

**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: 2021/62/91671/W

Site Address: 50, Wheathouse Road, Birkby, Huddersfield, HD2
2UX

Description: Erection of shed (within a Conservation Area)

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: 24-Aug-2021

Officer Report.

Reference: 2021/91671

Location: 50 Wheathouse Road, Birkby, Huddersfield, HD2 2UX

Proposal: Erection of shed.

Site Description.

50 Wheathouse Road is a two-storey end of terrace property located in Birkby, Huddersfield. The property is constructed from stone and has a tiled gable roof. The property benefits from an area of garden amenity space to the front, side and rear, bounded to every elevation by a mixture of dense landscaping, stone walling and wooden fencing.

The application site is located in a residential area within the Birkby conservation area.

Description of Proposal.

Planning permission is sought for the erection of a shed.

The proposed shed will have the following dimensions:

Length (side elevations) – 3 metres

Width (front and rear) – 2.7 metres

Height – 2.37 metres at its highest and 1.97 metres at its lowest

The external walls of the shed will be constructed from timber and it will have a shed 'pent' roofing style, with a shallow mono pitch roof finished with roofing felt.

With regard to fenestration, the shed proposes an access door to be erected to the front elevation alongside a regular window, as well as a second regular window to the left side elevation.

History of Negotiations.

Amended plans were sought by the case officer to reduce the proposed size/scale of the shed and to change the proposed exterior construction

materials – this was in accordance with LP24 and LP35 of the Kirklees Local Plan and based on a formal consultation response from KC Conservation and Design.

The applicant submitted amended plans, showing the dimensions of the proposed shed to have been altered in the following ways:

	<u>Originally Proposed</u>	<u>Amended</u>
Length (side elevations)	3 metres	3 metres
Width (front and rear elevations)	3.6 metres	2.7 metres
Height	2.3 metres at its highest and 2.01 metres at its lowest	2.37 metres at its highest and 1.97 metres at its lowest

In conjunction with the alterations to the proposed roof height, the design of roofing has also been altered, whilst retaining a shed roofing style the slope is considered to be less gradual, in turn, reducing the extent to which the shed is constructed at its highest height. This works to reduce the extent to which the shed presents potential of undue bulking and massing and helps prevent the development from been obtrusive following its erection.

The shed was originally proposed to be constructed from concrete panels, given a stone effect to only the front and left side elevations. This was considered unacceptable and as a result KC Conservation and Design concluded that the shed would not be a subservient addition within the curtilage of the dwellinghouse. Amended plans show the shed to be constructed from timber. Timber is considered a visually appropriate material, traditionally associated with the principle of development for small outbuildings and increasing harmonisation with the external environment within which the shed is to be erected.

The following assessment and overall determination is therefore based on these amended plans.

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, a site notice and within the newspaper, collectively expiring on 15th June 2021 – no representations were received.

Although amended plans were submitted, it was not deemed necessary to re-advertise the scheme via neighbour notification letters. This is because the amendments improved the proposed scheme from a design perspective and also reduced the size/scale of the proposed shed. Therefore, posing no further impacts to residential amenity and actually increasing the appropriateness of the scheme within the residential setting of Wheathouse Road.

Consultation Responses.

KC Conservation and Design – (Verbal) considered that the shed as initially proposed was unacceptable on the grounds of visual amenity and its potential impacts to the significance of the Birkby Conservation Area. Requested that amendments be sought to reduce the size/scale of the shed and that the exterior construction materials be changed from concrete panels to timber.

Therefore, given that amendments have now been made and the shed has been reduced in size/scale and will be constructed from timber, it can be concluded that the development is now acceptable from a conservation and design perspective.

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 in the Kirklees Local Plan however, it is located within the Birkby Conservation Area.

Kirklees Local Plan:

- **LP1** – Achieving Sustainable Development
- **LP2** – Place Shaping
- **LP21** – Highway Safety
- **LP22** – Parking Provision
- **LP24** – Design
- **LP35** – Historic Environment

The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and architects who are planning and designing an extension or alterations (householder development) to an existing residential property, including conservatories and outbuildings, such as garages. It provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration required by the Council.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, 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 16** – Protecting and enhancing the historic environment
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding

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 and the significance of the Birkby Conservation Area
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1. Principle of Development:

Policy LP1 requires 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. The council will always work pro-actively 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.

Paragraph 195 of the NPPF requires that the Local Planning Authority identify and assess the particular significance of any heritage assets affected and take this into account when considering the impact of the proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

LP35 of the Kirklees Local Plan states that development proposals should preserve or enhance the significance of designated heritage assets, including conservation areas and states that proposals within a conservation area need to conserve the elements which contribute to their significance.

The erection of a shed is acceptable in principle, providing this does not adversely affect the setting of designated heritage assets, the wider visual amenities of the area or the amenities of nearby residents.

Information submitted with regard to significance:

Paragraph 194 of the NPPF requires that applicants describe the significance of any heritage assets affected, including any contribution made by their setting, consult the historic environment record, use appropriate expertise where necessary and where there is known or potential archaeological interest, submit an appropriate desk-based assessment and, where necessary, a field evaluation.

The applicant has provided a heritage statement, which meets the tests set out in Paragraph 194. It identifies that the site is within the Birkby Conservation Area and appreciates the heritage significance of this land allocation. Despite amendments been sought to reduce the size/scale of the shed and to change to proposed exterior construction materials, the justification of retained significance still remains relevant. The heritage statement acknowledges the presence of tall hedges that surround the garden within which the shed it to be erected, stating further that these are not to be removed following development. In turn, these hedges mitigate visibility of the development from the wider streetscene and therefore, wider Birkby Conservation Area.

The heritage statement further claims that, in addition to causing no harm to the surroundings, the shed will actually enhance the property it will belong to.

1. Impact on Visual Amenity and the significance of the Birkby Conservation Area:

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby 126 provides a principal consideration concerning design which states:

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:
*“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...
'c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”*

The size/scale of the proposed shed is considered acceptable from a visual amenity perspective, taking up less than 50% of the garden amenity space and of a subservient footprint/scale when considered in conjunction with the host dwelling and its entire boundary of curtilage. Further contributing to this subservient nature of development, is the design of the proposed shed. Firstly, the use of timber to face the exterior walls enhances harmonisation with the external garden environment within which development will occur, as well as been considered a traditional visual appearance for the principle of development proposed. Secondly, the proposed shed roofing style, which reduces in height rapidly, prevents any undue bulking and massing from the development ensuring that the shed is not an obtrusive feature. For all of these reasons, the erection of the proposed shed within the garden of 50 Wheathouse Road will not result in overdevelopment, especially with its designated purpose been a typical feature of gardens.

The presence of extensive boundary treatment around the curtilage of the dwellinghouse also helps to increase the extent to which the proposed shed will be subservient following its erection; especially the presence of dense hedging to the western elevation, mitigating the shed's visibility from the wider streetscene of Wheathouse Road. In conjunction with the concluded appropriate impacts upon visual amenity, this boundary treatment reiterates that no detriment will be caused to the visual amenity of the Birkby Conservation Area as a result of the shed's erection. This conclusion takes into account the Council's duty under S72 of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention the desirability of preserving or enhancing the character or appearance of that area.

For these reasons, it can be concluded that the proposed works will harmonise with the dwellinghouse and existing features within its curtilage to an acceptable extent and be of a simple form that will not compete with the principal dwelling. Therefore, the proposed works at 50 Wheathouse Road would adhere to the aesthetic appearance of the surrounding area both spatially and visually and resultantly, adhere to the appearance of the Birkby Conservation Area. In turn, appropriately according with Policies LP24 and LP35 of the Local Plan and Chapters 12 and 16 of the NPPF.

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 application site shares its boundaries with 1 Wheathouse Terrace, which adjoins the property to the east. Given the proposed location of erection for the shed, towards the boundary of curtilage furthest from this neighbouring property and the minor size/scale of the shed proposed, no undue overbearing or overshadowing will be caused as a result for the occupiers of 1 Wheathouse Terrace. In addition, despite the erection of glazing to the front

elevation, the shed will pose no detriment towards neighbouring privacy with regard to increased overlooking. This is because, at present, this area is completely open garden amenity space which facilitates the same extent of visibility towards this property as the proposed glazing, if not more. Finally, it should also be acknowledged that boundary treatment is in place between these two neighbouring properties, in the form of stone walling and wooden fencing, further mitigating any impact from the proposed developments.

There are no other properties that would be materially impacted by this development. Therefore, for this reason, the application is considered to have an acceptable impact on residential amenity and therefore, complies with Policy LP24 and the KP from this perspective.

3. Impact on Highway Safety:

It has been acknowledged that the proposed erection of a shed to 50 Wheathouse Road will not change the existing domestic use of the property nor will it alter the existing parking arrangements at the property or existing access to and from the property in conjunction with 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.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Policy LP51 of the Kirklees Local Plan, Policy 12 of the Holme Valley Neighbourhood Development Plan and Chapter 14 of the National Planning Policy Framework.

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. In addition, given the principle of development proposed having no impact to the existing dwellinghouse or its roof, the proposed works are unlikely to impact upon bats. 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:

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: 2021/91671
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, in the interests of the significance of the Birkby Conservation Area and to accord with Policies LP24 and LP35 of the Kirklees Local Plan.

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
Elevations	-	2	18.8.21
Site/Block Layout	-	2	18.8.21
Supp Info – Conservation/Heritage Assessment	-	-	7.5.21

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. Amendments were sought and submitted to reduce the size/scale of the proposed shed and to construct it from timber rather than concrete panels as originally proposed.

Report Dated: 18.8.21