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:	**2022/62/90720/W**
Site Address:	1, Royds Avenue, Linthwaite, Huddersfield, HD7 5QU
Description:	Erection of detached garage and associated works
Recommending Officer:	Ellie Worth

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.

Kevin Walton

AUTHORISED OFFICER

Date: 06-May-2022

Officer report

Site description
1, Royds Avenue, Linthwaite, is a two storey end terrace property, faced in natural stone with slate on the dual pitched roof. The dwelling benefits from a small landscaped front yard, along with a wrap around garden to the side and rear. Due to the significant changes in levels within the area, the sites topography falls from East to West. At the time in which the site visit was taken, there was no evidence of on site parking for the property. Boundary treatment consists of stone and brick walling and a concrete post and steel rail.

Surrounding the site is predominantly residential in character, whereby the dwellings appear somewhat similar in design and scale. To the North, works appears to have been underway to excavate the access to the rear fields, in which benefits from planning permission for the erection of residential development.

The site is also situated within Linthwaite Conservation Area on the Kirklees Local Plan.

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

- 3.7m in width
- 8.3m in length
- 2.5m in height to the eaves; 3.5m in overall height

The garage would be constructed from natural stone with a tiled roof to match the materials used on the existing property. A garage door would also be inserted into the front elevation. Internally, the outbuilding would be of an appropriate size for the parking of one vehicle with storage.

History of negotiations/amendments received
No negotiations or amendments have been sought as part of this application. However, the conditions have been agreed with the agent in writing.

Relevant Planning History
At the application site:
2015/90600 Works to trees within a Conservation Area – Granted
2017/91779 Erection of detached garage (within a Conservation Area) – Granted

Neighbouring sites:
Land to the North/East/South –
CV5330 – planning permission granted for the erection of 312 dwellings by Colne Valley Urban District Council.
99/93273 The implementation of the approved application CV5330 for 312 dwellings in accordance with drawing no.1 revised March 1973 which forms part of that approval, all to the extent that it has not already been implemented – Certificate of Lawfulness Granted.

2018/91483 Non material amendment to previous permission CV5330 for erection of residential development (within a Conservation Area) – Refused.
2020/93177 Non material amendment to previous permission CV5330 for erection of residential development (within a Conservation Area) – Approved.
2021/90187 Non material amendment to previous permission CV5330 for erection of residential development (within a Conservation Area) – Refused.

Representations
The application has been advertised via site notice, neighbour notification letters and the press.
Final publicity expired: 8th April 2022.
As a result of the above publicity, no representations have been received.

Consultation Responses
KC Trees – No objection to the development proposed.

Planning Policy Background
Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The application site is situated within Linthwaite Conservation Area on the Kirklees Local Plan.

Kirklees Local Plan (LP)
- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP28 - Drainage
- LP30 – Biodiversity
- LP34 – Conserving and enhancing the water environment
- LP35 – Historic environment
- LP53 – Contaminated and unstable land

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

National Planning Policy Framework:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. In this instance the chapters of most relevance include:

- Chapter 12 – Achieving well-designed places
- 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
3. Impact on residential amenity
4. Impact on highway safety
5. Other matters
6. Representations
7. Conclusion

1. Principle of development

The site is located within Linthwaite Conservation Area. Therefore, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of listed buildings or land within a Conservation Area. This is reiterated in Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

Furthermore, LP35 states "development proposals affecting a designated heritage asset…should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm". Whether harm exists, and whether it is substantial or less than substantial, will be assessed and discussed later in the report.

Alongside this, LP1 of the KLP 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 NPPF. Policy LP24 of the KLP is also relevant and states that "good design should be at the core of all proposals in the district.

In this case, it can be stated that the principle of development is acceptable, as planning permission has previously been granted in this location for a detached garage under application 2017/91779. This is subject, however, to an assessment of visual and residential amenity, heritage, highway safety and all other material planning considerations below.

2. Impact on visual amenity and heritage

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby paragraph 126 provides a principal consideration concerning design which states: "The creation of high-quality beautiful and sustainable buildings and places is fundamental to what the planning and

development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities".

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of the development in the local area, thus retaining a sense of local identity. Policy LP24 further states that all proposals should promote good design by ensuring the following: "a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape… c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details…".

Paragraph 5.29 of the House Extensions and Alterations SPD states that: *''detached garages…can have as much of an impact on the appearance of the building as any other extension. Wherever possible these should reflect the style, shape and architectural features of the existing house and not be detrimental to the space around the building''.*

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

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

In this case, the application site is situated within a predominantly residential area. The garage would be situated to the North of the site and would be visible within the wider street scene. However, it would be retained at single storey and would be set back in line with the host dwelling. As such, any impact upon the street scene would be limited, as the outbuilding would appear subservient to the host dwelling. Lastly, the dwelling appears to benefit from a relatively large curtilage and therefore the erection of a garage would not result in 50% of the garden space been lost. As such, the development would accord with Paragraphs 5.29 and 5.30 of the aforementioned SPD.

In terms of design, the garage will not appear architecturally out of place within the street scene. Its shallow dual pitch roof would also harmonise with the existing built form. In terms of materials the submitted plans show the outbuilding to be constructed from natural stone with a concrete tiled roof. In this case, concern has been raised regarding the roof tiles, as the original dwelling is constructed from blue slate. Therefore, in order to enhance the amenity of the site and the wider conservation area, a condition will be attached to the decision notice to state that the garage should be constructed in materials to match those that exist on the host dwelling. This is to accord with Policies LP24 and LP35 of the KLP.

The garage would be set principally to the side of the host dwelling. Its layout has been considered acceptable in principle. However, to gain level access a notable amount of excavation, and installation of retaining structure, will be required. This would change the appearance of the site and be a new feature to the street scene. Nonetheless, given the topography of the surrounding area, excavation and retaining structures are not uncommon in the wider Linthwaite area. The extent of excavation, the design of the wall and new garage are not anticipated to cause the development to appear incongruous within the area.

The excavation will however expose the site's existing retaining wall, which is of brick construction. As outlined within the previous application, the proposal will make the brick wall prominent within the street scene. Therefore, as to harmonise with the area, and tie in with the new proposed wall, a condition will be imposed requiring the exposed retaining wall to be faced in stone. This would be in keeping with the surrounding built form, in accordance with Policy LP24 of the KLP.

Alongside the above, the application has been assessed by the impact it would have on the character and setting of Linthwaite Conservation Area. In this case, the proposed development will cause some harm to the significance of the heritage asset, through the loss of open space, engineering operations and ensuing built development. However, when weighed against the public benefits, which would result in the removal of two existing on street parking spaces, close to the access to the adjacent housing development, this would outweigh any harm caused.

For these reasons, the proposed outbuilding would be of a satisfactory design and would be in keeping with the character of the area in accordance with Policies LP24 and LP35 of the KLP, the aims of Paragraphs 5.29 and 5.30 of the House Extensions and Alterations SPD and Chapters 12 and 16 of the NPPF.

3. Impact on residential amenity

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to "provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings."

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

• Principle 3 - that "extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours."

• Principle 4 - that "extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light, and outlook."

• Principle 5 - that “extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.”
• Principle 6 - that "extensions and alterations should not unduly reduce the outlook from a neighbouring property.”
• Principle 7 - that “extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals.”

In this case, the proposed garage would be set away from any neighbours along Royds Avenue, as it would sit wholly flush with the host dwelling. The works would also have no material impact upon the implementation of the residential development (CV5330), as the garage would be adjacent to the sites access and is positioned away from the dwellinghouses.

As such, the development would accord with the aforementioned policies.

4. Impact on highway safety
It has been noted that the host dwelling currently benefits from no on site parking and therefore the proposal would provide two spaces, one within the garage and one on the hardstanding to the front. This is considered beneficial from a Highways safety perspective.

The internal dimensions of the garage would be 3.2 x 7.5m, meaning that the outbuilding would be suitable for the parking of one vehicle and additional storage. A condition will also be attached to the decision notice which states that the proposed hardstanding shall be surfaced and drained within a permeable surface. This is to reduce the risk of surface water run-off, in accordance with Policies LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the NPPF.

With regards to the nearby residential development, officers have noted that the garage would be close to the access for the site (CV5330). However, acceptable site lines will still be achieved at the point of access with Royds Avenue, as the garage is to be set back at least 5m and would be at a reduced height given the level of excavation required.

Suitable site lines for the garage would also be achieved (based on Royd Avenue’s 30mph limit). Furthermore, vehicles coming from the garage, site access and Manchester Road will be traveling as low speeds.

In summary, it has been concluded that the development will not impact upon the safe and efficient operation of the highway, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and the aims of the Highways Design Guide SPD.

5. Other matters
Retaining Structures
The proposal seeks excavation works adjacent to a retaining wall supporting the existing stepped access to the dwelling. This might result in the instability of this wall. However, the wall is within the application site and would only affect

private land. Therefore, the responsibility for securing a safe development in such circumstances rests with the developer and/or landowner. In addition, the works proposed would expose the brick face of this retaining wall which would be at odds with the predominantly stone character of the rest of the site. A condition will therefore be imposed requiring the exposed face of this retaining wall to be faced in stone to harmonise with the existing site.

Climate Change
On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

In this instance, the proposal seeks to build a detached garage out of natural materials and therefore is considered to comply with section 9 of the House Extension and Alterations SPD. More so, a condition to ensure that the new driveway is laid in a permeable surface will be attached to the decision notice. This is to reduce the risk of surface water run-off, in line with Chapter 14 of the NPPF.

Trees
KC Trees have been formally consulted as part of this application. The officer has noted that the only trees on site worth consideration are a small group of silver birch to the rear, which are a good distance from the proposed development and the required excavation is not within the root protection area.

The earth that will be removed to facilitate the garage construction will be removed from the front of the site, as would the building materials being brought in. This will minimise any further risk of harm to these trees. As such, no objection is raised, as the works would accord with Policy LP33 of the KLP.

Bats
Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers. Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

In this case, the development would be constructed upon part of the applicants outdoor amenity space, which holds low ecological value. As such, there would be no impact on roosting bats, in accordance with Policy LP30 of the KLP and Chapter 15 of the NPPF.

Contaminated land
The site is within a 250m buffer zone from Cowersley Lane Quarry. Whilst no significant concerns are raised regarding the ground works, a condition regarding the finding of unexpected land contamination has been considered necessary. This will be attached to the decision notice accordingly, in order to comply with Policy LP53 of the KLP.

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

7. Conclusion
The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other materials considerations. It is considered that the development would constitute to sustainable development and is therefore recommended for approval.

Recommendation Approve

Decision Authorisation - Delegated Powers
Application Number: 2022/90720
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 Policies LP1, LP2, LP21, LP22, LP24, LP28 LP30, LP34 LP35 and LP53 of the Kirklees Local Plan and the aims of the Council's House Extensions and Alterations SPD and the National Planning Policy Framework.

3. Notwithstanding the submitted plans, the external walls and roof of the garage hereby approved shall in all respects match the materials used in the construction of the host building. The outbuilding shall thereafter be retained in this finish.
Reason: In the interests of visual amenity, to preserve the character and appearance of the conservation area and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and the aims of the Council's House Extensions and Alterations SPD and the National Planning Policy Framework.

4. Prior to the development being brought into use, the approved vehicle parking area, shall be 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)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance; Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended

(or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for parking.
Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that the additional hardstanding area is appropriately drained to mitigate flood risk in accordance with Policies LP21, LP22, LP28 and LP34 of the Kirklees Local Plan and Chapters 9 and 14 of the National Planning Policy Framework.

5. Prior to the hereby approved garage being brought into use, the external face of the existing retaining wall exposed following the regrading works to form the driveway and the external face of the new retaining wall located forward of the new garage, shall be faced in stone to harmonise with that used in the external elevations of the host dwelling. This shall be retained thereafter.
Reason: In order to preserve the character of the Linthwaite Conservation Area, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

6. In the event that contamination, not previously identified by the applicant prior to the granting of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.
Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the advice contained within the National Planning Policy Framework.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

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 work may be carried out.

Plans and specifications schedule:

Plan Type	**Reference**	**Version**	**Date Received**
Location plan and existing site plan and elevations	01	-	28th February 2022
Proposed site plan, floor plan and elevations	02	-	28th February 2022
Heritage statement	Dated February 2022	-	28th February 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 Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. In this instance, no negotiations have taken place and no amendments have been sought. However, the conditions have been agreed in writing with the agent.

Report Dated: 6th May 2022