

**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:	2022/62/90460/W
Site Address:	37 & 39, Hazel Grove, Cowlersley Lane, Linthwaite, Huddersfield, HD7 5TQ
Description:	Change of use of land to domestic garden and erection of shed
Recommending Officer:	Hubert Lam

DECISION – Conditional Full Approval

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.

Stuart Howden

AUTHORISED OFFICER

Date: 19th May 2022

Officer Report

2022/90460 – 37 & 39 Hazel Grove, Cowlersley Lane, Linthwaite, Huddersfield, HD7 5TQ

Site Description

The application site is within the residential area of Linthwaite, mainly characterised by detached and terraced dwellings of various types, accessed by Cowlersley Lane to the front of its principal (north) elevation. The topology of the site is such that there is a slight incline ascending in a north-to-south axis across the site.

The host properties consist of 2no adjoining two-storey terraced dwellings 37 and 39 Hazel Grove, with the latter forming the end terrace on the west of the site. The terrace is constructed in stone partially rendered on the first-floor levels in light grey for 37 and cream white for 39, and slate for the roof of both properties, with associated front yards and rear gardens within their residential curtilages.

Also included in the site, but beyond the rear boundary of the domestic curtilage of these two properties is a rough grassland area which has recently been cleared

The detached dwelling of No. 41 Hazel Grove is situated southwest along Cowlersley Lane and is an immediately adjoining neighbour to the south west; approximately 35m to the south of 37 and 39 Hazel Grove is a detached dwelling No. 1 Ladybower Avenue, accessed further southwest.

Description of the Proposals

The application seeks planning permission for the change of use to the land to the rear of 37 and 39 Hazel Grove to extend the residential gardens including the erection of 1no shed outbuilding.

The shed is proposed to the very rear of the site. It is proposed to have a monopitched roof with a shallow slope and would be a height of approximately 2.4 metres. It is proposed to have a depth of ~5.2 metres and width of ~3.1 metres. The shed is proposed to be constructed from vertical timber boarding to the walls.

Planning History

The most relevant planning history is considered to relate to the following: -

Reference: 2021/62/93959/W

Description: Proposed erection of single storey rear and side extension and rear dormer extension (39 Hazel Grove)

Status: CONDITIONAL FULL PERMISSION

Representations

The application has been advertised by neighbour notification letters. Final publicity expired 22 March 2022. No representations were received.

Consultee Responses

None.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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.

The application site is unallocated according to the Kirklees Local Plan.

Kirklees Local Plan (2019)

The most relevant Policies for consideration in this case are:

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity

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 2** – Achieving Sustainable Development
- **Chapter 4** – Decision Making
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Other Material Considerations

- Kirklees Highways Design Guide SPD (2019)
- Kirklees House Extensions and Alterations SPD (2021)

Appraisal

Principle

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. LP1 goes on further to stating that:

“The Council will always work pro-actively 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.”

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *“good design should be at the core of all proposals in the district”*.

Whilst this application includes a change of use of strip of land currently outside the residential curtilage of the properties, the proposals is for an outbuilding associated with the domestic property. As such, the House Extension SPD is still considered to be of relevance.

Policy LP58 of the Kirklees Local Plan is named ‘garden extensions’ however only relates to these extensions in the Green Belt.

In this case, the principle of the proposed change of use of land to residential garden including the erection of a shed outbuilding is considered acceptable and shall be assessed against the applicable material planning considerations within the following report, including the visual impact and impact on neighbouring properties.

Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 126 of the NPPF 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 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...”

and

‘c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...’

Paragraph 129 of the NPPF states that design guides and codes can be prepared at an area-wide, neighbourhood or site specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. In addition to this, Paragraph 134 of the NPPF outlines that Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Kirklees has an adopted House Extensions and Alterations SPD.

Principle 1 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. In addition, Principle 2 of this SPD states that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.

In relation to the change of use of land, this area of land is private and currently enclosed by residential properties on all sides, whilst comprising of rough grass. Its inclusion as residential garden for the No's. 37 and 39 Hazel Grove is therefore not considered to cause detrimental harm to the visual amenities of the locality.

An outbuilding is proposed to the very rear of the site (in the residential garden proposed under this application), and is to be constructed in timber boarding and profiled sheeting for its roof, bearing the dimensions ~3.1m in length, ~5.2m in width, and ~2.4m in height, with 1no proposed front (north) full-height glazed doorway and 1no side (east) doorway. It would maintain a separation of ~0.8m from the existing rear boundary fence.

Section 5.6 of the of the Kirklees House Extensions and Alterations SPD refers to outbuildings and states the following:

“Outbuildings, such as garden offices, detached garages and granny annexes, 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.

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.”*

The proposed outbuilding would have a modest scale so that most of the garden would remain as a result of the proposal and the outbuilding would be subservient to the dwelling. It would be set back beyond the rear of the building too. The outbuilding would therefore be in compliance with the above guidelines in the SPD relating to outbuildings.

The proposed outbuilding would project ~0.7m in height above the existing ~1.8m high boundary fence. The proposed timber boarding for the outbuilding would be in-keeping with the appearance and finish on the existing boundary fence, and due to its modest scale, massing, layout, and orientation, would be an appropriate addition incidental and ancillary to the continued enjoyment of the host properties in their residential use. Due to its siting behind other properties and modest scale it would not be a highly visible structure from the public domain as well. The proposed outbuilding would be in-keeping with its context and surroundings and would not materially impact on the character of the area, and in turn the public visual amenity of its surroundings.

As such, the proposal would be considered acceptable in terms of design and visual amenity and would accord with Policies LP24 of the Kirklees Local Plan, Principles 1 and 2 of the House Extensions and Alterations SPD and policies within Chapter 12 of the NPPF.

Residential Amenity

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

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

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 3 of the Kirklees Householder Extensions and Alterations SPD sets out that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours. In addition, Principle 4 notes 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. Furthermore, Principle 5 states that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a

neighbouring property, and recommends that a horizontal 45 degree line from a neighbouring habitable room window is not breached. Principle 6 states extensions and alterations should not unduly reduce the outlook from a neighbouring property.

The proposed change of use to garden is not considered to result in any undue neighbour amenity issues, especially as this land is within a residential area

In relation to the outbuilding, there is an existing boundary perimeter timber fencing treatment at a height of ~1.8m, and additional existing tree line along the side (west) boundary. Considering the inclined topology of the site, the boundary treatment, its modest scale, its layout and orientation with relation to neighbouring properties, the proposed outbuilding would not pose a significant detrimental impact to the shading and privacy and would not be seen as overbearing or overshadowing the neighbours.

As such, the proposed change of use to extend the residential garden including the erection of an outbuilding would accord with Chapter 12 of the NPPF, Principles within the Kirklees Housebuilders Extensions and Alterations SPD and Policy LP24 of the Local Plan.

Highways Safety

The proposal would not increase the number of bedrooms or affect off street parking and is considered to have a neutral impact on highways safety. It is therefore in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

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.

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. The scheme therefore complies with the aims of policy LP24 of the KLP, and Chapter 14 of the NPPF, which seek to promote energy efficiency and sustainability in development proposals.

Representations

None received.

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.

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: Approval

Decision Authorisation - Delegated Powers**Application Number:** 2022/90460**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 Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

Schedule of Plans and Specifications

Plan Type	Reference	Version	Date Received
Application Form	-	-	15 Feb 2022
Planning Drawing	AC21 / 01	-	15 Feb 2022

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. No amendments were sought as it was considered that the proposal was acceptable as submitted.