way* – These properties are located to the east of the front elevation of the property. The proposed alterations to the existing integral garage at 34 Rushbearers Walk will have no impact upon these properties. The proposed detached garage will be single storey in height and will be set back from the shared boundary by 1.2 metres. Therefore, the erection of the proposed detached garage will not result in due overbearing or overshadowing and there will no impact with regard to neighbouring privacy or overlooking as no glazing is proposed in the elevation facing these properties.
- *7 and 9 Heltd Way* – these properties are located to the east of the rear elevation of the property. The erection of a detached garage will have no impact upon these properties and the proposed alterations to the existing integral garage will also cause no detriment in terms of overbearing, overshadowing or neighbouring privacy.

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

3) Impact on Highway Safety

The proposed developments will not result in an increased domestic use of the property nor will they negatively detriment parking arrangements at the property or access to and from the adjoining highway. 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. It should also be acknowledged that the developments will be constructed using predominantly stone. Stone is considered to be a natural material.

Bats

The application site lies within the bat alert layer on the Council's GIS system. As such, careful attention has been paid when looking for evidence of bat roof potential.

In this instance, the property appeared well sealed around the eaves and roof area and it was judged unlikely to contain roosting bats. Additionally, the proposed developments pose no alterations or works to the existing roof of the dwelling. Even so, as a cautionary measure, a note will be added to the decision notice stating that if bats are found development shall cease and the advice of a licensed bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

5) Representations

Four representations were received.

- regarding potential impact to a neighbouring conservatory from the erection of a new building.
- suggesting the construction of a detached garage on the shared boundary will restrict visual amenity, cause loss of light and cause loss of privacy. This representation also raised concerns with regard to the garage potentially been built on top of a retaining wall and questioned what was proposed to deal with rainwater run-off.

Response: This has been assessed in the residential amenity section. It was concluded that the proposed detached garage would pose no detrimental impact to neighbouring properties due to separation distances achieved and also the low overall height of the garage. The garage will not be constructed on a retaining wall as it is to be constructed 1.2 metres away from the extent of boundary of curtilage. Run off from the roof could be discharge to a soakaway as land around the garage would be retained. Specific details would be considered through building regulations.

- objected to the garage, stating the erection of a detached garage would not be in keeping with the area and suggesting front gardens on the estate have several covenants for no fencing or walls and that they have to be kept open. Therefore, stating that building a garage on the front garden would be against the covenants. The representation further suggested that the garage looked like a garage/workshop as it is far too big to be a single garage, suggesting that this will overcrowd the area and impede light and space which the covenants were put there to protect.

Response: The impact of the garage on visual amenity has been considered above. The use would be ancillary to the main dwellinghouse which is considered to be acceptable. Covenants attached to a site are a private legal matter and the planning decision will not override such covenants. A note will be attached to the decision notice advising of this.

The other representation covered a vast array of objections to the proposed development, these were numbered as followed:

- The proposed development of a double garage would clearly represent a breach of covenant.

Response: Covenants attached to a site are a private legal matter and the planning decision will not override such covenants. A note will be attached to the decision notice advising of this.

- A significant loss of privacy would be caused to a neighbouring property as a result of changes to the turning/parking space at the application site, resulting in a direct line of sight into neighbouring bedroom.

Response: This has been assessed in the residential amenity section. It was concluded that the proposed detached garage would pose no detrimental impact to neighbouring properties due to separation distances achieved and also the low overall height of the garage.

- The headlights of any vehicle departing the space would illuminate neighbouring bedroom.

Response: The garage would utilise an existing point of access and therefore it is not considered that the garage be more detrimental than existing.

- A loss of visual amenity would be caused by the removal of much of the neighbouring front garden.

Response: As set out above the proposal would have an acceptable impact on visual amenity.

- The layout of the proposed double garage appears to include additional space for another purpose.
- Due to the position of the garage, noise transmission will be increased to neighbouring properties.

Response: The proposed garage would be used ancillary to the main dwellinghouse and as set out above the proposal is not considered to be detrimental to residential amenity.

- Additional 'wear and tear' would be caused to the shared driveway area by construction traffic during the building works and neighbours are jointly liable for funding repairs.

Response: This would be a private legal matter between the interested parties.

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: 2021/90027

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 stone used in the external walls of the detached garage hereby approved shall in all respects match those used in the construction of the adjacent host dwelling.

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

4. The roofing material of the detached garage hereby approved shall in all respects match those used in the construction of the adjacent host dwelling.

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

NOTE: 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: 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. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans – Existing Elevations	01	-	7.1.21
Plans – Existing Floor Plans	02	-	7.1.21
Plans – Grouped Plans and Elevations	05 – Garage	-	7.1.21
Plans – Location Plan	06	-	7.1.21
Plans – Proposed Elevations	03	-	7.1.21
Plans – Proposed Floor Plans	04	-	7.1.21
Plans – Proposed Site / Block Layout	07	-	7.1.21

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 amendments were sought and the application was considered to be acceptable as submitted.

Report Dated: 26.2.21