

**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: 2021/62/92523/W

Site Address: 91, Fernside Avenue, Almondbury, Huddersfield, HD5
8PG

Description: Erection of outbuilding

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: 11-Aug-2021

Officer Report.

Reference: 2021/92523

Location: 91, Fernside Avenue, Almondbury, Huddersfield, HD5 8PG

Proposal: Erection of outbuilding.

Site Description.

91 Fernside Avenue is a two-storey semi-detached property located in Almondbury, Huddersfield. The property is constructed from render and has a hipped roof infilled with tiles. The property benefits from extensive garden amenity space to the rear, which is especially long in length.

The property is located in a residential area, where there is a strong extent of similarity within the streetscene. This is because, the properties within the immediate vicinity share a similar style of design and construction. All semi-detached and constructed from very similar construction materials, resultantly creating similarity between them visually.

The application site is Unallocated in the Kirklees Local Plan.

Description of Proposal.

Planning permission is sought for the erection of an outbuilding.

Outbuilding:

The proposed outbuilding is to be located towards the rear boundary of curtilage at the application site, at the bottom of the rear garden amenity space. The exact location of the outbuilding is demonstrated on the location plan, confirming it to all be within the domestic curtilage of 91 Fernside Avenue.

The outbuilding will have a length of 6 metres to the front and rear elevations and a width of 3.6 metres to both side elevations. The outbuilding will have a 'shed roof', slightly angled upright towards the front elevation, creating a height of 2.7 metres to the rear and a maximum height of 2.9 metres to the front elevation.

The exterior walls of the outbuilding will be constructed from cement cladding and one regular window will be erected within both the front and rear elevations. In addition, an access door will be erected on the front elevation. Both the windows and the access door will be constructed from upvc – wood effect.

History of Negotiations.

Negotiations took place between the case officer and the applicant to seek the submission of a location plan in conjunction with the proposal. This was to confirm that the outbuilding was to be constructed entirely within the domestic curtilage of 91 Fernside Avenue. The location plan submitted by the applicant showed the outbuilding to be entirely within the boundaries of the rear garden amenity space at 91 Fernside Avenue.

In addition, amended plans were sought to confirm the scale to which the outbuilding had been drawn. These requested plans were submitted by the applicant, clearly showing the measurements for each elevation of the proposed outbuilding.

Relevant Planning History.

- 2021/91003 – Erection of outbuilding. Application invalid.

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 which expired on 29th July 2021 – no representations were received.

Despite amended plans been sought and submitted it was not deemed necessary to re-advertise the proposal via new neighbour notification letters. This is because the negotiations took place to resolve any uncertainties associated with the development and did not change the principle of development itself or any other features previously proposed including dimensions and materials.

Consultation Responses.

No consultations were deemed necessary for the proposal.

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.

Kirklees Local Plan:

- **LP1** – Achieving Sustainable Development
- **LP2** – Place Shaping
- **LP21** – Highway Safety
- **LP22** – Parking Provision
- **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 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 2** – Achieving Sustainable Development
- **Chapter 12** – Achieving Well-Designed Places
- **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
- 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 notion in the Kirklees Local Plan. Chapter 2 of the NPPF states that:

“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”

Chapter 2 of the NPPF goes on to further state that objectives should:

“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”

In line with the NPPF, policy 1 of the Kirklees Local Plan declares that:

“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”

LP1 goes further and states:

“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.”

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 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...”

The proposed outbuilding is to be constructed at the bottom of the rear garden amenity space, towards the rear boundary of curtilage at the property. Therefore, the erection of an outbuilding in this location will not alter the existing architectural design of the dwellinghouse, with significant separation distance present between the property and site of erection. Additionally, the site of development will completely mitigate any potential of overdevelopment and ensures no impact upon the streetscene of Fernside Avenue visually, with no visibility of the development from this location.

Given the proposed size and scale of the outbuilding, no undue bulking or massing will be caused from its erection within the rear garden amenity space and the outbuilding, which is of a simple form, will be subservient when

viewed in conjunction with the entire curtilage of the dwellinghouse. This is further supported through the erection of a 'shed roof', which by form and design mitigates any potential of obtrusiveness and ensures the development will not result in undue bulk/massing and will be of a subservient appearance.

The rear garden amenity space at 91 Fernside Avenue is large enough to support the development of the proposed outbuilding whilst been a subservient addition within the curtilage. The exterior construction materials support harmonisation between the existing external garden environment and the proposed outbuilding, using cedar cladding and timber – both considered natural in appearance. It should also be noted that this is a very standardised appearance for an external outbuilding.

Taking into account all of the above, it is considered that the proposed outbuilding would comply with local, national and emerging policies in relation to design.

3. 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 various properties. Therefore, development at 91 Fernside Avenue has the potential to have some form of impact upon these neighbours. The impacts that may affect these properties are set out and discussed below:

93 Fernside Avenue adjoins the application site to the north east and 89 Fernside Avenue is located to the west. Given the principle of development, in terms of its size, scale, form and location of erection, the proposed outbuilding at 91 Fernside Avenue will not impact upon residential amenity in terms of overbearing or overshadowing.

In addition, given the nature of the development, as well as the minimal glazing which is erected to only the front and rear, the outbuilding poses no detriment to neighbouring privacy in terms of overlooking.

It should also be acknowledged that along the side elevations between the rear gardens of these neighbouring properties, boundary treatment is erected in the form of wooden fencing. This will further mitigate any potential impacts been caused from the erection of an outbuilding at 91 Fernside Avenue.

In light of the above the proposal is considered to have an acceptable impact on residential amenity.

4. Impact on Highway Safety:

It has been acknowledged that the erection of the proposed outbuilding at 91 Fernside Avenue will not increase the domestic use of the dwelling, nor will it alter existing parking arrangements at the property or access to and from the dwelling 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.

5. 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. 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 nature of the proposal, it poses no works or alterations to the existing roof of the dwellinghouse. 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.

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 is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation - Delegated Powers

Application Number: 2021/92523

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
Proposed Elevations	Front and Rear	-	11.8.21
Proposed Elevations	Sides	-	11.8.21
Proposed Site / Block Layout	Location Plan	-	10.8.21
Proposed Site / Block Layout	-	-	22.6.21

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. Negotiations took place, seeking an additional location plan and amended drawings with more detailed measurements, both were successfully submitted by the applicant.

Report Dated:

11.8.21