

**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: 2021/62/91197/W

Site Address: 44, Beaumont Park Road, Beaumont Park,
Huddersfield, HD4 5JS

Description: Erection of detached cart lodge structure to the front
garden

Recommending Officer: William Simcock

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: 21-Jun-2021

Officer Report 2021/91197

44 Beaumont Park Road

Site Description

44 Beaumont Park Road is a two-storey semi-detached house built in stone and blue slate. Its situation relative the highway frontage is unusual in that the adjoining house, (15 Woodside Road according to the Council's mapping system), abuts it to the north and the highway boundaries are to the south (Beaumont Park Road) and north (Woodside Road), so that it is the elevation of no. 44 that faces away from the party wall that is the main or most prominent elevation. The two originally formed a single dwelling.

It is built on a near-level site. It has a substantial hard-surfaced area at the front (south) and to the west or left-hand side, and garden space to the right. It is built in stone and blue slate. The boundary to the western side of the curtilage is formed by a high close-boarded fence, and the street boundary by a stone retaining wall topped by a high timber fence. The surrounding area is residential in character, consisting of dwellings of a range of ages and styles but which are mostly detached. Across the road to the south is Beaumont Park, a grade II listed park and garden.

Description of Proposal

The proposal is for the erection of a detached building within the garden, described as a "cart lodge". This would be an open-fronted, timber-clad structure with a blue slate roof and would be designed to provide garaging for cars (two cars are shown on the layout plan but it might be able to accommodate more). It would be positioned against the eastern boundary of the site, about 10m from the boundary of the property with the public highway and 3.5m from the dwelling.

It would measure approximately 9.0m by 6.2m. Eaves height at the sides would be approximately 1.6m, the equivalent height at the main opening 2.5m, and the height to the roof apex would be 4.6m.

History of negotiations/amendments received

21-Jun-2021: Additional plan showing position of neighbouring dwelling in relation to proposed cart lodge.

This was not re-advertised because it was not considered to raise substantial new planning issues.

Relevant Planning History

2020/90550 – Erection of side extension and alterations to convert loft to living accommodation. Approved.

Representations

Final publicity date Expires: 11-May-2021 (publicity by neighbour letter only in accordance with the requirements of the Development Management Procedure Order)

No representations received from other third parties.

Consultation Responses

None were deemed 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 without designation on the Local Plan.

Local Plan:

LP 21: Highways and access

LP 22: Parking

LP 24: Design

Supplementary Planning Documents: The House Extension & Alteration SPD is at Final Draft stage. As it is so far unadopted, only limited weight will be placed on it.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 24th July 2018, 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 – Requiring good design

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity (including any heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Representations
- 7) Conclusion

1 – Principle of development: The site is without designation in the Local Plan. Of particular relevance is Policy LP24(c) which requires that extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials, and details and minimise impact on residential amenity of future and neighbouring occupiers. Any implications for highway safety will also be considered as required by Policies LP21-22.

2 – Impact on visual amenity: The proposed structure is relatively large for a domestic outbuilding but would be placed within a substantial front garden. It is noted that the site is somewhat elevated above highway level but the cart lodge would be set back a considerable distance from the highway boundary, and adjacent to a neighbouring dwelling and boundary fence which would limit its impact. The design with low walls and a hipped roof would limit its bulk and prominence, and it is considered that the imitation vernacular design and extensive use of timber, whilst not typical of the Beaumont Park area, would result in an appearance that would complement the existing dwelling and its immediate surroundings.

The existing dwelling has permission for a two-storey extension to the western side elevation but this would be to the opposite end elevation, and seen in conjunction with each other it is considered that the effect would not amount to overdevelopment.

In conclusion, it is considered that the development would conserve visual amenity and accord with the aims of LP24(a).

3 – Impact on residential amenity: The proposed development would be situated on land that is slightly raised above the immediate neighbouring property, no. 42, but this dwelling has its main elevations facing north-west and south-east and does not have any windows facing the application site. It is considered that in view of the scale of the proposed development and it being slightly offset from the common boundary (by about 800mm) it would not have an overbearing impact or cause undue loss of light to this property.

In summary it is considered it would avoid harm to residential amenity or to neighbouring land and would thereby accord with the aims of Policy LP24(b), subject to a condition that no windows be formed in the rear elevation, as a

precautionary measure to prevent it giving rise to overlooking of the adjacent property.

4 – Impact on highway safety: The proposed development would not intensify the use of the access or interfere with parking or access arrangements. It is therefore considered that it would be neutral in its impact on highway safety and LP21-22.

5 – Other matters:

Biodiversity:

The site is not in the bat alert layer but is identified as being in the swift nesting zone. It would not have any impact on the ecological value of the site. It is considered that given the scale and nature of the building proposed, there is unlikely to be any opportunity for ecological enhancement.

Trees:

There is an area tree preservation order (07/84/g2) forming a belt across the frontage of the site. On the basis of observations on site, the proposed development would not be anywhere near their canopy or root protection zone. The case officer conferred with the Arboricultural Officer before determining the application, who confirmed that he had no concerns regarding this development.

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 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.

In this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. As the proposal is for a lightweight structure which would not represent a material change of use or intensification of the site, it is not considered necessary for the applicant demonstrate measures to combat climate change, and the proposal is deemed to be in accordance with the aims set out above, and set out in NPPF Chapter 14.

6 – Representations:

No representations were made.

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: 2021/91197

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 with Policy LP24 of the Kirklees Local Plan.

3. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed in the external rear wall of the development at any time.

Reason: So as not to detract from the amenities of adjoining properties by reason of loss of privacy and to accord with Policy LP24(b) of the Kirklees Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			23-Mar-2021
Location plan	1996-D-20-021		23-Mar-2021
Existing and proposed plans	1996-D-20-021		23-Mar-2021
Proposed elevations	1996-D-20-022		23-Mar-2021
Additional site plan showing position of neighbouring dwelling	1996-D-20-02		21-Jun-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 Planning 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. The case officer did not

undertake negotiations with the applicant as no amended or additional plans were considered necessary.

Report dated:

21-Jun-2021
