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:	**2021/62/94733/E**
Site Address:	92, Station Road, Skelmanthorpe, Huddersfield, HD8 9BA
Description:	Change of use of land and erection of detached garage
Recommending Officer:	Katie Wilson

DECISION – Full Conditional 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 5 July 2022

Officer Report – 2021/94733

Site Description

92, Station Road, Skelmanthorpe is a two-storey detached house, dating from the Victorian era. The walls are natural stone, and it has a dual-pitched roof, surfaced in stone slates with chimneys at either gable end. Planning permission was granted for a single storey side extension and two storey rear extension (ref: 2021/90677) and this appears to be under construction and nearing completion.

To the front is a garden that tapers to a point, with driveway to the side, (partly shared with 96, Station Road) and hardstanding. At the rear of the application site is a small area of paving and a largely rectangular area of grass, containing several small outbuildings and some building materials enclosed by concrete post and wire fencing. Beyond this are fields to all sides.

The land is relatively level and quite close to Baildon Dike, with a cluster of other houses to the west and north. The site is in Green Belt Land on the Kirklees Local Plan.

Description of Proposal

Planning permission is sought for change of use of land and erection of detached garage.

Change of use of land:

This relates to increasing the domestic curtilage onto adjacent land in the same ownership. It is a relatively small part of strip of rough grassy vacant land lining a southern stretch of Baildon Dike.

It is roughly rectangular (approximately 70 sq metres) and would be behind the former single garage (now demolished).

Erection of detached garage:

- 6-meter square footprint
- Dual pitched roof 2.1 eaves level and 4.0m ridge height.
- Garage door to front and single door to south west facing side elevation.
- Natural stone walls and concrete tiled roof. Timber doors.
- Stone wall to rear and gravel surfacing.

History of negotiations/amendments received

The application was acceptable as submitted.

Relevant Planning History

2021/94734 – Demolition of two outbuildings and alterations to existing outbuilding to create garden room. Pending determination.
Planning application details | Kirklees Council

2021/90677 – Erection of single storey side and two storey rear extensions. Conditional full permission.
Planning application details | Kirklees Council

2021/90678 – certificate of lawfulness for proposed alterations to outbuilding. Refused.
Planning application details | Kirklees Council

Representations

Final publicity date Expires:2nd March 2022. Three comments received. One in support, one against and the other response from applicants.

A summary of the comments received is set out below:

- Already overdeveloped plot.
- Garage larger than original
- Sliding electric gates an eyesore and overbearing.

Denby Dale Parish Council comments – No objections

Consultation Responses

No consultations carried out.

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 in the Green Belt on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway Safety and Access
- **LP 22** - Parking
- **LP 24** – Design
- **LP 27** – Flood risk
- **LP 28** – Drainage
- **LP 30** – Biodiversity and geodiversity

- **LP 57 –** The extension, alteration or replacement of existing buildings in the Green Belt
- **LP58 –** Garden extensions in the Green Belt.

Kirklees Council has adopted supplementary planning guidance on house extensions which now carries full weight in decision making. This guidance indicates 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 (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

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 NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change.
- Chapter 15 – Conservation and enhancement of the natural environment

Assessment

1 – Principle of development:

The application site is located on land allocated Green Belt on the Kirklees Local Plan. The proposal is for the change of use of adjacent land to garden and erection of a detached double garage. It is a relatively small part of strip of rough grassy land lining a southern stretch of Baildon Dike and in the applicant's ownership. It is noted that a single garage has recently been removed at the site, near the proposed garage.

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development within the Green Belt should be treated as inappropriate unless they fall within one of the exceptions set out in Paragraph 145 or 146 of the NPPF. Some of the exceptions outlined are listed below:

- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building (Para 145c).
- The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces (Para 145d).
- Material changes in the use of land provided they preserve the openness of the green belt and do not conflict with the purposes of including land within it (Para 146e).

Policy LP57 of the Kirklees Local Plan also states that proposals for extensions and alterations to buildings in the Green Belt will normally be acceptable provided that the original building remains the dominant element both in terms of size and overall appearance. Policy LP57 also notes that replacement buildings in the Green Belt will be acceptable if the new building is in the same use as, and not materially larger than the building it is replacing.

Policy LP58 of the Kirklees Local Plan states that: *"proposals to change the use of land in the Green Belt to a domestic garden will not normally be permitted. Where it can be shown that very special circumstances exist that would warrant allowing the proposal, consideration will need to be given to the following*

a. *the degree, location and orientation of the enclosure, which should cause least harm to the openness of the Green Belt; and that*
a. *the means of enclosure is appropriate to its setting and is of a high quality of materials and design."*

Change of use of land

The application seeks permission to change the use of small area of land behind recently removed single garage at the front of the house, to domestic curtilage as outlined above. Policy LP58 of the KLP notes that this would not normally be permitted.

In this instance historic maps appear to indicate that the additional land was part of a small strip of land or field margin between the meandering course of Baildon Dike and larger adjacent field to the south east. At one time there may have been trees growing on it, but more recent aerial photos show that it is a grassy area with some storage of materials and accessed from a point near the garage which has recently been removed. It is considered that the use of a small part of this land as domestic garden with a double garage on it has potential to cause harm to the openness of the Green Belt particularly as it is separated from the dwelling it is associated with. This element of the application is therefore considered to be inappropriate development in the Green Belt. As outlined in paragraph 144 of the NPPF, substantial weight should be given to any harm to the Green Belt.

Paragraph 143 of the NPPF states that inappropriate development in the Green Belt should not be approved except in very special circumstances.

Paragraph 144 of the NPPF goes on to note that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

In this case, there are considered to be very special circumstances, which out weigh the harm identified. Firstly, the area of land sought for inclusion as domestic curtilage is relatively small, approximately 70 square metres (just under 10% increase to existing curtilage). Secondly, a nearby single garage has been removed and two other small out buildings in the back garden are being considered for removal under planning application 2021/94734 and it is considered that these offset the additional volume of the double garage. Thirdly, the character of the immediate area is of houses and outbuildings (including double garages with parking and turning areas) clustered around the bridge over Baildon Dike.

Policy LP58 of the KLP states that permitted development rights for structures such as shed, greenhouses and garages may be removed. In this instance it is noted that planning approval 21/90677 (for two storey rear extension and single storey side extension) saw removal of hitherto intact permitted development rights for extensions and out buildings at the site. This was to ensure that the character of the host dwelling is retained and to ensure that there would be no disproportionated additions, in the interests of visual amenity and to preserve the openness of the Green Belt.

In this case, as mentioned above, neighbouring properties already have sizable detached outbuildings near the entrance to the site and so in officers' opinion a moderately proportioned double garage as proposed would not unduly impact upon the existing character of this particular local area, or form an unacceptable intrusion of urban character into a Green Belt setting. However, it is also recommended that the same condition removing permitted development rights for extensions and outbuildings is repeated.

Proposed detached garage

This proposed building would replace an existing single garage with another single storey, although double garage and whilst slightly larger, the scale of the proposed garage would be very similar to, or smaller than other outbuildings / garages at adjacent properties. Given the above it is considered that it would not cause greater harm to the openness of the Green Belt or conflict with the purposes of including within Green Belts.

Detailed guidance for outbuildings given in the Kirklees house extensions and alterations Supplementary Planning Document says that wherever possible they should reflect the style, shape and architectural features of the existing house and not be detrimental to the space around the building. It goes onto say that they should normally be subservient is footprint and scale to the original building and its garden taking into account other extensions and outbuildings; be set behind the building line of the original building, so they do

not impact upon the street scene; and preserve a reasonable private amenity space.

In this instance, it is acknowledged that the existing house has a 2-storey extension at the back (nearing completion) and single storey extension to the side. However, a single garage has been removed and two further outbuildings in the back garden are to be removed, therefore on balance the scale of the proposed development is considered subservient to the original building and its garden.
It is also recognised that the proposed garage would be forward of the building line, but in this case the building line is not clearly defined. The host building is set back from the roadside some distance with neighbouring buildings considerably closer and orientated at various angles to the carriageway, forming a cluster of buildings encircling the bridge over Baildon Dike. The position of the proposed garage would mean that it would become part of this cluster and in officer's opinion in this individual case, being forward of the building line would not harm the street-scene. The current proposal would also retain well over 50 percent of the existing garden space. Overall, it is considered that the proposal complies with the house extensions and alterations SPD.

The external materials of the proposed garage would also be in keeping with the host dwelling and neighbouring structures and proposed new sections of stone walling and sliding gates are also considered acceptable within the context of the local area and visual amenity. Other perimeter boundaries in the area are made of natural stone and the sliding gates are a grey / brown colour that blends in well with the stonework.

2 – impact on residential amenity:

Sections b) and c) of LP24 state that alterations to existing buildings should 'maintain appropriate distances between buildings' and '…minimise impact on residential amenity of future and neighbouring occupiers.'

90, Station Road – This neighbouring property is a 2-storey end terraced house, with parking in the front garden and orientation to the west of the application site.

The proposed site plan indicates that there would be a separation distance of around 20.0m between the nearest part of 90, Station Road and the proposed garage, and no direct relationship between doors or windows.

As such given this gap and that the proposed building would be single storey, in officers' opinion there would be very limited overshadowing, overbearing or invasion of privacy impacts.

96, Station Road – This is a detached 2-storey house with single and two storey extensions and detached double garage. It is also located to the west of the proposed double garage, and there would be a separation distance of approximately 23.0m between the nearest part of the proposed garage and the house at 96, Station road.

In light of the above set of circumstances, it is considered that there would be no significant overshadowing, overbearing or overlooking impacts.

18, Park Gate – This is another 2-storey detached house, with single storey extensions and several single storey outbuildings. It is located to the north east of the application site, on the opposite side of Baildon Beck, where outbuildings (including a detached double garage) line the bank of the beck.

There would be a distance of around 19.0m between the nearest part of the proposed garage and the house at 18, Park Gate, with stream, and outbuildings in between. Given these circumstances, it is considered that there would be no significant overshadowing, overbearing or invasion of privacy impacts.

In summary, it is considered that the proposal would maintain appropriate distances between buildings and minimise impact on residential amenities of future and neighbouring occupiers. This is compliant with policy LP24 of the KLP.

4 – Impact on highway safety:

The site is accessed from Station Road via a track shared with another house. The proposed development would retain existing track but slightly modify entrance to the application site in that the gateway would be wider and there would be more parking area with gravelled surface.

The proposal would not increase the number of bedrooms at the site but provide two covered parking spaces together with another space to the side and turning area. It is recommended that a condition is applied that the proposed parking area is surfaced in a materials which meets the requirements of the Government and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' 2009 as amended or any successor guidance. In these circumstances it is considered that the proposal is likely to have a neutral impact upon the safe and efficient operation of the highway network.

Given the above, the impact upon highway safety is considered to be acceptable. The proposed development is therefore considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

5 – Other matters:

Carbon Budget

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.

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 will need to be adhered to as part of the construction process which will require compliance with national standards

Biodiversity

Protected species (bats):

The site is in an area recorded as a bat alert area.

Bats are protected species and the NPPF requires planning authorities to take account of priority species within planning policies.

An assessment in relation to the bat alert layer guidance - flow diagram has been carried out and as a result no survey is required, however a precautionary footnote shall be added to the decision notice in order to comply with the aims of chapter 15 of the NPPF.

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

Public Rights of Way:

Public Right of Way DEN/28/10 runs in-between the nos 90 and 96 Station Road, and the proposed garage would be approximately 10 metres away to the east. As such it is considered that it would not be affected significantly by the proposed development.

<u>6 – Representations</u>:

Three comments received. One in support, one against and the other response from applicants.

A summary of the comments received is set out below:

- Already overdeveloped plot.

In response: The property has quite generously proportioned back garden and a single garage has been removed from the front garden. As such, the existing and proposed development would not cover more than half the curtilage (excluding the original footprint), and in officers' opinion not amount to overdevelopment of the site.

- Garage larger than original

In response: The proposed garage would be larger than the original which has been removed. It is acknowledged that this increase in size would have some additional impact upon the openness and character of the green belt. However, it is also considered that this impact would be relatively limited and the scale of the garage is no larger than other detached double garages to neighbouring properties that cluster around the bridge of Baildon Dike.

- Sliding electric gates an eyesore and overbearing.

In response: Whilst it is around 1.7m high, it is in a colour that blends with the natural stone walls and when open it is largely screened by the stone boundary wall. It is also approximately 5.0m from the boundary with 90, Station Road and 12.0m from the garage at 96, Station Road, and to the east or north east of these properties, so in officers' opinion it would have limited overbearing impact. On balance it is considered that it is acceptable in terms of impact upon visual and residential amenity.

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 - Approval

Decision Authorisation - Delegated Powers

Application Number: 2021/94733

Officer Recommendation: Approval

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 Policies LP21, LP22, LP24, LP57 and LP58 of the Kirklees Local Plan, the Council's Supplementary Planning Document on House Extensions and Alterations, and the National Planning Policy Framework.

3. The external walls and roofing materials of the detached garage hereby approved shall in all respects match those used in the construction of the existing building.
Reason: In the interests of visual amenity and to accord with Policies LP24 and LP57 of the Kirklees Local Plan, the Council's Supplementary Planning Document on House Extensions and Alterations and the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification) no buildings or extensions other than those expressly authorised by this permission shall be erected within the red line boundary of the application site shown on the approved plans at any time.
Reason: In the interest of visual amenity and to preserve the openness of the green belt in accordance with Policies LP24 and LP57 of the Kirklees Local Plan and Chapters 12 and 13 of the National Planning Policy Framework.

5. The development shall not be brought into use until all areas indicated to be used for the parking of vehicles on the submitted plan have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' 2009 as amended or any successor guidance. These areas shall be so retained, free of obstructions and available for parking thereafter.
Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking, to mitigate flood risk and in accordance with Kirklees Local Plan Policies LP21 and LP24.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

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: 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 13.00hours, 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 work may be carried out.

Plans and specifications schedule: -

Plan Type	**Reference**	**Version**	**Date Received**
Location plan	Dwg no. 04A		23.12.2021
Existing block plan	Dwg no. 04A		23.12.2021
Site plan as proposed	Dwg no. 04A		23.12.2021
Plan and elevations of garage as existing and as proposed.	Dwg no. 04A		23.12.2021

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. The application was acceptable as submitted.

Report Dated: 28.06.2022