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:	**2022/62/91078/E**
Site Address:	5, Willow Gardens, Scissett, Huddersfield, HD8 9UY
Description:	Conversion of garage to living space and external alterations
Recommending Officer:	Nina Sayers

DECISION – FULL CONDITIONAL PERMISSION

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

Kirsty Nicholls

AUTHORISED OFFICER

Date: 22-Sep-2022

Officer Report

Site Description

5 Willow Gardens is a two storey, detached dwelling in Scissett. The property has a driveway and soft landscaping to the front of the property and a garden to the rear. There is an integral garage with parking provision for one vehicle. The property is constructed from stone walls and tiled roofing.

The property is located on a residential cul-de-sac with other properties or a similar age but a variety of sizes and designs.

Description of Proposal

The application is seeking permission for alterations to convert the garage to living accommodation and external alterations.

The proposed integral garage would be converted to a sitting/playroom and the door would be replaced with a 1.6(h) x 1.7(w) metre window. The proposed window would be in keeping with the existing windows in terms of design and scale.

The space between the garage and lounge would be infilled to serve a porch with a lean to roof which would set up from the existing canopy roof, to align with the roof ridgeline of the garage.

History of negotiations/amendments received

The description of proposal was amended to include the infilling of the front porch and alterations to roof within the description. This was not re-advertised as no representation was received and the principle of development and published plans did not change following amendments.

Relevant Planning History

2013/93441 Outline application for erection of residential development of up to 200 dwellings and associated works including demolition of existing farm building. Conditional outline permission. There have been a number of applications relating to the variation and discharge of conditions of this application.

Representations

The application was advertised by neighbour letter. Final publicity expired 27/05/2022.

No representations were received.

Consultation Responses

KC Highways DM (informal) – No objections.

Denby Dale Parish Council – No objections.

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).

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.

The site is unallocated on the Kirklees Local Plan. However, it is located within the Strategic Green Infrastructure Network.

Kirklees Local Plan:

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design

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 12 – Achieving well-designed places

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity and historic environment
2) Impact on residential amenity

3) Impact on highway safety
4) Other matters
5) Representations
6) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy 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. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design. The application site is recorded as being located within the Strategic Green Infrastructure Network on the Kirklees Local Plan.

LP31 of the Kirklees Local plan states that proposals should ensure that the function and connectivity of green infrastructure networks and assets are retained, replaced or provided where appropriate, incorporating or providing new walking, cycling and ecological links.

In this case, the principle of development is considered acceptable and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

These issues along with other policy considerations will be addressed below.

2 – Impact on visual amenity

Chapter 12 of the NPPF sets out that decisions should ensure that, amongst other things, developments are sympathetic to local character, including the surrounding built environment (para.127 of the NPPF). Policy LP24 of the KLP expands on this further, setting out that good design should be at the core of all proposals in the district.

Key design principles 1 (local character and street scene) and 2 (impact on the original house) given in the Kirklees Householder extensions SPD reflect the above.

The proposed development would replace the existing garage door with a window. This relates to the principal elevation of the property which is prominent in the street scene. There is variety in the front elevation of other properties in the surrounding area and not all properties have integral garages.

The proposed window would be in keeping with the design of the existing windows and would be in proportion with the host dwelling. The area under the window would be filled with materials to match the existing dwelling.

The proposed porch and associated roofing would infill the existing covered doorway and would be in keeping with the host dwelling in terms of design and materials. To ensure the proposal would remain in keeping with the host dwelling and character of the surrounding area, and in the interest of visual amenity, a condition stating that external materials must match the existing dwelling would be recommended should planning permission be approved.

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout, KDP 1 & 2 of the House Extension and Alterations Supplementary Design Guide and the aims of chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out in terms of policy LP24 c), which states that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers.

The proposed development would not alter the external layout of the existing dwelling and would therefore not cause any overshadowing or overbearing harm over and above the existing arrangement on site. The window would remain approximately 23 metres from the front elevation of 14 Willow Gardens, which is more than the required separation distance for inhabitable rooms between new dwellings. Taking this into considerations, as well as the existing openings on the front elevation of 4 Willow Gardens which serve primary inhabited spaces, the overlooking harm is considered to not cause significant harm over and above the existing arrangements on site.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extension SPD and Paragraph 130 (f) of the National Planning Policy Framework.

4 – Impact on highway safety

KC Highways DM were informally consulted as the proposed development would remove the parking provision within the integral garage. The existing garage is below the recommended 6 x 3 metres internal size set out in the Manual for Streets. As the existing parking provision does not meet recommended size, the loss of this parking provision is considered acceptable on balance. It is also noted that to provide additional parking provision to the front of the property would result in the removal of soft landscaping which would not comply with paragraph 4.43 of the House Extensions and Alterations SPD.

As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principle 15 of the House Extension SPD.

5 – Other matters

Ecology
The site is located within a bat alert layer. There would be minimal external works to the property and the roof would not be affected by the proposal. Should permission be approval, it would be recommended that a footnote would be added to the decision notice to provide the applicant with advice, should bats or evidence of bats be found during construction. This would accord with the aims of policy LP30 of the KLP and chapter 15 of the NPPF.

Carbon Budget
The proposal is a small scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

There are no other matters for consideration.

6 - Representations

No representations were received.

7 – Conclusion

This application to convert the garage to living accommodation 4 Willow Gardens has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Design SPD, the National Planning Policy Framework and other material considerations.

Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be acceptable.

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 **Approve**

Decision Authorisation - Delegated Powers

Application Number: 2022/91078

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 Policies LP1, LP2, LP21, LP22 and LP24 of the Kirklees Local Plan, Key Design Principles of the House Extension SPD and the aims of the National Planning Policy Framework.

3. The external walls ad roofing materials of the development hereby approved shall in all respects match those used in the construction of the existing building.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extension SPD and the aims of chapter 12 of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally 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 bats are present or not.

If bats are discovered on site, development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours, Mondays to Fridays 08.00 and 13.00hours, Saturdays
With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice.
This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Grouped plans and elevations	21-268 01		29/03/2022

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.

The description of proposal was amended to include the infilling of the front porch and alterations to roof within the description. This was not re-advertised as no representation was received and the principle of development and published plans did not change following amendments.

Report Dated: 14/09/2022