

**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:	2022/62/93028/E
Site Address:	35A, Huddersfield Road, Skelmanthorpe, Huddersfield, HD8 9AR
Description:	Erection of garden room for use as part garden room/beauty treatment room
Recommending Officer:	Alice Downham

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: «Current_Date»

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Officer Report

Site Description

35A Huddersfield Road is a two-storey detached dwelling located in Skelmanthorpe. It is faced in stone, with blue slates for the roof covering. The dwelling is located on a recently completed development of two houses. It benefits from off-street parking to the front leading to an attached double garage. There is amenity space to the southwest and northwest. The site slopes gently uphill to the southwest.

The property is located in a residential area. It is located within a site allocated for housing development (HS140). The site is not within a conservation area, nor are there any listed buildings or Public Rights of Way (PROW) within close proximity to the site.

Description of Proposal

The applicant is seeking permission for the erection of garden room for use as part garden room/beauty treatment room. For clarity, the garden room has already been erected.

The proposed garden room outbuilding would be located to the southwestern corner of the application site, on amenity space to the rear. It would measure approximately 6.7m long and 3.7m deep. It would have a flat roof with a maximum height of 2.4m. It would be faced in vertical cedar cladding. There are openings to two elevations.

The applicant has provided the following details in relation to the use as a beauty treatment room:

- Hours of use: Tuesday and Thursday 9.30 – 18.30; Friday 9.30 – 17.00; Saturday 9.30 – 12.00.
- There would be one client at a time, with appointments scheduled so that there are gaps between clients with no overlap.
- There would be a one-to-one service, with no other staff employed.
- The services offered would be beauty treatments only.

History of negotiations/amendments received

Officers asked the agent to clarify the proposed services and confirm the maximum number of customers the salon would serve. These details were received and considered acceptable.

Relevant Planning History

At the application site:

2001/93254 – Certificate of lawfulness for existing use of land as domestic garden. Granted.

2013/93610 – Outline application for erection of 2 detached dwellings. Conditional outline permission.

2016/91566 - Reserved matters application pursuant to permission no. 2013/93610 for Outline application for erection of 2 detached dwellings. Approval of reserved matters.

2022/20673 – Pre-application advice for use of garden room as home salon.

At neighbouring sites:

95/92811 – Erection of 16 no dwellings with garages. Conditional full permission. (Gully Flatts Farm).

2004/95019 – Outline application for erection of residential development. Conditional outline permission. (Allotment gardens off Cumberworth Road).

2006/93262 – Reserved matters application for erection of residential development (41 no. 2 and 3 storey dwellings and apartment block with garages and associated works). Approval of reserved matters. (Allotment gardens off Cumberworth Road).

2020/93606 – Erection of 5 dwellings with associated site road, parking and landscaping. Conditional full permission. (rear of 49/51 Huddersfield Road).

2022/92134 – Discharge conditions 8 (materials), 10 (boundary treatment) on previous permission 2020/93606 for erection of 5 dwellings with associated site road, parking and landscaping. Approved. (rear of 49/51 Huddersfield Road).

2022/92132 - Variation of condition 2 (plans) on previous permission 2020/93606 for erection of 5 dwellings with associated site road, parking and landscaping. Not yet determined. (rear of 49/51 Huddersfield Road).

Publicity and 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 7th December 2022.

As a result of the above publicity, one representation has been received. This was a general comment which raised no concerns to the proposal but noted that the building has already been erected.

Denby Dale Parish Council were consulted. They object to the proposal on the grounds that it has gone ahead without planning permission and raise concerns regarding traffic and parking.

Officer comments will be made in section 6 of this report.

Consultation Responses

None were considered necessary in this instance.

KC Environmental Health – no objection subject to hours of use condition.

KC Highways Development Management (HDM) – no objection subject to condition.

KC Strategic Waste – provided landfill gas monitoring levels.

KC Minerals and Waste Disposal – provided an interpretation of landfill gas monitoring levels.

KC Policy – provided a response in relation to Town Centre use.

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 located within a site allocated for housing (HS140) on the Kirklees Local Plan.

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. The National Planning Policy Framework 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 under other matters.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping

- **LP 13** – Town centre uses
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 53** – Contaminated and unstable land

Supplementary Planning Guidance / Documents:

Kirklees Council has adopted Supplementary Planning Documents (SPDs) for guidance on house building, house extensions, and open space, to be used alongside existing, previously adopted SPDs. These carry full weight in decision making and are now being considered in the assessment of planning applications. The SPDs indicate 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 and the National Planning Policy Framework, requiring development to be considerate in terms of the character of the host property, street scene, and wider area. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development.

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- House Extensions and Alterations SPD (adopted 29th June 2021)

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 National Planning Policy Framework constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **Chapter 7** – Ensuring the vitality of town centres
- **Chapter 9** – Promoting sustainable transport
- **Chapter 12** – Achieving well-designed places
- **Chapter 15** – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

- 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) Conditions
- 7) Conclusion

1 – Principle of development:

Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework. Policy LP24, together with the House Extensions and Alterations SPD, suggests that proposals should promote good design by ensuring *inter alia* that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

In terms of the proposed use as a beauty treatment room (part time). The site is located outside of the Skelmanthorpe District Centre Boundary and the proposed use as a beauty treatment room is considered a main town centre use. The applicant has stated in the supporting planning statement that the proposed business use is ancillary to its private use and as such should not need to pass a sequential test. However, given the stated 3.5 days a week use, officers considered that this would not be ancillary and as such, in accordance with Policy LP13, it is considered that the proposal would need to pass a sequential test to be policy compliant.

Planning Policy have carried out the sequential test in this case, due to the scale and nature of the proposal. Given the scale and nature of the proposed use, it is likely to be the case that the catchment area for the business would be from Skelmanthorpe, and as such it is reasonable to limit the sequential test to the nearby Skelmanthorpe District Centre. From a search of vacant units within the District Centre from the most recent (2022) town centre occupancy survey, and from an internet search of available commercial premises, it is considered there are no suitable available units within the search area that could appropriately accommodate the proposed business use, even when taking into account flexibility in format and scale. As such, it is considered the application has passed the sequential test and would therefore be policy compliant. Should planning permission be granted, it is recommended to add a condition requiring the business use of the outbuilding

to be tied to the residential occupancy of the dwelling to protect the vitality and viability of Skelmanthorpe District Centre.

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:

Consideration in relation to the impact on the visual amenity of the host dwelling and street scene shall now be set out, taking into account Policy LP24 (a), which sets out that proposals should promote good design by ensuring *“the form, scale, layout and details of all development respects and enhances the character of the townscape”*; and LP24 (c), which sets out 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”*.

With regard to the Council’s House Extensions and Alterations SPD, Key Design Principle 1 states that *“extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene.”* Key Design Principle 2 states that *“extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.”*

Paragraph 5.30 of the Council’s House Extensions and Alterations SPD states 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;”*

The proposed garden room is small in scale and is considered subservient to the host dwelling. Although the development would not be in keeping with the existing property in terms of design and materials, this is considered acceptable as it would be located to the rear of the property, which itself is set back from the street scene. Furthermore, there is some variety in materials in the surrounding area.

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, Key Design Principles 1 and 2 and the detailed guidance in the Council’s House Extensions 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, taking into account Policy LP24 (b), which sets out that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers.

With regard to the House Extensions and Alterations SPD, Key Design Principle 3 states that *“extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours.”* Key Design Principle 4 states 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.”* Key Design Principle 5 states that *“extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.”* Key Design Principle 6 states that *“extensions and alterations should not unduly reduce the outlook from a neighbouring property.”* Key Design Principle 7 states that *“extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals.”*

Paragraph 5.30 of the Council's House Extensions and Alterations SPD states that *“Outbuildings should normally:*

- *...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.”*

Impact on 18 Heather Fold

This is the neighbouring property to the south of the application site. The rear of this dwellinghouse faces the rear of the proposed outbuilding. Given that the proposed garden room would be single-storey and that there would be no windows to the rear elevation, officers are satisfied that there would be no significant impacts on the amenities of 18 Heather Fold as a result of the proposal.

Impact on Plots 1 & 2 (2020/93606)

These are the approved neighbouring properties to the west of the application site. These dwellings do not appear to have been constructed; however, the permission is extant. The application site would be separated from these approved dwellinghouses by the shared private driveway. A separation distance of approximately 15m would be maintained to these dwellings. Given the separation distance that would be maintained, that the proposed garden room would be single-storey, and that there would be no windows to the western elevation, officers are satisfied that there would be no significant impacts on the amenities of Plots 1 & 2 (2020/93606) as a result of the proposal.

Impact on inhabitants and future occupiers

The proposed development would retain an appropriately sized and useable area of private outdoor space at the property.

Hours of use

KC Environmental Health have been consulted. Their response notes that the garden room has already been erected. However, the proposal includes use of the garden room on four days a week to provide beauty services via appointment only. KC Environmental Health have reviewed this application and supporting documents and consider that there would not be any significant environmental health impacts with this development. However, should planning permission be granted, KC Environmental Health recommend a condition relating to the proposed hours of use, to protect the amenity of nearby residents.

After assessing the above factors, officers consider that this proposal would not result in any significant adverse impact upon the residential amenity of any inhabitants, future occupants, or neighbours, thereby complying with Policy LP24 of the Kirklees Local Plan, Key Design Principles 3, 4, 5, 6 and 7 and the detailed guidance in the Council's House Extensions and Alterations SPD, and Paragraph 130 (f) of the National Planning Policy Framework.

4 – Impact on highway safety:

KC Highways Development Management (HDM) were consulted. Their response notes the proposed hours of operation and proposed appointment system. It is noted that the host property benefits from a double garage and hardstanding to the front. This would be sufficient to provide parking for the dwelling and one customer at a time. Given the scale of the proposal, that parking is available, and that the beauty room would operate on an appointment only basis, KC HDM have no objection to the proposal. Should planning permission be granted, it is recommended to add a condition limiting use of the beauty treatment room by the occupants of the adjacent dwelling and not to be sold or rented out separately.

Therefore, the scheme would not represent any additional harm in terms of highway safety and as such complies with Policies LP21 and LP22 of the Kirklees Local Plan, Key Design Principle 15 of the Council's House Extensions and Alterations SPD, the guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

5 – Other matters:

Landfill Gas

KC Strategic Waste and KC Minerals and Waste Disposal have both reviewed the application. The KC Strategic Waste response highlights that the site is

approximately 178m from a closed landfill which lies at the rear of Wood Street, for which the Council has no information. In this instance, KC Minerals and Waste Disposal have no concerns relating to landfill gas as the garden room has already been erected. The proposal is therefore considered acceptable in terms of Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Housing allocation

The site is allocated for housing (HS140) on the Kirklees Local Plan. It is noted that construction has been completed on a development of 2 dwellings at the application site (2016/91566), and that permission has been granted and construction appears to be underway on a development of 5 dwellings directly to the west (2020/93606). It is considered that the proposed erection of a garden room for part time use as a beauty treatment room would have no significant detrimental impact on housing delivery on site HS140.

Carbon Budget

In this case, due to the nature of the proposal it is considered reasonable not to require the applicant to put forward any specific resilience measures.

There are no other matters considered relevant to the determination of this application.

6 – Representations:

One representation has been received. This was a general comment which raised no concerns to the proposal but noted that the building has already been erected.

Denby Dale Parish Council were consulted. They object to the proposal on the grounds that it has gone ahead without planning permission and raise concerns regarding traffic and parking.

Officer comment: *Pre-application advice was provided by the Council prior to the submission of this planning application. As part of the information submitted by the applicant for this pre-application advice, it was indicated that the garden room would be erected under permitted development. However, the pre-application response highlighted that permitted development rights for Classes A, B, C and E were removed under 2016/91566. Therefore, the pre-application advice recommended that the applicant sought planning permission for the erection of the garden room as well as the change of use. It is noted that this element is retrospective. With regard to parking, this has been addressed in the “Impact on highway safety” section of this report.*

7 – Conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to recommend the inclusion of the following conditions:

- Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.
- Hours of use.
- Beauty treatment room to be used only by occupants of 35A Huddersfield Road.

8 – Conclusion:

This application for erection of garden room for use as part garden room/beauty treatment room at 35A Huddersfield Road, Skelmanthorpe, Huddersfield, HD8 9AR, has been assessed against relevant policies in the development plan as listed in the policy section of the report, 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 development is considered acceptable.

The National Planning Policy Framework has introduced a presumption in favour of sustainable development. The policies set out in the National Planning Policy Framework 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: 2022/93028

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, LP13, LP21, LP22, LP24, and LP53 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, and 15 in the Council's House Extensions and Alterations SPD, the guidance within the Council's Highways Design Guide SPD and the aims of the National Planning Policy Framework.

3. The use hereby permitted shall not be open to customers outside the hours of:

09:30 to 18:30 Tuesday and Thursday

09:30 to 17:00 Friday

09:30 to 12 Noon Saturday

Reason: To ensure that the proposed use does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

4. The beauty treatment room hereby approved shall be used for commercial purposes solely by the occupants of the adjacent dwelling 35A, Huddersfield Road, Skelmanthorpe, Huddersfield, HD8 9AR. No part of the building shall be sold or rented out separately.

Reason: In the interests of residential amenity and highway safety and to protect the vitality and viability of Skelmanthorpe District Centre, in accordance with Policies LP13, LP21, and LP24 of the Kirklees Local Plan, as well as Chapters 7 and 12 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

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 13.00 hours, 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	Web ID	Date Received
Grouped Plans and Elevations	22 J 43 01	958494	31/10/2022
General	Supporting Planning Statement Reference 18122	952117	31/10/2022

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 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 asked the agent to clarify the proposed services and confirm the maximum number of customers the salon would serve. These details were received and considered acceptable.

Report Dated: 30/01/2023

