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:	**2022/62/92231/W**
Site Address:	The Hayloft, Cowersley Lane, Linthwaite, Huddersfield, HD7 5TE
Description:	Erection of detached garage with workshop and office in roofspace and change of use of land to extend domestic garden
Recommending Officer:	Ellie Worth

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.

Stuart Howden

AUTHORISED OFFICER

Date: 17th November 2022

Officer report

Site description
The application relates to the residential property known as The Hayloft, Cowersley Lane, Linthwaite. The dwelling is an end terrace property in which appears to have been historically subdivided. The dwelling also benefits from a lean-to addition to the south eastern (side) elevation, along with half of the existing garage building further to the south east. Pedestrian and vehicular access can be taken to and from the site via the private drive to the south of the application site, which appears to serve a number of dwellings. Boundary treatment consists of dry stone walling.

The site is situated within a predominantly residential area and is directly to the south of a housing allocation known as HS129. Planning permission has been granted for the development of this site under application 2021/91571 for the erection of 125 dwellings.

The public footpath COL/66/40 also runs along the beginning of the access, however, veers off to the South East.

Description of development
The proposal is seeking permission for the erection of an outbuilding and the change of use of land to extend the domestic garden. The measurements of the outbuilding are as follows:

- 8.8m in width
- 7.2m in depth
- 3m in height to the eaves; 5.2m in overall height

The outbuilding is to be constructed from coursed natural stone with an artificial slate tiled roof, to match the materials used on the host property. An up and over double garage door is also proposed to the front elevation, along with a pedestrian door to the south east and six roof lights.

Internally, the works would provide a triple garage with workshop space to the rear, along with office space within the roof.

In terms of the change of use, this relates to the parcel of land to the North/North East of the site, which is currently bound by dry stone walls. This separates the application site from the land granted permission for residential development. No changes are proposed to the existing boundary treatment.

History of negotiations/amendments received
Officers have entered into discussions with the agent regarding the size and scale of the outbuilding and therefore, amendments have been sought to reduce it by approximately half. Final amended plans were received on 10th November 2022.

Relevant Planning History
<u>At the application site:</u>

- 98/90662 Renewal of unimplemented permission for reuse and adaptation of existing barns to form 4 dwellings and erection of detached garages – Granted.
- 93/03200 Reuse and adaptation of existing barns to form 4 dwellings and erection of detached garages – Granted.

Neighbouring properties/sites:

- 2022/92580 Discharge of conditions 5 (temporary waste storage and collection) and 24 (electricity substations) of previous permission 2021/91571 for erection of residential development for 125 dwellings – Pending consideration.
- 2022/91501 Discharge of conditions 19 (ground investigation), 25 (materials) and 29 (external lighting) of previous permission 2021/91571 for erection of 125 dwellings – Pending consideration.
- 2022/90991 Non material amendment to previous permission 2021/91571 for erection of residential development for 125 dwellings – Approved.
- 2022/90565 Discharge of conditions 7 (internal roads), 8 (Church Lane crossing), 11 (cycle parking), 12 (electric vehicle charging), 13 (waste storage and collection),15 (sound insulation), 16 (ventilation), 17 (attenuation basin), 18 (flood routing), 23 (crime prevention), 26 (boundary treatments), 28 (ball strike risk), 30 (pedestrian connections), 32 (landscaping) and 33 (biodiversity enhancement and management) of previous permission 2021/91571 for erection of residential development for 125 dwelling – Pending consideration.
- 2021/94742 Discharge of conditions 3 (Construction Environmental Management Plan) and 4 (temporary surface water drainage) of previous permission 2021/91571 for erection of residential development for 125 dwellings – Pending consideration
- 2021/91571 Erection of residential development for 125 – Section 106 full permission (land south of The Lodge and north of Church Lane)

Representations

The application has been advertised via site notice, neighbour notification letters and the press.

Final publicity expires: 24th September 2022.

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

In this case, given the amendments sought to reduce the overall scale and massing of the outbuilding, Officers did not consider it necessary to re-advertise the scheme.

Consultation Responses

KC Policy (informal): The red line boundary of application 2022/92231 does marginally impinge into Local Plan housing allocation HS129. However, this application boundary does not overlap with the site boundary of planning permission 2021/91571 for 125 dwellings, and the erection of the proposed garage with office will not impact development of the housing allocation. From

a planning policy perspective, there is not a conflict with this application (subject to where the proposed garden is) and the proposed development of the housing allocation.

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 broadly is without notation on the Kirklees Local Plan, however, a small area of the sites red line boundary does impinge into the housing allocation.

Kirklees Local Plan:
- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highway safety
- LP 22 – Parking
- LP 24 – Design
- LP 30 – Biodiversity and geodiversity
- LP 51 – Protection and improvement of local air quality
- LP 65 – Housing allocations

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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 4** – Decision-Making
- **Chapter 9** – Promoting Sustainable Transport
- **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

Supplementary Planning Documents (SPD)

- House extensions and alteration SPD
- Highways Design Guide SPD

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

Sustainable development
NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Housing allocation
It has been noted that the red line boundary for this application does marginally impinge into the Local Plan housing allocation HS129. However, this application boundary does not overlap with the site boundary of planning permission 2021/91571 for 125 dwellings, and the erection of the proposed garage and change of use of land to domestic garden would not impact on the deliverability of the housing allocation. Therefore, Officers have no concerns from a planning policy perspective and therefore, the development would not result in a departure from the Local Plan, as works to construct the housing allocation are underway. The proposal would therefore not prejudice the delivery of this housing allocation.

2. Impact on visual amenity

Policies LP1, LP2 and LP24 of the Kirklees Local Plan are all relevant, as these policies seek to achieve good quality design that retains a sense of local identify, which is in keeping with the scale of development within the area and is visually attractive. With reference to extensions, it is advised within LP24(c) that these ‘’are subservient to the original building and are in keeping with the existing building in terms of scale, materials and details and minimise the impact on residential amenity of future and neighbouring occupiers’’.

These aims are also reinforced within Chapter 12 of the NPPF (Achieving well designed plans) where paragraph 126 provides an overarching consideration of design stating that ‘’the creation of high quality buildings and places are

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''.

Policy 1 of the HVNDP relates to protecting and enhancing the landscape character of Holme Valley, and states that: *"All development proposals should demonstrate how they have been informed by the characteristics of the Landscape Character Area (LCA) in which they are located".* The Policy goes on to note that proposals should be designed in accordance with the character and management principles in respect of landscape set out for each LCA in order to avoid detrimental impact on the LCA. This Policy also notes that a full hard and soft landscaping scheme is to be submitted with all planning applications for new buildings.

Policy 2 of the HVNDP relates to protecting and enhancing the built character of the Holme Valley and promoting high quality design. Policy 2 notes that proposals should be designed in accordance with the management principles for each LCA in respect of built character in order to avoid detrimental harm to the LCA.

Section 5 of the House Extensions and Alterations SPD provides guidance in relation to specific extensions and alterations. Of note there is a specific section relating to outbuildings with Paragraph 5.29 of the House Extensions and Alterations SPD stating that:

"Outbuildings, such as garden offices, detached garages and granny annexes, 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 further goes on to state 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, given the layout of the site, the outbuilding would be situated to the north east, beyond the rear and side elevations. It would be located on the land, seeking planning permission to before formal domestic garden. As such, the outbuilding would be nestled away from public vantage points and would be situated off of the existing hardstanding. This would reduce its prominence within the plot and wider landscape and would ensure that no more than 50% of the garden space is lost.

From a design perspective, the outbuilding would be somewhat similar in appearance to the host dwelling, as it would benefit from a gable roof. Amendments have also been sought to reduce the size and scale of the building to ensure its subservience to the host property. Materials would be stonework with artificial slate tiles to the roof to match those that exist on the host and surrounding garage. This will help the outbuilding blend into the site.

In terms of openings, a large garage door is proposed to the principal elevation, along with a pedestrian door to the south east. Three roof lights are proposed within the front and rear roof slopes. Such openings have been considered acceptable, as they are typical arrangements for this type of development.

In terms of the visual impacts from the change of use of the land to domestic curtilage, no physical alterations are proposed. As such, this area would be retained in grass with domestic paraphernalia and would be bounded in by the existing dry stone walls. As such, the impact on visual amenity would be negligible over and above the existing situation, especially given that this land is to be nestled in between existing residential garden and a proposed hosing estate (thereby preventing further encroachment in the open countryside)

Therefore, in summary, it has been considered that the proposal would have an acceptable impact on the amenity of the site and would accord with Policy LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Chapter 12 of the NPPF.

3. Impact on residential amenity

Section B and C of LP24 states that alterations to existing buildings should:

"…maintain appropriate distances between buildings' and '…minimise impact on residential amenity of future and neighbouring occupiers."

Further to this, 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.

Principle 3 of the Kirklees Householder Extensions and Alterations SPD sets out that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours. In addition, Principle 4 notes 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. Furthermore, Principle 5 states that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property and recommends that a horizontal 45 degree line from a neighbouring habitable room window is not breached. Principle 6 states extensions and alterations should not unduly reduce the outlook from a neighbouring property.

In this instance, given the location of the outbuilding, there would be no additional impact upon the occupants of the terrace row, as the building would be situated at the opposite side of the host property.

There would also be minimal impact upon the amenity of no. 99 Broad Oak, due to the separation distance proposed, location of the outbuilding and the substantial boundary treatment at these neighbours. As such, any potential overbearing, overshadowing or overlooking would be acceptable.

The works would also not prejudice the buildability of the housing allocation to the rear of the site, with the garage also retaining a separation distance of 20m to the nearest rear elevations of plots 11-13 on the approved site plan. Therefore, given that the outbuilding would be retained at single storey, Officers are satisfied that an acceptable level of amenity would be retained for these future neighbour's amenity. Furthermore, in terms of openings, the submitted plans do not show any new openings to be inserted into the rear elevation of the garage, apart from three roof lights. This would omit any significant loss of privacy at these plots and would allow for a high level of amenity to be retained.

Having taken account into the above, the proposed development is considered to comply with the aforementioned policies and guidance and is acceptable in this regard.

4. Impact on highway safety

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Principle 15 of the House Extensions and Alterations SPD states that extensions and alterations should maintain appropriate access and off-street 'in curtilage' parking. With Principle 16 going on to say that proposals should maintain appropriate storage arrangements for waste.

In this case, the garage appears to be suitable for the parking of three vehicles, whilst allowing space for a small workshop to the rear. The submitted plans also show that the applicant owns half of the existing garage, in which appears to be suitable for the parking of at least an additional vehicle. The hardstanding to the side of the property would also be retained, in which has an expediential amount of space for parking. Therefore, there are no significant concerns from a highways safety and parking perspective.

There would also be no additional hardstanding required as part of this proposal, as the garage would be built adjoining the existing. This will mitigate the risk of additional surface water run-off.

Bin storage and collection points are to remain as existing.

Therefore, having taken into account the above, the proposal is considered acceptable from a highways perspective and would accord with Policies LP21 and LP22 of the Kirklees Local Plan, the aims of the Highways Design Guide and House Extensions and Alterations SPD and policies within Chapter 9 of the NPPF.

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 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.

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.

In this case, it has been noted that the outbuilding would be constructed from high quality natural materials in which can be locally sourced and easily recycled. The introduction of six roof lights would also allow for passive solar gain into the roof space, helping to reduce the need for artificial light in the office. This would accord with Principle 9 of the SPD and therefore the scheme is considered to have a neutral impact on climate change.

Biodiversity Enhancement

Principle 12 of the House Extensions and Alterations SPD advises that developments should seek biodiversity enhancements. However, given the scale of the development in this case and that it is not within bat alert layer on the Council's mapping system, this is not considered proportionate in this instance,

Public Right of Way

As previously mentioned, the public footpath runs along the beginning of the access, before veering off to the South East. As such, the development is unlikely to impact upon the PROW over and above the existing situation, as the outbuilding is unlikely to intensify the sites domestic use. The works during

construction are also unlikely to block the PROW, due to its location and the site benefitting from significant hardstanding, which could accompany work vehicles. As such, the proposal is considered to comply with LP24 (d) 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 material considerations. It is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation Approve

Decision Authorisation - Delegated Powers
Application Number: 2022/92231
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 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, LP24, LP30, LP51 and LP65 of the Kirklees Local Plan, the aims of the Council's House Extensions and Alterations SPD and Government guidance contained within the National Planning Policy Framework.

3. The outbuilding shall be externally faced in coursed natural stone with an artificial slate roof to match the materials used in the construction of the host property. The materials shall thereafter be retained on the development
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 Supplementary Planning Document and Chapter 12 of the National Planning Policy Framework.

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 work may be carried out.

NOTE: Please note that the granting of planning permission does not overrule private legal 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 or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan and proposed floor plans, elevations and section	2022-06-PL-001C	-	10th November 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, Officers entered into discussions with the agent regarding the size and scale of the outbuilding and following this, amendments were sought to reduce it by approximately half. Final amended plans were received on 10th November 2022 addressing Officer concerns.

Report Dated: 11th November 2022