

**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: 2021/62/90425/E

Site Address: 322, Wakefield Road, Denby Dale, Huddersfield, HD8 8SD

Description: Erection of single storey extension and detached 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: 01-Jul-2021

Officer Report

Site Description

322 Wakefield Road is a semi-detached, two-storey dwelling in Denby Dale. It is constructed from stone for the external walls and stone slates for the roof. The dwelling is accessed via a shared driveway, which leads off Leak Hall Lane. There is an area of parking to the north-east and a patio and large garden are to the south-east.

The site is located within a predominantly residential area, which comprises stone built properties that vary in terms of their design.

Description of Proposal

The application seeks planning permission for the erection of a single-storey extension and a detached garage and alterations.

The extension would project an additional 2m from the south-eastern elevation of an existing single-storey element at the property, to be set back from the south-eastern elevation of the dwelling by 0.4m. The extension would be designed with a flat roof form, which would extend across the existing single-storey element. A canopy cover and a log and bin store would project an additional 0.7m from the side of the extensions. The proposed and existing elements of the extension would be finished in stone.

A detached garage is proposed to the north-east of the dwelling. It would measure 6.9m in width by 5.7m in depth. The garage would be constructed from stone to the front and render to the sides and rear. It would have a gable roof form, finished in artificial stone slates, with an eaves height of 2.4m and a ridge height of 4.5m.

History of negotiations/amendments received

No amendments were sought or received during consideration of the application.

Relevant Planning History

2011/92327 – Erection of single storey extension and demolition of existing single storey extension. Granted.

2007/95088 – Re-use of existing barn and new extension to form dwelling. Granted.

2007/95087 – Erection of extension to form dwelling. Refused.

2007/92977 – Reuse of existing barn and new extension to form dwelling. Withdrawn.

87/00868 – Conversion of barn to dwelling house and erection of two double garage within curtilage of existing. Granted.

86/05121 – Conversion of barn to dwelling and erection of two detached double garages. Refused.

The Barn, 322 Wakefield Road –

2011/93383 – Non-Material Amendment to previous permission 2011/90645 for change of use of barn into single dwelling. Refused.

2011/90645 – Change of use of barn into single dwelling. Granted.

Land adjacent 322 Wakefield Road –

2007/92973 – Outline application for erection of one dwelling. Withdrawn.

Representations

The application was advertised by neighbour letters, which expired on 23rd March 2021.

No representations were received following this publicity.

Denby Dale Parish Council comments: no objections.

Consultation Responses

KC Lead Local Flood Authority (LLFA) – No objections. However, a footnote has been suggested, which shall be attached to the decision notice.

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. 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 28 – Flood risk
- LP 30 – Biodiversity and geodiversity
- LP 33 – Trees
- 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 has recently adopted its supplementary planning guidance on house extensions. Although the period for a potential judicial review has not yet expired, it must be considered in the assessment of householder planning applications, with some weight attached. This guidance indicates how the Council will usually interpret its policies regarding such built development, although 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. As such, it is expected that this SPG will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

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 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 extensions and the erection of a detached garage within the curtilage of an existing residential property. The extensions and outbuilding would be located on an existing area of hardstanding close to the main dwelling and existing built form, within the context of the site. 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 extension, when considered alongside the existing addition from which it would project and which would be altered as part of the proposal, would represent a relatively large addition to the property. It is noted that the extension would not project any further to the side elevation of the dwelling than existing and, whilst it would project further towards the south-east, it would not project beyond the south-eastern elevation of the dwelling and it is considered to remain subservient due to its single storey nature. Whilst the extension and garage, including the existing addition, would be of a more contemporary appearance than the existing dwelling, they would be finished in stone, which would correspond with the main building. Given the single storey nature of the extension, it is considered that the overall relationship with the host property would be acceptable and the extension is considered not to appear overly dominant.

The garage would be relatively large in scale. However, it would be of an appearance typical of an outbuilding. In assessing the size of the existing dwelling and its curtilage it is considered that the property could accommodate a garage of this scale, without it appearing disproportionate in relation to the dwelling or resulting in an overdevelopment of the site. The garage would be constructed from stone to the front elevation and artificial stone slates, which would harmonise with the host property. Whilst grey render is proposed to the side and rear elevations of the garage, the north-western elevation would be screened by an existing garage in use by the neighbouring property. The garage, due to the location of the dwelling, which is accessed via a private driveway, would have limited visibility from the surrounding area and, as such, the use of this coloured render is considered acceptable.

The proposal would not be visible from the street scene and would have limited visibility within the wider area. The relationship with the host dwelling is acceptable and it is considered that the proposal would not detract from the character of the wider area. Therefore, in summary, the proposal is considered acceptable from a visual amenity perspective, complying with policy LP24 of the KLP and the aims of Chapter 12 of the NPPF.

3 – Impact on residential amenity:

Impact on The Barn, 322 Wakefield Road

The proposed extension would not project any closer to this property than existing. Whilst there would be an increase in the eaves height of the extension, due to the introduction of a flat roof room, the overall height of the extension would not increase and, as such, the impact on this neighbouring

property is considered acceptable. The proposed garage would be set back from the property and separated by an existing outbuilding. As such, it is considered that this element would not have a harmful impact upon residential amenity.

Impact on 324 Wakefield Road

The proposed extensions and alterations would be located to the side elevation of the dwelling and are, therefore, considered not to impact on the amenity of the adjoining property. Whilst the garage would project beyond the south-eastern elevation of the dwelling, it is considered that sufficient distance would be retained between the boundary shared with the adjoining property to prevent there from being a harmful overbearing or overshadowing impact. The proposed use is considered sufficient to prevent the potential for harmful overlooking towards the property.

Impact on the properties on Brook Meadows

The proposed garage would be located close to the boundary shared with the properties, which front onto Brook Meadows. It is considered that sufficient distance would be retained between the rear elevations of these properties and the proposed garage to prevent there from being a harmful overbearing or overshadowing impact. Whilst there would be some additional overbearing and overshadowing impacts to the rearmost element of the amenity space of these properties, when considering the scale and single storey nature of the garage, as well as the size of the amenity space of the properties, this impact is considered not to be detrimental to the amenity of the occupiers. No openings are proposed to the rear of the garage, which, along with its use, is considered sufficient to prevent harmful overlooking towards the properties on Brook Meadows, as the proposed extension would not project any closer to these properties than existing. It is considered that this would be sufficient to prevent there from being a harmful impact in terms of residential amenity. The extension would also be screened from these properties by the existing and proposed garages.

Having reviewed the above, the proposal is considered not to result in any 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 extension, by virtue of its use, is considered not to result in an intensification in the domestic use of the dwelling, which would require the provision of additional parking. The extension would be located on an area of existing hardstanding and, as such, would not affect the existing parking and

access arrangements at the site. The garage would be located on an area, which is currently used for parking. However, it would accommodate two off-street parking spaces and space would remain for additional parking to its front elevation. Whilst vehicles would have to reverse out of the site, this appears to be the existing arrangement and it is noted that the existing shared turning area to the front of The Barn would be retained, which would allow vehicles to enter Leak Hall Lane in a forward gear. A log store and bin store are proposed to the side of the extension but are considered not to restrict the parking and moving of vehicles within the site. As such, 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. The building appears to be well-sealed and there is no evidence of bat roosts, nor of any bat roost potential. As a precautionary measure, however, 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.

Trees

Several protected trees are located close to the proposed garage. The protected trees to the north-west would be separated from the garage by an existing garage, which is in use by a neighbouring property and it is considered that sufficient distance would be retained between the garage and the trees to the south-east to prevent there from being a significant impact upon their amenity. The proposed side extension would not project any closer to the protected trees than existing. Therefore, the proposal is considered to comply with policy LP33 of the KLP.

Flood Risk

A culvert runs through the site to the rear of the existing gravelled parking area, at a lower level. From a review of the submitted site plan, it appears that the existing retaining wall, which separates the parking area from the watercourse and the proposed garage, would not be altered and the development would not be located any closer to the watercourse than existing. The Council's LLFA has been consulted during consideration of the application and has raised no objections. However, a footnote has been recommended, to advise the applicant should any changes be made to this retaining wall, in accordance with policy LP28 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 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 would need to be adhered to as part of the construction process and which would 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 were 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 it is, therefore, recommended for approval.

Recommendation: **Approve**

Decision Authorisation - Delegated Powers

Application Number: 2021/90425

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 extension and alterations hereby approved shall in all respects match those used in the construction of the existing building.

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 materials of the garage hereby approved shall be stone, render and artificial stone slates as indicated on the approved plans. The render shall be applied before the garage is first brought into use.

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.

NOTE: The applicant is advised to consider the potential risks of load bearing and disturbance to the culvert, which runs through the application site. Building over a culvert increases the risk of flooding due to the reduced accessibility for future maintenance. Should any changes be required to the existing retaining wall, which separates the proposed garage from the watercourse, permission must be sought from the Lead Local Flood Authority. As the applicant is a riparian owner of the section of the watercourse within the site boundary, future maintenance and management of the stream will be the responsibility of the landowner.

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
Existing Plans & Elevations	322WR-20-PL01	-	19/02/2021
Proposed Plans & Elevations	322WR-20-PL02		19/02/2021
Garage Plans	322WR-20-PL03		19/02/2021
Location Plan	322WR-20-PL04	-	19/02/2021

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.

As the submitted plans were considered acceptable, no amendments were sought.

Report Dated:

28/06/2021