

**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: 2021/62/91797/W

Site Address: 400, Meltham Road, Netherton, Huddersfield, HD4 7EL

Description: Erection of detached garden room & store

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.

Emma Thompson

AUTHORISED OFFICER

Date: 06-Jul-2021

Officer Report.

Reference: 2021/91797

Location: 400, Meltham Road, Netherton, Huddersfield, HD4 7EL

Proposal: Erection of detached garden room & store.

Site Description.

400 Meltham Road is a two-storey detached property located in Netherton, Huddersfield. The property is constructed from stone and white render and has a hipped roofing style infilled with grey tiles. To the rear, the property benefits from garden amenity space, elevated to first-floor level given the topography of the land.

The property is located along Meltham Road where there is a weak sense of similarity within the streetscene. This is because all of the properties differ in their style of design and construction and therefore, have differing external appearances. In addition, it should also be noted that a pub is located next to this application site to the eastern elevation, with the pub car park and rear pub garden adjoining the side boundary of 400 Meltham Road.

The application site is Unallocated within the Kirklees Local Plan however, is located in close proximity to classified greenbelt land to the front elevation.

Description of Proposal.

Planning permission is sought for the erection of a detached garden room and store.

Erection of a Detached Garden Room & Store:

The proposed detached garden room and store is to be erected in the rear corner of the garden amenity space, in the north east corner. It will have a total length of 5.6 metres, a width of 3.3 metres and a height of 3.65 metres. The walls of the detached garden room and store will be constructed from grey UPVC horizontal cladding and the roof will be of a gable style infilled with blue slate tiles to match those erected within the roof of the host dwelling.

With regard to fenestration, the detached garden room and store proposes a solid access door and glazed sliding doors to the southern facing elevation and glazed bi-folding doors to the western facing elevation. All of the glazed doors will have grey aluminium frames. Within the interior the outbuilding will be divided with the solid access door placed to facilitate access to the plant room and the glazing in conjunction with the garden room.

History of Negotiations.

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

Relevant Planning History.

- **2013/92686** – 400 Meltham Road, Netherton – Erection of single storey and two storey extensions and raised balconies and extension to existing garage. *Granted in 2013.*

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 22nd June 2021 – no representations were received.

Consultation Responses.

KC PROW (Footpaths) – no comments were made.

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 and although it is located in close proximity to classified greenbelt land, as this is located to the front elevation of the dwelling and development is proposed to the rear, it is not necessary to consider the impact of the proposed detached garden room & store upon the designated greenbelt land.

In addition, it has been acknowledged that the land to the north of the site is allocated for housing. The erection of the proposed garden room & shed would not impact negatively upon the viability of this land for housing development given the principle of development itself, the minor size and scale of proposed development under this application and that no glazing is proposed to face this land.

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, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design.

In the case of this application, the principle of 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 proposed detached garden room and store will be a relatively minor development within the curtilage of 400 Meltham Road given the dominance of the dwellinghouse itself and the extent of garden amenity space present to the rear. Therefore, its erection will be subservient and will harmonise visually with the contemporary and modern style and appearance of the host dwelling and other features within its curtilage e.g. glazed balustrade. The forms of glazing proposed are also acceptable visually for this reason and are also in coordinate appropriately with forms of fenestrations already established on the rear elevation of the property, further promoting harmonisation between all features within the curtilage. Overall therefore, the erection of the proposed detached garden room and store is considered acceptable from a visually amenity perspective as it will not result in overdevelopment within the rear garden amenity space and following erection it will be a subservient addition.

Taking into account all of the above, it is considered that the proposed extension and alterations 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 the residential property of 402 Meltham Road, located to the western elevation. Given that the detached garden room & shed is to be constructed to the side of the rear garden furthest from this neighbouring property and that it is of a relatively small size and scale it poses no detriment to residential amenity in terms of overbearing or overshadowing. In addition, given that the shed is to be erected within a previously open space, the proposed glazing poses no increased detriment to residential privacy in terms of overlooking. It should also be acknowledged that boundary treatment is erected between these two properties in the form of wooden fencing and that a detached outbuilding is present opposite the site of development within the neighbouring garden; in turn both working to further mitigate any potential impacts from the garden room & sheds erection.

To the eastern elevation the property shares its boundary with a pub. The erection of the garden room & shed will have no negative impact upon the existing functioning of the pub and it poses no detriment of overbearing or overshadowing for the pub garden space given its minor size and scale. In

addition, no glazing is proposed in the elevation facing this building, posing no detriment in terms of overlooking.

Due to the size and scale of the development proposed it is not considered to prejudice any potential housing scheme to the north. The height and location will not pose significant restrictions to any development of the land in terms of its impact on any future occupants.

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. The proposed development would also not alter 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.

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.

Bats

The application site lies within the bat alert layer on the Council's GIS system however given the principle of development it is unlikely to pose any detriment to existing bat roosts. 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. 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: 2021/91797

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: 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.

Note: The application site is located in a low coal risk area.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
General arrangement as proposed	21072D-01-P02	-	30.4.21

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 amended plans were sought or submitted.

Report Dated: 6.7.21