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:	**2021/62/94525/E**
Site Address:	1C, Firth Street, Shepley, Huddersfield, HD8 8DD
Description:	Erection of rear porch and detached garage (within a Conservation Area)
Recommending Officer:	Alice Downham

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 18-Feb-2022

Officer Report

Site Description

1C Firth Street is an end-terraced dwelling located in Shepley, Huddersfield. The dwelling has two storeys with living space in the loft. It is constructed of natural coursed stone, with a dual-pitched roof finished in stone slates. The dwelling benefits from a porch to the front. There is amenity space to the front and rear. There are three parking spaces to the rear.

The application property is part of a terrace of three properties which have been recently constructed and which are similar to the applicant property. The surrounding dwellings are predominantly stone-built but are varied in age and size. The application site is located in Shepley Conservation Area.

Description of Proposal

The applicant is seeking permission for the erection of a rear porch and a detached garage (within a Conservation Area).

The proposed rear porch would project approximately 1.8m from the rear elevation of the host dwelling. It would be flush with the south-eastern side elevation and would have a width of approximately 2.3m. It would have a lean-to roof to match the existing front porch, with a maximum height of approximately 3.5m and an eaves height of approximately 2.5m. There would be a door to the rear elevation.

The proposed detached garage would be located to the rear of the application site, being constructed over an existing parking space. It would measure approximately 6.3m deep x 3.2m wide. Internally, it would measure approximately 6.0m deep x 2.9m wide. The detached garage is proposed to have a dual-pitched roof form, with a maximum height of approximately 3.2m and an eaves height of approximately 2.4m. There would be a garage door to the north-western elevation, a pedestrian door to the south-western elevation, and four rooflights over. It is noted that the existing bin recess would be incorporated, with a new roof over.

The proposed rear porch and detached garage would be faced in natural stone to match the existing, with artificial slates for the roof covering.

History of negotiations/amendments received

KC Highways Development Management raised concerns about the original proposal in terms of the loss of parking. The agent submitted amended plans increasing the garage to 6.0m x 2.9m (internal). Officers consider this acceptable as all off-street parking spaces would be retained.

Relevant Planning History

At 95-99 Lane Head Road:

2008/93242 - Conversion of former Bakery, Shop and dilapidated Dwellings to 2 no. Dwellings and 1 Flat. Erection of 3 no. Town Houses with associated parking and alterations to widen public footpath (Within a Conservation Area). Invalid.

2008/93243 - Conservation Area Consent for Demolition of Outbuilding. Granted.

2009/91690 - Conversion of Bakery/Shop/Dilapidated dwellings to 2 no. dwellings and flat, erection of 3 no. town houses with associated parking and alterations to widen public footpath(within a Conservation Area). Refused - appeal upheld [ref: APP/Z4718/A/10/2126695].

2009/93406 - Conversion of Bakery/Shop/Dilapidated dwellings to 2 no. dwellings. Erection of 3 no. townhouses with associated parking and alterations to widen public footpath (within a Conservation Area). Refused.

2013/90884 - Erection of 3 no. dwellings (amended house types) (within a Conservation Area). Conditional full permission.

2013/90885 - Conservation Area Consent for erection of 3 no. dwellings (amended house types) (within a Conservation Area). Withdrawn.

2013/90924 - Discharge of conditions no. 3, 4, 5, 6, 7, 9 and 10 on previous planning permission no. 2009/91690 for conversion of Bakery/Shop/Dilapidated dwellings to 2 no. dwellings and flat, erection of 3 no. town houses with associated parking and alterations to… Discharge of conditions split decision.

2013/92145 - Discharge of conditions 2, 4, 5, 6 & 8 on previous planning permission no.2013/90884 for erection of 3 no. dwellings (amended house types) (within a Conservation Area). Discharge of conditions approved.

2016/91361 - Variation to condition 3 (approved plans) on previous planning permission 2013/90884 erection of 3 no. dwellings (amended house types) (within a Conservation Area). Removal or modification of conditions.

At 93 Lane Head Road:

2007/92411 – Erection of a detached garage (within a Conservation Area). Conditional full permission.

At "rear of 93 Lane Head Road":

2004/94106 – Outline application for erection of one dwelling. Refused.

2005/92563 – Outline application for erection of one dwelling. Refused.

2006/94363 – Outline application for the erection of one dwelling (within a Conservation Area). Conditional outline permission.

2007/91975 – Reserved Matters application for erection of detached dwelling with integral garage (within a Conservation Area). Refused.

2007/93445 – Reserved Matters application for erection of detached dwelling with integral garage (within a Conservation Area). Approved.

At 2 Firth Street:

90/04685 – Erection of sun lounge and extensions to bedrooms. Conditional full permission.

91/05315 – Replacement of flat roof with pitched roof. Conditional full permission.

2006/90888 – Erection of first floor extension over existing garage and alterations (within a Conservation Area). Conditional full permission.

2013/92878 - Erection of 2 storey extension (within a Conservation Area). Conditional full permission.

Representations

The application was advertised by neighbour letter, site notice and in the press due to the close proximity to a conservation area/listed building/public right of way. Publicity expiry:

- Neighbour letter – 14th February 2022
- Site notice – 11th January 2022
- Press notice – 11th February 2022

As a result of the above publicity, no representations have been received.

Kirkburton Parish Council were consulted although no comments were received.

Consultation Responses

KC Highways Development Management – confirmed amended plans are acceptable. This will be discussed further in the “Impact on highway safety” section of this report.

Policy

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. However, it is located within the Shepley Conservation Area.

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. The National Planning Policy Framework 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 under other matters.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity & geodiversity
- **LP 35** – Historic environment
- **LP 51** – Protection and improvement of air quality
- **LP 52** – Protection and improvement of environmental quality

Supplementary Planning Guidance / Documents:

Kirklees Council has adopted Supplementary Planning Documents (SPDs) for guidance on house building, house extensions, and open space, to be used alongside existing, previously adopted SPDs. These carry full weight in decision making and are now being considered in the assessment of planning applications. The SPDs indicate how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan and the National Planning Policy Framework, requiring development to be considerate in terms of the character of the host property and wider area. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development.

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- House Extensions and Alterations SPD (adopted 29th June 2021)

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, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The National Planning Policy Framework constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 9** – Promoting sustainable transport
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity and historic environment
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters
6) Representations
7) Conditions
8) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan 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 LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

In terms of extending and making alterations to a property, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

The site is also located within the Shepley Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that

Local Planning Authorities shall pay special attention to the desirability of preserving or enhancing the appearance of buildings or land within a Conservation Area. Therefore, consideration has been given to the impact on the historic environment in relation to Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

These issues along with other policy considerations will be addressed below.

2 – Impact on visual amenity and historic environment:

The application property is part of a terrace of three properties which have been recently constructed. The surrounding dwellings are predominantly stone-built but are varied in age and size. It is important to note that a number of properties on this street have been extended or altered in some way, and it is therefore considered that dependent on design, scale, and detailing, it may be acceptable to extend the host property.

The individual elements of the proposal will be discussed separately below.

Rear porch

The proposed porch would have an acceptable projection (1.8m) as it would be located to the rear of the host dwelling. The proposed porch is considered subservient to the host dwellings due to its single-storey nature and small footprint. The proposed rear porch would be faced in natural stone to match the existing, with artificial slates for the roof covering. It would be located to the rear of the property where it would be least visible within the street scene. The scale, design, materials, and detailing are in keeping with the host dwelling and the local character and are therefore considered acceptable from a visual amenity perspective.

In terms of the detailed guidance for rear extensions set out in the Council's House Extensions & Alterations SPD, the proposed rear porch would comply as it would be set behind the original building (not projecting beyond the sides); would respect the original house and garden in terms of its size, scale, and style; and would use appropriate materials which match or are similar in appearance to the original house. Furthermore, the proposed rear porch would not exceed 4.0m in height and would not project out more than 3.0m from the rear wall of the original house.

Detached garage

The proposed detached garage is considered subservient to the host dwelling as it would be a single garage and would be set down from the garden level of the host dwelling. The proposed detached garage would be faced in natural stone to match the existing, with artificial slates for the roof covering. The pitched roof form of the proposed garage would have a sympathetic relationship with the host dwelling. It would be located to the rear of the property where it would be least visible within the street scene. The scale, design, materials, and detailing are in keeping with the host dwelling and the

local character and are therefore considered acceptable from a visual amenity perspective.

In terms of the detailed guidance for outbuildings set out in the Council's House Extensions & Alterations SPD, the proposed detached garage would comply as it would be subservient in footprint and scale to the original building and its garden; would be set back behind the building line of the original building so that it would not impact on the street scene; and would not reduce the private amenity space at the dwelling.

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 and the detailed guidance in the Council's House Extensions and Alterations SPD, and the aims of Chapter 12 of the National Planning Policy Framework.

The application site is located in Shepley Conservation Area. After an informal consultation with the Kirklees Council conservation officer, they do not consider this development to have a harmful impact on the Conservation Area due to being the matching materials proposed and the location of the proposed porch and detached garage to the rear of the dwelling where they would be least visible. Furthermore, the host dwelling is part of a small, modern residential development (albeit of traditional design), which therefore has little heritage value. As such, it is considered that the proposal would not cause harm to the significance of Shepley Conservation Area, thereby complying with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account Policy LP24 (b), which sets out that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers.

Impact on 1B Firth Street

This is the adjoining property to the northwest of the application site. Given the scale and nature of the proposed rear porch, it is considered that this element would have no significant impacts on the amenities of this neighbour. The proposed detached garage would be located to the north-eastern corner of the applicant property. A separation distance of approximately 2.6m would be maintained to the rear garden wall of this neighbour, and a separation distance of approximately 11.7m would be maintained to the rear elevation of this neighbouring dwelling. Taking the above into account, and given that the proposed garage would be set down in relation to the garden of this neighbour, that it would have a dual-pitched roof design (taking the vertical emphasis away from the rear boundary of this neighbour), and that it would

serve a non-habitable space, it is considered that the proposed detached garage would have no significant impacts on this neighbour. Officers are satisfied that the proposal would have no significant impacts on the amenities of 1B Firth Street.

Impact on 1 Firth Street

This is the neighbouring property to the southeast of the application site. Given the scale and nature of the proposed rear porch, it is considered that this element would have no significant impacts on the amenities of this neighbour. The proposed detached garage would be located to the north-eastern corner of the applicant property. A separation distance of approximately 18m would be maintained to the rear elevation of this neighbouring dwelling. Taking the above into account, and given that the proposed garage would serve a non-habitable space, it is considered that it would have no significant impacts on this neighbour. Officers are satisfied that the proposal would have no significant impacts on the amenities of 1 Firth Street.

Impact on 2 Firth Street

This is the neighbouring property to the front elevation of the application site. The proposed rear porch and detached garage would be located to the opposite side of the applicant property and as such would have no impacts on the amenities of this neighbour.

Impact on 93a Lane Head Road

This is the neighbouring property to the rear elevation of the application site. The side elevation of this dwelling faces the rear elevation of the application property. Given the scale and nature of the proposed rear porch, it is considered that this element would have no significant additional impacts on this neighbour over and above the existing situation on site. There are windows in the side elevation of the neighbouring property. From planning history, it appears that these serve a staircase and a bathroom (non-habitable spaces). There would be no windows inserted into the side elevation of the proposed detached garage, which regardless would be a non-habitable space, so there would be no impact from overlooking. It is acknowledged that the proposed detached garage would introduce a significant amount of additional built development along the shared boundary with this neighbour. However, the eaves height (2.4m) would represent a modest increase over the existing stone wall and fence (stone wall is approximately 1.0m high). Furthermore, the proposed detached garage would have a dual-pitched roof design, taking the vertical emphasis away from the shared boundary with this neighbour. As such, it is considered that there would be no significant overshadowing or overbearing impact on this neighbour. Officers are satisfied that the proposal would have no significant impacts on the amenities of 93a Lane Head Road.

With regard to the House Extensions and Alterations SPD, Key Design Principle 3 states that “extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours.” Key Design Principle 4 states 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.” Key Design Principle 5 states that “extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.” Key Design Principle 6 states that "extensions and alterations should not unduly reduce the outlook from a neighbouring property.” In this instance, the current proposal would not result in any significant adverse impacts on privacy, natural light, or outlook for inhabitants, future occupants, and neighbours, as discussed above. The proposal thereby complies with Key Design Principles 3, 4, 5, and 6 of the SPD and Policy LP24 (b) of the Kirklees Local Plan.

Key Design Principle 7 states 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.” In this instance, the current proposal would not significantly reduce the private amenity space at the dwelling. The proposal thereby complies with Key Design Principle 7 of the SPD and Policy LP24 (b) and (c) of the Kirklees Local Plan.

In terms of the detailed guidance for rear extensions set out in the Council’s House Extensions & Alterations SPD, the proposed rear porch would comply as it would preserve a back garden of a reasonable size, as discussed above; and would not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties, as discussed above. Furthermore, it would not cover more than half the total area around the original house. Although the proposed porch would not maintain a 1.0m gap to the shared boundary with 1 Firth Street, this is considered acceptable given the distance to the neighbouring dwelling (approximately 8.6m), and the limited projection (1.8m) of the proposed porch.

Having considered the above factors, it is considered that this proposal would not result in any significant adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan, Key Design Principles 3, 4, 5, 6 and 7 and the detailed guidance in the Council’s House Extensions and Alterations SPD, and Paragraph 130 (f) of the National Planning Policy Framework.

4 – Impact on highway safety:

The applicant is seeking permission for the erection of a rear porch and a detached garage (within a Conservation Area). The proposed porch would be erected over existing amenity space and the proposed garage would be erected over the driveway. KC Highways Development Management raised concerns about the size of the garage as originally proposed, as the internal dimensions were too small to be classed as a parking space therefore

resulting in the loss of a parking space. Only one space would have been retained in front of the garage, which is insufficient for a three-bedroom property. KC Highways Development Management requested that the garage dimensions be amended to 6.0m long x 3.0m wide in order that all off-street parking spaces be retained. The agent submitted amended plans increasing the garage to 6.0m x 2.9m (internal). Officers consider this acceptable as this would provide one parking space and all off-street parking spaces would be retained. The proposed parking arrangements are considered sufficient and would maintain appropriate access and off-street 'in curtilage' parking.

As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policies LP21 and LP22 of the Kirklees Local Plan, Key Design Principle 15 of the Council's House Extensions and Alterations SPD, the guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

5 – Other matters:

Ecology

The site is located within a bat alert layer as identified on the Council's GIS mapping system. In this instance, as the works proposed are single storey and include no work to the main roof, it is considered unlikely to have a detrimental impact on the bat population. A footnote has been added to the decision notice to provide the applicant with advice should bats or evidence of bats be found during construction. This would accord with the aims of Policy LP30 of the Kirklees Local Plan, Key Design Principle 12 of the Council's House Extensions and Alterations SPD, and Chapter 15 of the National Planning Policy Framework.

Carbon Budget

The proposal is a small-scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which would need to be adhered to as part of the construction process which would require compliance with national standards. For this reason, the proposed development is considered to comply with Policies LP51 and LP52 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

There are no other matters considered relevant to the determination of this application.

6 – Representations:

No representations have been received.

7 – Conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions:

- Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.
- Matching materials to ensure that the proposed development harmonises with the host dwelling.

Notes will also be added regarding bats, the recommended hours of work, and notifying the applicant that neighbours do not have to grant access to their land.

8 – Conclusion:

This application for erection of rear porch and detached garage (within a Conservation Area) at 1C, Firth Street, Shepley, Huddersfield, has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed development is considered acceptable.

The National Planning Policy Framework has introduced a presumption in favour of sustainable development. The policies set out in the National Planning Policy Framework taken as a whole constitute the Government's view of what sustainable development means in practice.

As set out above, 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: 2021/94525
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 with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP35, LP51, and LP52 of the Kirklees Local Plan, the principles and guidance within the Council's House Extensions and Alterations SPD, the guidance within the Council's Highways Design Guide SPD and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the rear porch and detached garage hereby approved shall in all respects match those used in the construction of the existing building. The materials of construction shall thereafter be retained for the lifetime of the development.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, the principles and guidance within the Council's House Extensions and Alterations SPD, and the aims of Chapter 12 of the National Planning Policy Framework.

NOTE: The property is within the Bat Alert Zone. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended). It is an offence for anyone to 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: Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays,
08.00 and 13.00 hours, Saturdays,
with no working Sundays or Public Holidays.

In some cases, different site-specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:

Plan Type	Reference	Web ID	Date Received
Grouped Plans and Elevations	02 A - Proposed	917172	11/02/2022
Grouped Plans and Elevations	01 - Existing	908322	07/12/2021
Conservation/Heritage Assessment	Heritage statement	908562	07/12/2021

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 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.

KC Highways Development Management raised concerns about the original proposal in terms of the loss of parking. The agent submitted amended plans increasing the garage to 6.0m x 3.0m (internal). Officers consider this acceptable as all off-street parking spaces would be retained.

Report Dated: 16/02/2022