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:	**2022/62/91121/E**
Site Address:	51, Sunny Bank Parade, Mirfield, WF14 0JP
Description:	Replacement of detatched garage
Recommending Officer:	Katie Wilson

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 24-Oct-2022

Officer Report

Reference: 2022/91121

Location: 51, Sunny Bank Parade, Mirfield, WF14 0JP.

Proposal: Replacement of detached garage.

Site Description.

51, Sunny Bank Parade, Mirfield, is a semi-detached bungalow with gardens to the front and sides, and enclosed paved area with detached single garage at the back accessed from the head of a cul-de-sac. The walls of the bungalow are largely red brickwork and it has a dual pitched roof, hipped to the side and surfaced in grey / brown concrete tiles. There is also a small, flat roofed porch over main entrance on the side elevation of the house.

The property is located in a predominantly residential area, with other semi-detached bungalows to the north, south and east, and to the west open land of former quarry.

The application site is Unallocated in the Kirklees Local Plan.

Description of Proposal.

Planning permission is sought for the erection of a replacement garage.

The existing garage to the rear of 51, Sunny Bank Parade will be demolished to facilitate the erection of the proposed replacement garage.

The proposed garage would be 4.7 metres wide, have a length of 6.4 metres. It would have a dual pitched roof approximately 2.4m eaves level and 3.8 ridge height.
The external front wall would be brickwork to match the existing and the other walls would be concrete blocks with off white through render finish. The roof would be surfaced in concrete tiles to match existing bungalow. There would be a garage door and window to the front and a door and window to the west facing elevation.

History of Negotiations.

No negotiations were necessary, and no amended plans were sought.

Relevant Planning History.

No relevant planning history at the application site.

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 19th May 2022 – no representations were received.

Consultation Responses.

None required.

Policy/Legislation.

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 Unallocated in the Kirklees Local Plan.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design

Supplementary Planning Documents:

- House Extensions and Alterations SPD (2021)

The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and architects who are planning and designing an extension or alterations (householder development) to an existing residential property, including conservatories and outbuildings, such as garages. It provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration required by the Council. The guidance and additional details on Local Plan policies set out in the SPD have been produced on the principle of 'comply or justify'.

- Highway Design Guide SPD (2019)

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
- Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- Chapter 15 – Conserving and Enhancing the Natural Environment

Assessment.

The following matters that will be considered as part of the assessment of this proposal are set out below. These considerations will be looked at in detail individually:

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

1. **Principle of Development**

The application site is without notation in the Kirklees Local Plan (KLP).

Chapter 2 of the NPPF states that:

"Planning policies and decisions should play an active role in guiding development towards sustainable solutions…"

Chapter 2 of the NPPF goes onto further state that objectives should:

"support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment…"

In line with the NPPF, Policy 1 of the Kirklees Local Plan says that:

"…the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF" and goes on to state that *"The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area."*

Policy LP2 sets out that all development proposals should:

"seek to build on the strengths, opportunities and help address challenges identified in the Local Plan".

Policy LP24 of the KLP is also relevant and states that:

"good design should be at the core of all proposals in the district."

In this instance, it is considered that the principle of development of this application is acceptable, subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise.

1. **Impact on Visual Amenity**

The NPPF offers guidance relating to design in Chapter 12 (Achieving Well-Designed Places) within it stating 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."

LP24 of the Kirklees Local Plan reflects this setting out that proposals should promote good design by ensuring:

"*a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape… c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...*"

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document (SPD) giver greater detail seeking to ensure development is subservient to the host property and in keeping with the character of the locality.

5.6 of the same document states that outbuildings should:

- 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 instance, the proposed replacement garage would meet the design requirements of the SPD. It is noted that the proposed garage would be in line with the front building line of the bungalow, and not behind it, but in officers'

opinion it would have no significantly greater impact upon the street-scene, that the garage it would replace, which has the same front building line.

The footprint of the replacement garage would be slightly wider and deeper, and it would have a dual pitched roof rather than existing flat roof. However, it would its footprint and scale would remain subordinate to original bungalow. It would also preserve all the existing front and side garden, together with some of the rear yard, retaining in excess of 50% of the garden space.

The external wall materials are also considered appropriate for a domestic garage in a residential area and reflect the materials used on the original bungalow and existing garage to a satisfactory degree.

For these reasons, the proposed development is considered to promote good design complient with Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan and Key Design Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations SPD.

2. Impact on Residential Amenity

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

This is reflected in sections b and c of Local Plan policy LP24, which sets out that alterations and additions to existing buildings should: *"…maintain appropriate distances between buildings"* and *"…minimise impact on residential amenity of future and neighbouring occupiers."*

Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD also 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.

The properties most likely to be affected by the proposed development are those which directly neighbour the site, and in this instance that would be 49, Sunny Bank Parade. This neighbouring bungalow is attached to the southern side of the bungalow at the application site

In terms of overlooking, the proposed garage would be a single storey structure with ancillary, but non-habitable use and no windows facing directly towards this neighbouring bungalow or its back garden. As such it is considered that it would have no overlooking impact.

Regarding overshadowing and overbearing, the proposed garage would be close to the mutual boundary and have a dual pitched roof with ridge level of approximately 3.8m. However, it would be orientated to the north and so unlikely to block direct sunlight, and it is a single storey structure. As such it is considered that it would have limited overshadowing or overbearing impact.

Other neighbouring properties to the north and east are on the opposite side of either Sunny Bank Parade or Sunny Bank Drive. These properties are therefore some distance from the proposed garage or screened by the bungalow at the application site and so unaffected by the proposed development.

For these reasons, it is considered that the proposed development would minimise impact on residential amenity of future and neighbouring occupiers. It is therefore considered to comply with Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan and Key Design Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations SPD.

3. 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 proposed development will not amount to an intensification of the existing use, nor will it alter the existing parking arrangements on site, or access to and from the adjoining highway, therefore, the proposal is considered to be acceptable from a highway safety perspective.

The proposed development would also retain space for household waste bins to be stored and emptied on collection days.

As such it is considered that the proposal would accord with Chapter 9 of the NPPF, policies LP21 and LP22 of the Kirklees Local Plan and Key Design Principles 15 and 16 of the House Extension SPD.

4. 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 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.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

Environmental Health

The application has been reviewed by environmental health officers who recommend that the proposed garage has facilities for charging electric cars and other ultra low emissions vehicles. This is in order to improve air quality in line with guidance in the NPPF and air quality & emissions technical planning guidance. It is suggested that this is achieved via a condition. Planning officers however, considered that given the modest scale of the proposed development it would be unreasonable to apply the suggested condition.

The application site is also identified on the Councils' mapping system as potentially contaminated due to its proximity to a landfill site. Environmental Health officers have assessed this and recommend that a condition relating to reporting unexpected contamination be applied, should the application be approved. Planning officers agree with this recommendation.

With this condition it is considered that the proposal would comply with polices LP51 and LP53 of the Kirklees Local Plan and guidance within chapter 15 of the NPPF.

5. Representations

No representations were received.

6. 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: 2022/91121

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, LP51 and LP53 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 & 15 of the Council's adopted House Extensions and Alterations SPD and Policies within Chapters 2, 4, 9, 12, 14 & 15 of the National Planning Policy Framework.

3. The external wall of the front elevation and roofing materials of the garage 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 1 and 2 of the Council's adopted House Extensions and Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

4. The external walls of the side and rear elevations of the garage hereby approved shall be finished in an off white through render as demonstrated on the approved plan "Dwg no. 22/37" and thereafter retained.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

5. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works on site shall not recommence until either (a) a Remediation Strategy 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. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the whole 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 identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and the aims of Chapter 15 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared in accordance with Model Procedures for the Management of Land Contamination – Contaminated Land report 11 (CLR11), National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

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	Revision	Date Received
Location plan			31.03.2022
Site plan, plan, elevations, and section as proposed	Dwg no. 22/37		31.03.2022

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 Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No negotiations took place, and no amended plans were sought or submitted.

Report Dated: 20/10/2022