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:	**2022/62/90530/W**
Site Address:	Longforth, 20, Dingley Road, Edgerton, Huddersfield, HD3 3AY
Description:	Erection of detached garage, conversion of existing garage with new driveway entrance and external alterations
Recommending Officer:	Tom Hunt

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: 12-May-2022

Officer Report

Site Description

2022/90530 – Longforth, 20, Dingley Road, Edgerton, Huddersfield, HD3 3AY

The application site relates to a two-storey random stone detached dwellinghouse finished with a grey tile roof. There is a catslide dormer to the front (faced in pebble-dashed render) and two integral garage spaces within the front of the property served by a driveway within its front amenity space. It benefits from a large garden space to the rear and has its flank elevations with boundary separation gaps to neighbouring properties.

It sits within a residential area with large detached properties with some semi-detached and the material palette is varied with properties having detached garages mainly to the rear or to the side.

It is not within a Conservation Area, not a Listed Building or affecting the setting of, and not adjacent to a PROW. Permitted Development Rights are retained.

Description of Proposal

Erection of detached garage, conversion of existing garage with new driveway entrance and external alterations

Detached Garage

The proposed detached single storey garage with a pyramidal roof form, sited southwest within the front amenity space of the host property, would have the dimensions of:

> 6.6m by 6.6m with roof ridge height of 4.4m and eaves of 2.4m measured from ground level.

Openings proposed are roll top light oak garage door to southeast elevation, light oak door to northeast elevation and none to the other elevations. Two skylights would be installed to the northeast roof elevation.

It would be finished in stone to the front elevation and pebble dashed render elsewhere with grey concrete tile. A new driveway with turning point would be installed. This would require the removal of trees.

Host property alterations
To the host building's existing integral garage, the two garage doors would be replaced with two three-paned windows topped by stone lintels and have the infill to match the host with render finish. The converted garage internal space would be re-proposed to be snug and office.

History of negotiations/amendments received

The case officer considered the application on review and sought to have the garage removed from the application following a site visit as the proposed would have a detrimental impact on visual and residential amenity. The agent provided justification for the garage setting out examples at 4A and 19 Dingley Road however the garages were either set to the side of the host or forward of the host within a substantial plot which was not similar enough to the proposed to support this element. The agent wished to proceed on submitted plans, after the request from the Planning Officer, with a view to Appeal a refusal of planning permission.

Relevant Planning History

No previous planning applications for this site.

Other sites of interest:
95/93612 – 19, Dingley Road, Edgerton, Huddersfield. Proposal: Erection of Extensions and Alterations. Decision: FC - Conditional Full Permission

2012/93778 – 4A, Dingley Road, Edgerton, Huddersfield, HD3 3AY. Proposal: Erection of detached double garage. Decision: FC - Conditional Full Permission.

[these applications were determined before the Kirklees Local Plan and accompanying Supplementary Planning Document on House Extensions and Alterations were adopted].

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: 30/03/2022

13 representations have been received; a summary of the comments received is set out below.

Objection:
- The garage is too close to boundary/proximity to boundary

Officer Note: This would be addressed in the Assessment

- It would block daylight and increase likelihood of crime/reduce security; overshadow neighbouring garden; reduced sunlight would not offer warmth to neighbouring wall; it would block sunlight to trees/plants/patio to the neighbouring rear garden
  Officer Note: This would be addressed in the Assessment

- The roof would be the height of neighbouring guttering.
  Officer Note: Elevation plans indicate that the roof ridge height of the garage would be around 0.4m below the height of the eaves line of no. 22 Dingley Road. The relationship between the garage and this dwelling is addressed in the Assessment

- Cement dust during building would be a health hazard; construction would be disruptive; it would affect the mental health and wellbeing of neighbour
  Officer Note: Construction activities for a development of this scale would be controlled by the Environmental Protection Act and would not be controlled by planning condition (should the application be granted)

- The garage would be overly large in a small front amenity space; the garage is too big and encroaches on the outlook of the neighbouring property; it would appear overdeveloped to the front of the property
- **Officer Note**: This would be addressed in the Assessment

- The garage would obstruct the view and be overbearing
  Officer Note: The right to a view is not a planning material consideration and cannot be assessed. Overbearing impacts would be addressed in the Assessment

- It would devalue the neighbouring house
  Officer Note: House prices and value are not planning material considerations falling outside of Planning control. This cannot be assessed.

- A flat roof may be an option to reduce the height of the garage overall
  Officer Note: This would be addressed in the Assessment

- Proposed materials are not in keeping with the rest of the neighbourhood
  Officer Note: This would be addressed in the Assessment

- The host property is large enough and there is sufficient family space already
  Officer Note: This would be addressed in the Assessment

Support:

- Garage would be set back behind the building line of No. 22 and would not be visible from any window of the primary elevation and there are no windows to the side elevation; views cannot be blocked therefore
- Existing trees and shrubs provide screening and impact on sunlight
- The garage is built to accommodate modern cars so it is reasonable to have one appropriately sized
  Officer Note: These points will be addressed in the Assessment

Representation/Neutral:

- The proposal does not affect access to their driveway
- No objections, it would allow the family to grow
  Officer Note: Acknowledged

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- Environmental Health – No objections. Recommends conditions in the event of unexpected land contamination being discovered, noise and working times.
  [the latter two would not be appropriate or reasonable to impose as conditions, should the application be granted, as these would replicate controls in Environmental Protection legislation when considering the size and scale of the development proposed]

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. It is within a Bat Alert layer and a Low Coal Risk Area. It is within a historic landfill site.

Kirklees Local Plan (LP):

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 30 – Biodiversity & Geodiversity**
- **LP 53 – Contaminated and unstable land**

Supplementary planning guidance

- Highways Design Guide SPD
- House Extension and Alterations SPD

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 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment
The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity (including any heritage considerations)
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters – e.g. trees/ecology (e.g. bats)
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. 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."

In this case, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity and highway safety.
2 –Impact on visual amenity:

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan, the 'House Extension and Alterations SPD' and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.
LP24 of the Kirklees Local Plan requires extensions to be "subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details".
In addition, the adopted 'House Extension and Alterations SPD' sets out that:

> "Front extensions are highly prominent in the street scene and can erode the character of the area if they are not carefully designed. Large extensions (single and two-storey) and conservatories on the front of an existing house are likely to appear particularly intrusive and will not normally be acceptable."

Paragraph 126 of the NPPF 2021 advises that:

> *"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. Being clear about design expectations, and how these will be tested, is essential for achieving this."*

The detailed design guidance in the House Extension and Alterations SPD advises in order to achieve high quality design 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.*

Considering the limited, triangular shaped front amenity space, the proposed garage would have a prominent placement set close to the boundary with no. 22 with a prominent roof form and an uncomfortable relationship with the host property, due to its size and height. Although the property benefits from some screening at hedge level, the proposal would be clearly visible as it is proximate to the footway (around 3m). This would be more apparent when the birch trees along the frontage are removed and the new access formed into the site.

The overall width of the host property is approximately 14.9m and it is intended to have a width of 6.6m for the garage which may be considered to have a subservient footprint in relation to the host property. However, it would be set forward of the host building line with a significant impact on the streetscene and in this instance, the site constraints severely limit the potential of a detached outbuilding forward of the host not to have a detrimental impact on the visual amenity of the area.

Visually the garage set on the neighbouring boundary of No. 22 would be out of keeping with the established building distance to boundary treatment and be obtrusive which would not be in accordance with LP24a). It would be harmful to local character and the street scene, contrary to KDP1 of the SPD. If the garage was positioned away from the neighbouring boundary, it would still have the impact of introducing a dominant feature being forward of the host's primary elevation . A flat roof as suggested in representations, would have the effect of introducing a poorly designed, boxy and incongruous feature to the streetscene and would not overcome the harm outlined previously.

Viewing the streetscene, the dominant building line means that garages/outbuildings are secondary either positioned behind, to the side or set behind the building line, i.e., No.s 4a and 19 Dingley Road. There is an example of a detached garage forward of a property on nearby No. 37 Talbot Avenue but it is well screened by mature trees on a substantial plot with sufficient separation distance and positioned to the side of the host to not obscure the host increasing its complementary design and subservience. Whilst in this case it is noted that the proposed garage would be set back from No. 22's primary elevation, the tight plot would introduce an overly contrived and prominent, detached double-garage to the front harming the character of the host and the streetscene.

The proposed materials of the garage would have stone walling to its front southeast elevation and pebble dashed render southwest elevation to the highway and other elevations. Immediate neighbouring examples on the streetscene show render as a secondary material. Apart from the front elevation, render would be the principal facing material for the garage which, combined with its prominent location, would be out of keeping with the prominent front elevation of the host dwelling (where pebble dashed render is a highlight material rather than a prominent material within the principal front elevation). The minor use of natural oak framing would be accepted as a complementary natural material to the natural stone walling employed in the front elevation of the garage. Had the development been acceptable a revised palette of materials for the wall facing Dingley Road would have been required to secure compliance with KDP2 of the SPD.

The proposal sets out to convert the integral garages into living accommodation which would have its openings be set behind the garage providing a poor outlook for one of the converted rooms facing unto a blank wall which would not serve future occupants well regarding residential amenity. However, this is a design feature restricted to the applicants and the principle of converting the integral garages with proposed design of the windows and wall infill of natural stone would aid in the converted rooms to blend in satisfactorily with the host for visual amenity. The relationship between the habitable accommodation in the converted garages and the blank wall of the detached garage further highlights the incongruous siting of this structure.

The addition of a driveway with a turning point would introduce additional hard surfacing and development to the front amenity space and would necessitate the removal of a mature birch tree and other soft landscape. Although some of this could be mitigated with new soft landscape over time, the immediate impact of both the hardstanding and the loss of soft landscape would be harmful to the existing verdant character of the street scene.

Considering these reasons set out, the proposal for the detached garage would not be in accordance with the design guidance set out in the 'House Extensions and Alterations SPD' and LP24a) of the Kirklees Local Plan. The proposed conversion of the integral garages would be acceptable being detailed appropriately respecting the design features of the host. The Officer engaged with the agent informing them of this and following refusal to amend, thusly the proposal had to be assessed on balance to not achieve the necessary support for the whole proposal in this instance.

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.*" In addition, the adopted 'House Extension and Alterations SPD' is relevant.

The proposed extension and alterations are assessed upon whether they would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking and also in terms of its design, size and visual amenities. The closest properties to be affected by the development are No. 22 (northwest), No. 18 (southeast) and No.s 17A and 19 (southeast).

No. 22
With regard to No. 22, the proposed would be set behind the primary elevation of the host and but extend beyond No. 22's rear elevation (by approximately 2.1m) set on the neighbouring boundary which has substantial greenery providing screening at present – but which could well be affected by this development. The single-storey garage would be against the windowless flank elevation and would not have any windows or rooflights facing No. 22 so Officers are satisfied that the proposal would not have detrimental impact to overlooking. Existing boundary treatment would be replaced with the flank wall of the garage extending to 2.4m to eaves. Taking into account current soft landscape, the proposed garage would not in this instance be considered to change the pre-existing overshadowing or the relationship of the hedging to the openings at the rear elevation. While the high pyramid roof would add bulk and massing adjacent to the neighbouring property, this would still be below the eaves of the neighbouring property and next to the blank flank elevation of the neighbour would not increase detrimental impact on overbearing. On balance, Officers are satisfied that the proposed would have no additional detrimental overlooking, overshadowing and overbearing impact.

No.18
This property benefits from screening to its flank elevation and no facing wall elevation windows. The proposed would add a garage set back from the neighbouring boundary by 11.3m, with no facing windows and Officers are satisfied that this would have no additional detrimental overbearing, overshadowing or overlooking impact. The conversion of the integral garages to living space would have windows angled away from the property and similarly have no additional detrimental impact to residential amenity.

No.s 17A and 19
Turning to these properties, the proposed would add a new outbuilding which would have no windows facing those properties and would screen proposed integral garage windows through its additional bulk and massing, be angled away from the primary elevations with a separation distance of 20-26m; for these reasons, Officers are satisfied the proposed would not contribute to detrimental overbearing, overshadowing or overlooking impact.

4 – Impact on highway safety:

Turning to highway safety, Policies LP21 and 22 of the Local Plan and Principle 15 – Provision for parking and Principle 16 – Provision for waste storage of the adopted 'House Extension and Alterations SPD' have been considered along with the KC Highway Design guide.

The Highways Design Guide advises that new dwellings should have sufficient off street parking spaces to meet need and to ensure on street parking impact is limited.
For a 4 plus bedroom dwelling, it should have three off street parking spaces.

The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking. The proposed development seeks to convert integral garages from parking use which meet the Highways Design Guide SPD guidance on internal space dimensions for modern cars. It seeks to add two off street Highways Design Guide SPD compliant garaged space to the host with a turning point and driveway which could provide sufficient parking for three spaces. Notwithstanding other concerns with the application, it would not cause harm to highway safety. If granted, it would be necessary to impose a condition requiring permeable surfacing for the new hardstanding to mitigate flood risk in accordance with guidance in the SPD.

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 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 including the House Extension and Alterations SPD to embed the climate change agenda.
Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development. The conversion of the integral garages to living accommodation may improve the thermal efficiency of the host building through Building Standard's control. The addition of an Electric Vehicle Charging point could be conditioned to meet the challenges of climate change however in this instance would not sufficiently mitigate against the visual impact of the garage to the front of the building line of the host.
Biodiversity

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest with minimal disturbance to eaves and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

Crime

Under LP24e) of the Kirklees Local Plan, Officers must have regard to having:

> *"the risk of crime is minimised by enhanced security, and the promotion of well-defined routes, overlooked streets and places, high levels of activity, and well-designed security features;"*

And this is supported by paragraph 130f) of the NPPF advising that places should be:

> *"safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."*

The addition of a proposed single-storey double garage set close to the shared neighbouring boundary would have the effect of screening some natural surveillance from the host windows to the highway and provide a minimal area between the garage and host which cannot be easily seen from the street. The limited scope and height of the proposal would not be expected to detrimentally increase criminal activity in a residential area more than 2m height fencing adjacent to the highway could. Officers could reasonably assume that a double garage could add some limited security/benefit to the host properties vehicles however this is of neutral impact considering the proposal would remove two secured parking spaces and replace them. On balance, the proposed would not interfere with existing routes or streets and would therefore have a neutral impact on crime.

6 – Representations:

13 representations had been received.

- The garage is too close to boundary/proximity to boundary

Officer Note: This would not comply with LP24a of the Kirklees Local Plan.

- It would block daylight and increase likelihood of crime/reduce security; overshadow neighbouring garden; reduced sunlight would not offer warmth to neighbouring wall; it would block sunlight to trees/plants/patio to the neighbouring rear garden

Officer Note: This was assessed and would not materially alter the existing green boundary impact to the neighbour to the northwest (replacing this with a wall) and considering separation distance, would not impact on the neighbour to the southwest. Crime was addressed in Other Matters. The impact of sunlight on warming the neighbouring wall is not a material planning consideration and cannot be quantified easily in the building's absence. Daylight impact to the neighbouring garden and the trees/plants were assessed firstly in Residential Amenity of the Assessment and the impacts to

trees/plants is not a planning material consideration and therefore cannot be of weight to the assessment.

- The roof would be the height of neighbouring guttering.

Officer Note: Elevation plans indicate that the roof ridge height of the garage would be 0.4m below the eaves line of no. 22

- Cement dust during building would be a health hazard; construction would be disruptive; it would affect the mental health and wellbeing of neighbour

Officer Note: Construction activities for a development of this scale would be controlled by the Environmental Protection Act and would not be controlled by planning condition (should the application be granted)

- The garage would be overly large in a small front amenity space; the garage is too big and encroaches on the outlook of the neighbouring property; it would appear overdeveloped to the front of the property

Officer Note: This was assessed under Visual and Residential amenity in the Assessment and it would not comply with the guidance on outbuildings in the adopted 'House Extension and Alterations SPD'.

- The garage would obstruct the view and be overbearing

Officer Note: The right to a view is not a planning material consideration and cannot be assessed. While the garage may have an overbearing impact to the converted garages being so close to a window, this would not detrimentally impact on neighbours itself. The bulk, massing and projection of the outbuilding past the rear elevation of the neighbouring No. 22 would be restricted and would not lead to a substantial change over and above the existing green neighbouring boundary treatment.

- It would devalue the neighbouring house

Officer Note: House prices and value are not planning material considerations falling outside of Planning control. This cannot be assessed.

- A flat roof may be an option to reduce the height of the garage overall

Officer Note: This was addressed in the Visual Amenity of the Assessment

- Proposed materials are not in keeping with the rest of the neighbourhood

Officer Note: This was addressed in the Visual Amenity of the Assessment

- The host property is large enough and there is sufficient family space already

Officer Note: Planning Officers are unable to consider this in relation to the provision of family space in this instance however had considered the visual impacts of the proposal in the Assessment.

Support:

- Garage would be set back behind the building line of No. 22 and would not be visible from any window of the primary elevation and there are no windows to the side elevation; views cannot be blocked therefore
- Existing trees and shrubs provide screening and impact on sunlight
- The garage is built to accommodate modern cars so it is reasonable to have one appropriately sized

Officer Note: These points were considered against the advice provided in the adopted 'House Extension and Alterations SPD' and LP24 to aid assessment of impacts.

7 – Conclusion:

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF taken as a whole.

Recommendation **Refuse**

Decision Authorisation - Delegated Powers

Application Number: 2022/90530

Officer Recommendation: Refuse

The proposed detached garage would, be reason of its siting, scale and design, form an overly prominent and incongruous structure in the streetscene and would dominate the front elevation of the dwelling, including the habitable room windows to serve the accommodation in the converted integral garages. This would be harmful to the visual setting and appearance of the host property and the wider character and appearance of the streetscene. This would also be contrary to Policy LP24a of the Kirklees Local Plan, Principles 1 and 2 and section 5.6 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and Policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans – Location Plan	-	-	15/02/2022
Plans - Grouped Plans and Elevations	Existing. Drawing No. 21-060-01. Revision: -.	-	15/02/2022
Plans - Grouped Plans and Elevations	Proposed. Drawing No. 21-060-02. Revision: -.	-	15/02/2022
Plans - Grouped Plans and Elevations	Proposed. Drawing No. 21-060-03. Revision: -.	-	15/02/2022
Plans - Grouped Plans and Elevations	Proposed Garage - Plans & Elevations. Drawing No. 21-060-04. Revision: -.	-	15/02/2022

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. The applicant was approached regarding the application's likely refusal but wished it to be determined on the basis of the submitted scheme. For the reason set out in the reason for refusal the development would not improve the visual or residential amenity of the area and present/future occupants.

Report Dated: 10/05/2022