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:	2021/62/92020/W
Site Address:	10, Groves Houses, Gynn Lane, Honley, Holmfirth, HD9 6LA
Description:	Erection of two-storey detached garden room with single storey garage
Recommending Officer:	Katie Chew

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: 18-Aug-2021

Officer Report

Site Description

10, Groves Houses, Gynn Lane, Honley, Holmfirth, HD9 6LA

The application site relates to a stone-built two-storey end terrace which is accessed via a shared drive off from Gynn Lane. The dwelling benefits from a large driveway and turning area and garden/amenity areas to the east, south and west.

The application site is not located within a Conservation Area and there are no Listed Buildings in close proximity.

Description of Proposal

The application seeks planning permission for the erection of two-storey detached garden room with single storey garage.

The proposed garden room is to measure approximately 6.6m x 5.7m, with a ridge height of 6.1m. A single garage is to be attached to the garden room and will measure approximately 6.6m x 3.2m, with a ridge height of 3.6m.

The proposed garage and garden room is to be constructed from coursed natural stone, artificial blue slate roof tiles and aluminium doors and windows.

History of negotiations/amendments received

Amendments were sought to reduce the overall scale and size of the proposed building originally submitted, in the interests of visual and residential amenity. Amended plans were also requested to show the proposed relationship between adjacent neighbouring dwellings.

Relevant Planning History

2016/93923 – Erection of single storey extension. Approved 11th January 2018.

2012/92118 – Erection of detached garage with room over. Refused 13th May 2013. This application was refused as:

'1. The proposed garage with room over, due to its overall scale, bulk, height and location would constitute an overbearing and oppressive feature viewed from neighbouring property to the south to the detriment of residential and visual amenity of the occupiers; furthermore, the proposals to include roof lights in the rear elevation would lead to loss of privacy and overlooking into the private amenity areas of this neighbouring property. The proposal is therefore contrary to Policies D2, BE1(iv), and BE14 of the Kirklees Unitary Development Plan'.

Representations

Final publicity date expires:

Neighbour Letters – Expired 28th June 2021

No representations have been received to date.

Officer note: The Council are currently undertaking the legal 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, details of which are outlined above. Whilst amended plans have been received, the alterations sought to reduce the overall building down in scale and size and therefore it was not considered necessary to re-consult in this instance.

Consultation Responses

KC Highways – Comments received 13th July 2021. No objections to the proposals.

KC PROW – No comments have been received within statutory timescales.

KC Trees (Informal) – No objections to the proposals as separation distances seem sufficient and no concerns of pressure to prune or fell the TPO trees to the west as any shadowing would be minimal and for a small portion of the day (morning).

Parish/Town Council

Holme Valley Parish Council – Support.

Local Ward Members

N/A.

Planning Policy Background

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 application site is unallocated in the Kirklees Local Plan but is located within the Strategic Green Infrastructure Network, Bat Alert Area and Holme Valley Neighbourhood Plan Area. It is also important to note that there is a PROW running along the south of the site.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP21 – Highways and Access**
- **LP22 - Parking**
- **LP24 – Design**
- **LP30 – Biodiversity & Geodiversity**
- **LP31 – Strategic Green Infrastructure Network**

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- House Extensions and Alterations Supplementary Planning Document (2021)

Neighbourhood Development Plans

The Holme Valley Neighbourhood Development Plan has reached an advanced stage of preparation and the independent Examiner's Report has been received. Although the plan has yet to be subject to a referendum in the affected area, it is a material planning consideration in decision making and weight has been attributed in accordance with NPPF (July 2021) paragraph 48.

The emerging policies relevant to this application, following receipt of the independent Examiners Report which are to be put forward to referendum, including key considerations from these polices are:

Policy 1: Protecting and Enhancing the Landscape Character of Holme Valley.

"Overall, proposals should aim to make a positive contribution to the quality of the natural environment".

Policy 2: Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design.

"Proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings" and [proposals] *"should protect and enhance local built character and distinctiveness and avoid any harm to heritage assets…".*

Policy 11: Improving Transport, Accessibility and Local Infrastructure.

"New development…should provide off-road parking provision in line with Kirklees Local Plan Policy LP22 (Parking) and the Council's latest guidance on highways design".

Policy 12: Promoting Sustainability.

"All new buildings should aim to meet a high level of sustainable, design and construction and be optimised for energy efficiency, targeting zero carbon emissions".

Policy 13: Protecting Wildlife and Securing Biodiversity Net Gain.

"All development proposals should demonstrate how biodiversity will be protected and enhanced".

National Polices and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th July 2021, 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. In this instance the chapters of most relevance include:

- Chapter 2 – Achieving Sustainable Development
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, coastal change and flooding
- Chapter 15 – Conserving and enhancing the natural environment

Summary of Principal Planning Issues

The following matters are considered in the assessment below -

1) Principle of development
1) Scale, design and visual impact of the proposed development
2) Impact of the proposed development upon the privacy and amenity of neighbouring properties
3) Impact on highway safety
4) Other matters
5) Conclusion

1 - Principle of Development:

1.1. – Sustainable Development

NPPF paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

In this instance, it can be stated that the principle of development of this application is acceptable; and as a result, is subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise.

2 - Impact on Visual Amenity:

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

"The creation of high-quality beautiful and sustainable 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 the development in the local area, thus retaining a sense of local identity.

LP24 states that all proposals should promote good design by ensuring the following:

"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 application site is accessed via a cul-de-sac leading off from Gynn Lane in Honley. The host dwelling is located down a shared driveway and comprises of an end-terraced property, thus meaning that the driveway and location of the proposed garden room and garage are stepped back from the highway. Nevertheless, the proposals would be openly visible from Gynn Lane and Marsh Platt Lane. However, the garden room and garage would be viewed amongst other existing residential buildings which all vary in scale, age and design. When looking down Marsh Platt Lane (from no. 2) the proposed garden room would be hidden by no. 4a Marsh Platt Lane, it would not be until reaching no. 4a that the building would become visible. Whilst it is acknowledged that 10 Groves Houses is an more traditional and older dwelling, the proposed garden room and garage will be set at an oblique angle to the property and would be viewed against the more modern properties found adjacent to the site on Marsh Platt Lane and Gynn Lane. In addition, the proposed building would be set down from the ridge height of no. 4a Marsh Platt Lane, which is located to the rear, providing a sense of subserviency.

Whilst the dwelling relates to a terraced property, it does benefit from a large residential curtilage. This curtilage is considered to be sufficient in size to support the proposed extension and alterations without amounting to overdevelopment. Furthermore, a reasonable amenity space will be retained for the occupiers of the dwelling.

In respect to detailing and design, the applicant has utilised a pitched roof within the building which is reflective of other properties located within the street, and although it is noted that a significant amount of glazing is to be provided within the eastern elevation, this contemporary addition is not considered to be an overtly alien feature in this specific location given the variations in design, age and style between residential properties in the area (most specifically the dwelling under construction to the west). Furthermore, materials proposed within the garden room and garage include coursed natural stone and artificial blue slate roof tiles. In the interests of visual amenity the external materials have been conditioned to in all respects match those materials used in the construction of the host dwelling.

In conclusion, the proposals are considered to be appropriate in size, scale and design in this location, and that they would not appear incongruous or overly dominant in the general context of this site. The proposals therefore accord with LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and the Council's adopted SPD for house extensions and alterations. The proposals are also in accordance with Policies 2 and 12 of the Holme Valley Neighbourhood Plan.

3 - Impact on Residential Amenity:

The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is echoed within sections B &

C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should:

“maintain appropriate distances between buildings’ and ‘…minimise impact on residential amenity of future and neighbouring occupiers’.

Furthermore, the Council’s adopted SPD for house extensions and alterations provides additional details under key design principles 3: privacy, 4: habitable rooms and side windows, 5: overshadowing/loss of light, 6: preventing overbearing impact and 7: outdoor space. These will be discussed in more detail within the below assessments.

Neighbouring properties with the most potential to be impacted by the proposals are discussed below.

Impact on nos. 12, 14 and 14A Groves Houses

These neighbouring dwellings are located to the north east of the proposed garden room and garage. Whilst new rooflights and a set of large windows are proposed within the northern elevation of the building, given the location, separation distances and orientation of the building to these neighbouring properties, there are no concerns in respect to overlooking or loss of privacy. In addition, there is a sufficient distance between the building and these adjacent properties to ensure that no overshadowing will take place. Finally, whilst the proposed structure is to be large in scale and size, it would be viewed against the existing two-storey dwellings to the south and therefore would not appear overbearing in nature.

Impact on 4a Marsh Platt Lane

This neighbouring dwelling is located to the south of the application site, and whilst the proposals are somewhat large in scale and size, the original submission has been reduced in both width and height. The location of the proposed building has also changed since the previous refusal of application ref. 2012/92118. The building is now to be located further to the east and therefore will be in closer proximity to the blank gable wall of no. 4a Marsh Platt Lane, thus reducing the overall impact on this dwelling’s rear garden/amenity area. Whilst the garage will be visible from the rear garden of no. 4a, the majority of this structure will be screened by the existing mature hedging which runs along the boundary between both of these properties.

It is acknowledged that 2 rooflights still remain within the rear of the building, however these rooflights would look out across to the blank gable of no. 4a and therefore would not provide any overlooking or loss of privacy to this dwelling. It is also now considered that given the revised location and reduced scale and size, the proposed garden room and garage would not appear overbearing or overly dominant on no. 4a and would be viewed within the context of existing two-storey dwellings. There are also no concerns in regards to overshadowing as no. 4a is located to the south of the application site.

Impact on no. 14 Marsh Platt Lane

This neighbouring dwelling is located to the south east of the application site, approximately 23m away. Given the large separation distance and that the proposed building is to be set at an angle to no. 14, there are no concerns in respect to overlooking or loss of privacy. Furthermore, given the location of the building in relation to this neighbouring property there are no concerns in respect to overshadowing, or the proposals appearing overbearing or overly dominant. Finally it is noted that there is an existing high stone wall which borders the application site to the south and existing mature trees which all provide some additional screening from the proposals.

Impact on dwelling under construction to the west (ref no. 2017/93819)

This neighbouring dwelling is still currently under construction however the majority of the dwelling has been completed and therefore a suitable assessment can be undertaken in respect to any impact on this neighbouring property's future residential amenity.

No windows are proposed within the western elevation of the proposed garage and garden room, therefore there are no concerns in respect to overlooking or loss of privacy. In addition, given the large separation distance between this dwelling and the proposals, there are no concerns in regards to overshadowing or the loss of light. It is also noted that whilst the proposed garden room and garage are to be large in scale and size, the nearest element of the building to this new dwelling would be the single storey garage and therefore given the separation distances and that the building would be viewed against existing 2 storey dwellings that surround the site, the proposals are not considered to appear overbearing or overly dominant in this location.

In conclusion, taking the above into account it is considered that the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Chapter 12 of the National Planning Policy Framework. The proposals are also considered to be in accordance with the Council's adopted house extensions and alterations SPD.

4 - Impact on Highway Safety:

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The application site is accessed via an adopted road off Gynn Lane. The proposals seek to provide a two-storey garden room and single garage. Given the nature of the proposals the Council's Highways officers were consulted.

Officers raised no objections to the proposals as the submitted plans indicate that sufficient parking and internal turning can be provided for 3 vehicles including the proposed garage. As long as the proposed garden room and garage are to be used as ancillary accommodation to the host dwelling highways officers deem the proposal to be acceptable. A condition has been included to ensure that the building is not sub-let or sold as a separate dwelling in the future.

For the aforementioned reasons it is considered that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, the guidance contained within the National Planning Policy Framework and Policy 11 of the Holme Valley Neighbourhood Plan.

5 - Other Matters:

Biodiversity & Trees

Whilst it is acknowledged that the application site is located within a bat alert area, given the nature of the proposals it is considered unlikely that roosting bats would be disturbed. However, an informative has been provided which highlights to the applicant what to do if bats are found during construction works.

Policy LP33 of the Kirklees Local Plan highlights that Local Planning Authorities should not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. It is noted that there are 2 TPO trees within the application site, located to the east of the proposed building. Discussions were therefore had with the Council's Tree Officer who raised no concerns as they deemed that there is sufficient separation distance between the proposed building and these adjacent protected trees. The officer also noted that whilst some shadowing may occur in the morning, this would not be for a prolonged period of the day and would not be significant enough to expect that pressure would arise from the occupiers to prune or fell these trees in the future.

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.

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. However, as the building would be constructed to modern building standards the proposed development is therefore considered to comply with Policy LP51 of the Kirklees Local Plan, Chapter 14 of the National Planning Policy Framework and Policy 12 of the Holme Valley Neighbourhood Plan.

There are no other matters for consideration.

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.

The application has been assessed against relevant policies in the development plan and other material considerations. It is considered, on balance, the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation:

Approve.

Decision Authorisation - Delegated Powers

Application Number: 2021/92020

Officer Recommendation: Approve.

Conditions & 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.

1. 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, Chapter 12 of the National Planning Policy Framework and the Council's adopted SPD 'house extensions and alterations'.

2. The materials used for the external walls and roof of garden room and garage hereby approved shall in all respects match those used in the construction of the host dwelling.
   Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. The garden room and garage hereby approved shall be used solely for ancillary uses to the existing dwellinghouse known as 10 Groves Houses, Gynn Lane and as such shall not be sold, leased, or used as an independent dwelling or let out as holiday accommodation.
   Reason: The site is unsuitable to accommodate a separate dwelling without it being cramped or causing harm to the amenities of the occupants at adjacent dwellings, in the interests of highway safety and in order to comply with Policies LP21, LP22 and LP24 of the Kirklees Local Plan and Chapters 9 and 12 of the National Planning Policy Framework.

   NOTE: The applicant should consult with Yorkshire Water as a combined public sewer connecting to the main house drainage is within 3 metres of the proposed works.

   NOTE: Due to its location, a bat roost may be present onsite. Bats are a protected species under regulation 41 of the Conservation of Habitats and Species Regulation 2010. It is an offence for anyone to intentionally kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a license. 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 found then contact Natural England.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received

Location Plan	-	-	21st May 2021
Proposed Floor Plans	01	A	16th July 2021
Proposed Site Plan	02	A	16th July 2021
Proposed Elevations	03	C	17th August 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 have, where possible, made a preapplication 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 to reduce the overall scale and size of the proposed building originally submitted, in the interests of visual and residential amenity. Amended plans were also requested to show the proposed relationship between adjacent neighbouring dwellings.

Report Dated:

18/08/2021