

**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:	2022/62/90976/W
Site Address:	5, Two Gates, Holme Lane, Slaithwaite, Huddersfield, HD7 5UG
Description:	Erection of detached garage
Recommending Officer:	Laura Yeadon

DECISION – CONDITIONAL FULL PERMISSION

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

John Holmes

AUTHORISED OFFICER

Date: 16-May-2022

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f90976>

Site Description

5 Two Gates is a detached property which is three storeys in height. The property sits at the base of a hillside resulting in steep topography, at right angles to the roadside. The building is of a considerable age with a structure being visible on maps dating back to 1893. The property has recently been extended. The garden area for the property is to the south and within an area of Urban Greenspace as defined within the Kirklees Local Plan albeit the house itself does not fall within the Urban Greenspace allocation. Part of the garden area falls within the defined Green Belt which forms the boundary with the Urban Greenspace which is allocated to the adjacent school. Facing the site to the north are No's 3 and 4 Two Gates which are a pair of listed buildings.

Description of Proposal

Permission is sought for the erection of detached garage.

The garage would be located to the south of the property and would sit within the allocated Urban Greenspace and not within the section of site within the Green Belt. The garage would be located adjacent the steps leading to the upper garden area. A new access created off Two Gates was approved under application number 2019/91957 which would lead to the proposed garage.

The garage would have a width of 7.6 metres and depth of 7.5 metres with an eaves height of 2.5 metres and overall height of 4.3 metres to the ridge of the pitched roof.

The proposed construction materials would be reclaimed natural stone for the walls, stone slates for the roof, stone corbels on both side elevations with uPVC guttering. The proposed garage door would be finished in a colour to match the frames on the host property.

History of negotiations/amendments received

None

Relevant Planning History

2016/94291 Erection of extensions and alterations
Conditional Full Permission

2019/91957 Erection of extensions and alterations and formation of new access
Conditional Full Permission

Representations

We are currently undertaking the legal 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.

Final publicity date expired 4th May 2022 – no representations received

Parish Council – not required

Consultation Responses

K.C. Conservation and Design – no comments or concerns

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 within Urban Greenspace on the Kirklees Local Plan. The site also falls within an area with a known presence of swift, twite and bats.

Kirklees Local Plan:

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highway safety and access
- LP 22 - Parking
- LP 24 – Design
- LP 35 – Historic environment
- LP 61 – Urban Greenspace

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 21st 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 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

Supplementary Planning Documents (SPD's)

- Highways Design Guide Supplementary Planning Document
- House Extensions and Alterations Supplementary Planning Document

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.

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity and listed buildings
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

The site is within Urban Greenspace within 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.

Urban Greenspace allocation:

Policy LP61 which relates to Urban Greenspace states that:

Development proposals which would result in the loss of urban green space (as identified on the Policies Map) will only be permitted where:

- a. an assessment shows the open space is clearly no longer required to meet local needs for open space, sport or recreational facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value; or*
- b. replacement open space, sport or recreation facilities which are equivalent or better in size and quality are provided elsewhere within an easily accessible location for existing and potential new users; or*
- c. the proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space.*

This is reiterated within the NPPF which states under paragraph 99 that:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

In this instance, the site has benefitted from previous planning approvals as set out above under 2016/94291 and 2019/91957. At the time of the 2016 report, the Kirklees Local Plan was in draft format and it is cited within that report that under reference UGS872, the site was proposed to be removed from the Urban Greenspace. However, it did not get removed. A Planning Policy Officer at that time commented that the proposed works would be a departure from the plan and that the primary purpose of this area of Urban Greenspace was in relation to the educational and sporting use (playing pitch) relating to the function of Slaithwaite CE Junior and Infant School and grounds. It was considered that whilst the curtilage/garden adjoins the school grounds, it did not form part of it and the previous extensions proposed would not affect the function and the quality of the primary Urban Greenspace allocation.

The 2019/91957 Officer Report which was assessed under the current Local Plan allocation sets out that, in line with the 2016/94291 application, the application was not considered as, or advertised as, a departure from the development Plan given the site was private garden space and it was therefore not considered that the development would result in a loss of Urban Greenspace as the dwelling and its curtilage are clearly defined.

The 2019 application determined that the proposed extensions and access would not affect the existing open space, sports and recreational buildings and land, including playing fields. Therefore, it has been previously established that

development within the curtilage of the property does not result in a departure from the development plan.

As such, it is considered that the principle of developing this residential site for residential purposes is considered to be acceptable.

House Extensions and Alterations SPD:

With specific regard to the House Extensions and Alterations SPD the key design principles for consideration are:

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

With specific regard to the construction of an outbuilding, the SPD states that these 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, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity, impact on the adjacent listed buildings and highway safety.

It is noted that permitted development rights were removed for Classes A, B, D and E under previous permission 2019/91957.

2 – Impact on visual amenity and listed buildings:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the

House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Two Gates is comprised of a small group of dwellings originating in the late 18th Century. Its earliest dwellings are No. 3 (late 18th century) and No. 4 (early 19th century) which are Grade II listed. The application site dates from early mid 19th century and No. 1 and 2 date from the late 19th century. All five dwellings are traditional in design and constructed from stone with stone slate roofs with rows of mullioned windows.

The property has been previously extended and a new access approved. The proposal is to construct a garage at the end of the driveway. The garage would be located within the southern corner of the site and would therefore be located as far from the existing listed buildings as possible and it is not considered that the proposal would affect their setting. The Council's Conservation and Design Officer has raised no concerns and has no comments to make in relation to the proposal.

The garage would be constructed from materials to match the host dwelling and would therefore comply with Key Design Principle 9 of the SPD.

The garage would be single storey in height and is detached and the submitted site plan and arrangements on site indicate that there would be sufficient amenity space retained and that no more than 50% of the garden space would be lost. The proposal is therefore concluded to be in accordance with Key Design Principle 7 in relation to outdoor space.

It is considered that the building would be subservient to the host building and would be in keeping with the existing construction and would not over dominate the site. It is therefore considered that the proposal would be in keeping with both the host and surrounding development in accordance with Key Design Principles 1 and 2 of the Kirklees Local Plan.

The proposal is concluded to be of an acceptable size, scale and mass and would comply with Policy LP24 of the Kirklees Local Plan, advice within Chapter 12 of the NPPF and Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

In terms of the garage, there is an area of land separating the garage from the adjacent school building which is set on a lower ground level to the application

site. The only openings within the structure would be a double garage door within the north (front) elevation and a door within the west (side elevation which faces the upper tier of the garden. It is therefore considered that due to the limited openings and the separation distance between the building and the school that there would be limited harm in terms of overlooking, loss of privacy or from overshadowing or being overbearing. This would therefore accord with Key Design Principles 3, 4, 5, and 6 of the House Extensions and Alterations SPD along with Policy LP24 of the Kirklees Local Plan.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off street parking are retained are also considered to be of relevance.

The Highways Design Guide states under sub-paragraph 5.15 that the minimum internal dimensions for a double garage should be 6.0m long x 5.0m wide. The dimensions of the proposed garage would exceed this guidance and therefore 2 no. vehicles could be accommodated comfortably within the garage with sufficient space on the driveway for further off-street parking if required. This would accord with Key Design Principle 15 of the House Extensions and Alterations SPD, Key Design Driver 23 of the Kirklees Highway Design Guide SPD and Policies LP21 and LP22 of the Kirklees Local Plan as well as advice within the NPPF. In addition there are no proposals to alter the existing provision for bin storage and therefore the works would comply with Key Design Principle 16 of the House Extensions and Alterations SPD.

5 – Other matters:

Climate Change –

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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. It is proposed that the construction of the garage would be from reclaimed natural stone with a stone slate roof which are natural materials, would be locally sourced and fully recyclable. This would accord with Key Design Principle 8.

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.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest, 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.

6 – Representations:

None

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 material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2022/90976

Officer Recommendation: Approve

Conditions

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 listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP22, LP24, LP35 and LP61 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 15 and 16 of the House Extensions and Alterations SPD, Key Design Driver 23 of the Kirklees Highways Design Guide SPD and advice within Chapters 12, 14, 15 and 16 of the National Planning Policy Framework.

3. The external walling and roofing materials of the detached garage hereby approved shall in all respects match those used in the construction of the existing dwelling (no.5 Two Gates, Holme Lane, Slaithwaite, HD7 5UG) and be retained thereafter.

Reason: In the interests of visual amenity and to accord with LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD and advice within Chapter 12 of the National Planning Policy Framework

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan and proposed site plan	(0-) 02 – Revision C		21 st March 2022
Proposed elevations and floor plan	(0-) 01 – Revision C		21 st March 2022

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.

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.

Report Dated:

16th May 2022

Coal – none