

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:	2022/62/92901/E
Site Address:	85, Marsh Lane, Shepley, Huddersfield, HD8 8AP
Description:	Demolition of existing garage and outbuilding and erection of garage with living accommodation ancillary to No.85 Marsh Lane [within a Conservation Area]
Recommending Officer:	Nina Sayers

DECISION - REFUSED

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

Emma Thompson

AUTHORISED OFFICER

Date: 9-Nov-2023

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Officer Report

Site Description

85 Marsh Lane is a two-storey, detached dwelling in Shepley. The property has a garden area which wraps around the property. The property has had a two-storey extension erected to the rear. The property is finished in natural coursed stone walls and tiled roofing. There is a driveway and detached garage to the south-west of the property which are accessible via an unadopted highway, North Row.

The property is located in a predominantly residential area with a commercial property adjacent to the site. The surrounding properties are all similar in style and materials but vary in terms of design and size. The site is located within Shepley Conservation Area as allocated on the Kirklees Local Plan.

Description of Proposal

The applicant is seeking permission for the demolition of existing garage and outbuilding and erection of garage with living accommodation ancillary to No.85 Marsh Lane.

The existing site consists of a 5.4x2.9 metre garage and a 3.8x2.8 metre shed, which are located southwest of the host dwelling.

The proposed garage would be 5.9 metres wide and 8.5 metres deep. It would have a pitched roof with a gable end feature. The total roof height would be 6.5 metres. It would be located in a similar location to the existing garage and shed. The proposed would serve a garage, garden room and kitchenette in the ground floor with a lounge, bedroom and bathroom on the first floor.

The proposed would be constructed from natural coursed stone and artstone roof tiles, with coloured UPVC windows to match the existing dwelling.

The proposal would also include the widening of the existing tarmacked area to provide parking.

History of negotiations/amendments received

Officers raised concerns regarding the scale of the proposed development and the amount of hardstanding. The agent provided an informal revised scheme for officers to comment on, following this they were given the opportunity to submit a formal revised scheme. No amended plans were provided.

Relevant Planning History

87/02156 Change of use and first floor extension to form beauty salon.

Granted conditionally.

2015/93693 Alterations to the front, erection of extensions to the rear and detached garage. Conditional full permission. - garage approved previously in different location

2015/93692 Demolition of existing dwelling/shop and erection of detached dwelling with associated parking (within a Conservation Area). Conditional full permission.

Representations

The application was advertised by neighbour letter, site notice and in the press due to being within a conservation area. Final publicity expired 18/10/2022.

No representations were received.

No objections were received from Kirkburton Parish Council.

Consultation Responses

KC Conservation and Design informal – 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 within Shepley Conservation Area but is otherwise unallocated within the Kirklees Local Plan.

Kirklees Local Plan:

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

- **LP30** – Biodiversity and geodiversity
- **LP35** – Historic Environment

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. 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.

The site is located within Shepley Conservation Area. Therefore, the impact on the historic character of the area will be assessed in detail. These issues along with other policy considerations will be addressed below.

2 – Impact on visual amenity and historic environment

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. With regard to extensions, it states under part c, that proposals should promote good design by ensuring '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 (local character and street scene) and 2 (impact on the original house) given in the Kirklees House Extensions and Alterations SPD reflect the above. Paragraph 5.29 of the House Extensions and Alterations SPD states that outbuildings 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 House Extensions and Alterations SPD states 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.”

The proposed garage is located the southwest of the host dwelling sitting behind the rear elevation of the host dwelling. The proposed would have a similar footprint to the original dwelling, prior to extensions, and to other properties within the street scene. Whilst it would be set down 2 metres from the roof ridge of the original house, the proposal would still appear large in scale in relation to the surrounding development. Taking this into consideration, the proposed development would not be considered subservient to the host dwelling. The proposal would not be in keeping with the character of the surrounding area in terms of scale or design, relating poorly to nearby development, appearing incongruous within the wider character of the area.

Concerns were raised with the agent and an additional site section was provided. This did not overcome officer’s concerns, and the applicant was given the opportunity to submit a revised scheme but amended plans were not received.

Furthermore, the application shows an increased area of hardstanding which would visually detract from the amenity associated with the landscape and would reduce the soft landscaping within the application site.

LP24 states 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...”. In terms of the historic environment, Chapter 16 of the NPPF outlines that great weight should be given to the conservation of a designated heritage asset and LP35 states that “*Development proposals affecting a designated heritage asset [...] should preserve or enhance the significance of the asset*”.

The proposal is located within Shepley Conservation Area, which is a designated heritage asset. The proposed would be set back from the street scene and would be shielded from Marsh Lane by the adjacent 87 Marsh Lane. Therefore, it is considered to not cause harm to the visual setting of the wider conservation area. The proposal would be set adjacent to North Row, an unadopted highway which forms the boundary of Shepley Conservation Area. Taking this into consideration, the proposal is considered to preserve the designated heritage asset.

Having taken the above into account, the proposed extension would cause harm to the visual amenity of the host dwelling. Thus failing to comply with Policy LP24 of the Kirklees Local Plan, KDP 2 of the House Extension and Alterations SPD 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.

Impact on 87 Marsh Lane

87 Marsh Lane is a two-storey detached property located west of the host dwelling, to the north-western corner of the application site. The property is significantly smaller than the host dwelling and serves an office area. As no.87 does not serve a residential dwelling, no harm would be caused to residential amenity. It is however noted that the openings in the rear elevation could result in overlooking onto the proposed garage with living accommodation. There is an opening the first-floor front elevation of the proposed structure which serves a living room. The separation distance between this window and the rear elevation of no.87 is approximately 14 metres, which exceeds the recommended separation distance in the Housebuilders Design Guide SPD. The proposal is therefore considered to not cause any significant harm.

Impact on 83 Marsh Lane

83 Marsh Lane is a two-storey, detached dwelling to the east of the application site. The property is set in front of the host dwelling and therefore the existing dwelling would shield the proposed garage and living accommodation from no.83. The proposed development would be set in a minimum of 6.7 metres from the shared boundary with no.83. Taking this into consideration no significant harm is considered to be cause to the amenity of the occupants at 83 Marsh Lane.

Impact on 91 Marsh Lane

91 Marsh Lane is located west of the application site, separated by North Row, unadopted highway. There are openings proposed in the south-western elevation of the proposed building. There is significant boundary treatment which shields the applications site from 91 Marsh Lane. The proposed

development would also be oriented to angle away from no.91. Taking this into consideration no significant harm is considered to be cause to the amenity of the occupants at 91 Marsh Lane.

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 Extensions and Alterations SPD and Paragraph 130 (f) of the National Planning Policy Framework.

4 – Impact on highway safety

The proposed development would provide a garage and ancillary accommodation serving one bedroom. The existing property serves 4 bedrooms and therefore a total of 4 off-street parking spaces would be required. The proposed garage would meet the working internal measurements for a garage and there would be three parking spaces on the driveway. Should approval be recommended, it would be conditioned that the proposed parking area is finished in a hardened and drained surface.

Therefore, this proposal is considered to not cause any significant harm in terms of highway safety. 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 Principles 15 & 16 of the House Extensions and Alterations SPD.

5 – Other matters

Ecology

The site is located within a bat alert layer. If approved, 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 demolish the existing garage and outbuilding and erect a garage with living accommodation ancillary to No.85 Marsh Lane [within a Conservation Area] at 85 Marsh Lane in Shepley has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations SPD, the National Planning Policy Framework and other material considerations.

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 proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material considerations.

Recommendation

Refusal

Decision Authorisation - Delegated Powers

Application Number: 2022/92901

Officer Recommendation: Refusal

Reasons for Refusal:

1. Due to the scale and design of the development proposed it would appear disproportionate to the host building and obtrusive within the site, detrimental to visual amenity and contrary to Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	131-22-PL01		31/08/2022
Proposed Floor Plans and Elevations	131-22-PL03	B	31/08/2022

Existing and Proposed Site Layout	131-22-PL02	B	31/08/2022
Site Sections	131-22-PL04		31/08/2022
Heritage Impact Statement	131-22-R2		31/08/2022
Design and Access Statement	131-22-R1		31/08/2022

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.

Officers raised concerns regarding the scale of the proposed development and the amount of hardstanding. The agent provided an informal revised scheme for officers to comment on, following this they were given the opportunity to submit a formal revised scheme. No amended plans were provided.

Report Dated: 06/11/2023