

**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:	2021/62/94327/W
Site Address:	389, New Hey Road, Salendine Nook, Huddersfield, HD3 3UZ
Description:	Erection of single storey garage
Recommending Officer:	Ellie Worth

DECISION - REFUSED

I hereby authorise the refusal 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: 23-Mar-2022

Officer report

Site description

389 New Hey Road, Salendine Nook, is a detached two storey stone built dwelling. The property benefits from a driveway and an area of hardstanding to the front, along with a small rectangular garden to the rear. Pedestrian and vehicular access can be taken from the northern boundary onto New Hey Road (A640). Boundary treatment consists of stone walling and timber fencing to the front.

The site is situated within a mixed use area, as it is surrounded by residential and commercial buildings. Directly to the North of the site, is Salendine Nook Local Centre. However, the site itself, is unallocated on the Kirklees Local Plan.

Description of development

The application seeks planning permission for the erection of a detached garage. The measurements of the proposal are as follows:

- 6.5m in width
- 6.5m in depth
- 2.3m in height to the eaves; 3.6m in overall height

The garage would be constructed from coursed stone with grey concrete interlocking tiles to the roof. Internally, the outbuilding would be of an appropriate size for the parking of two vehicles.

History of negotiations/amendments received

No negotiations or amendments have been sought as part of this application, as the size, scale and location of the outbuilding is unacceptable.

Relevant Planning History

At the application site:

2006/94794 Erection of detached dwelling - Granted

2002/90541 Erection of detached garage – Granted

96/92344 Erection of first floor extension – Granted

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 the 24th December 2021 whereby no representations have been received.

Consultation Responses

KC Highways DM: No objection to the proposal.

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.

Kirklees Local Plan (LP)

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design

Other Guidance Documents:

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

National Planning Policy Framework:

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 12 – Achieving well-designed places

Assessment

The following matters are considered in the assessment below –

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 National Planning Policy Framework. Policy LP1 goes on further to stating that: “The Council will always work proactively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area”.

In this case, it has been considered that the principle of development is acceptable subject to the assessment of the impacts on visual and residential amenity, highway safety and all other material planning considerations below.

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. Policy LP24 further 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...”

Paragraph 5.29 of the House Extensions and Alterations SPD states that:

“detached garages...can have as much of an impact on the appearance of the building as any other extension. Wherever possible these should reflect the style, shape and architectural features of the existing house and not be detrimental to the space around the building”.

Paragraph 5.30 of the aforementioned SPD, further goes on to say that outbuildings should normally:

- be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings;
- be set back behind the building line of the original building so that they do not impact on the street scene; and
- preserve a reasonable private amenity space appropriate to the potential number of occupants of the house, and follow a general principle that no more than 50% of garden space should be lost.

In this case, the application site is situated within a mixed use area, as it is adjacent Salendine Nook Local Centre. However, it is surrounded by residential properties to the East, West and South of the site. The proposal is for the erection of a detached outbuilding which would be located to the North of the dwelling's principal elevation, along the site's frontage. This would be widely visible when travelling in both directions along New Hey Road, and emerging from Raw Nook Road.

Furthermore, the footprint of the development is not considered to be subservient to the host dwelling, as a double garage is proposed. The bulk

and massing of the structure would be a prominent feature, readily visible within the wider street scene and would create a dominate feature within the site. To locate the outbuilding to the rear of the dwelling, would not be feasible, given its relatively tight curtilage to the side and rear. Even if the size of the structure was reduced, it is still considered it would be overly prominent in the streetscene to the extent that it could not comply with Policy LP24 or Policies within the SPD. Therefore, for the reasons outlined above, the development would not comply with the aims of Paragraph 5.30 of the SPD or Policy LP24a and c.

In respect of design, the garage is to be constructed with a dual pitch roof, which

would to some degree tie in with the host property. Materials would be reconstituted coursed stone with grey roof tiles, that have also been considered acceptable. Lastly, the submitted plans show a garage door to be inserted into the southern (front) elevation, which is typical for this type of development.

However, notwithstanding the above, given the size, scale and prominence of the outbuilding within the site's frontage, officers opinion is that the built form would appear out of character and incongruous in this location. As such, the development would be contrary to Policy LP24a of the KLP, Principles 1 and 2 and Paragraph 5.30 of the House Extensions and Alterations SPD and Chapter 12 of the NPPF.

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 House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposals impact on residential amenity, which state:

- Principle 3 - that "extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours."
- Principle 4 - that "extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light, and outlook."
- Principle 5 - that "extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property."
- Principle 6 - that "extensions and alterations should not unduly reduce the outlook from a neighbouring property."
- Principle 7 - that "extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals."

The impact of the development on each of the surrounding properties will be assessed in turn.

387 New Hey Road is the residential property to the East of the application site. It has been assessed that there would be limited impact upon these neighbours amenity given the location of the outbuilding within the site's frontage. This would be located at least 6m from these neighbours' principal elevation and at an oblique angle. As such, the development would not result in any material overbearing, overshadowing or overlooking upon these neighbours amenity.

389a New Hey Road is the residential property to the West of the application site. In this case, it has been noted that a separation distance of approximately 12m would be retained to the nearest gable elevation at these neighbours. As such, officers are satisfied that the development would not result in any undue overbearing, overshadowing or overlooking.

To the North of the site is Salendine Shopping Centre.

In conclusion, having taken into account the above, the proposal would not result in a significant or detrimental impact on the amenity of the neighbouring properties, complying with the aims of Policy LP24 of the KLP, Principles 3,4,5,6 and 7 of the House Extensions and Alterations SPD and Chapter 12 of the NPPF.

4. Impact on highway safety

Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. This is also reiterated within Principle 15 of the House Extensions and Alterations SPD.

In this case, given the development proposed, KC Highways DM have been formally consulted. More specifically, the officer has noted that the garage will be accessed via the existing vehicular entrance from New Hey Road.

The proposal will not affect the existing parking arrangements, as sufficient space will be retained in front of the garage, along with adequate space on the forecourt to ensure that vehicles can turn and enter the highway in forward gear.

As such, Highways DM raise no objection to the proposal, as it would accord with the aforementioned policy.

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 instance, the proposal seeks to build a detached garage of art stone with concrete tiles. These materials do not accord with the natural stone and blue slate used for the existing dwelling and would likely result in additional production of carbon – on balance. Nonetheless as an outbuilding in an urban area the choice of materials is not considered critical and the development would not be wholly contrary to 9 of the House Extension and Alterations SPD.

6. Representations

As a result of the above publicity, no representations have been 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 proposed development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation: Refuse.

Decision Authorisation: Delegated Powers
Application Number: 2021/94327
Officer Recommendation: Refuse

Reasons for Refusal –

1. The proposed detached garage, by reason of its siting, scale and location forward of the host property's principal elevation, would introduce an unsympathetic, incongruous and overly prominent form of development in the context of the host dwelling and the local street scene. This would be detrimental to the visual amenity and the character and appearance of the wider area. The proposal would therefore be contrary to Policy LP24 (a & c) of the Kirklees Local Plan, Principles 1 and 2 and Paragraph 5.30 of the adopted House Extensions and Alterations Supplementary Planning Document and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	-	-	16 th November 2021
Proposed floor plan, elevations and site plan	-	-	16 th November 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. In this instance, no negotiations or amendments have been sought as part of this application, as the size, scale and location of the outbuilding is considered acceptable. The agent was advised of this before the application was put forward for determination.

Report Dated:

22nd March 2022