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:	**2023/62/90085/E**
Site Address:	2, Doctor Lane, Shelley, Huddersfield, HD8 8HQ
Description:	Erection of garden room for home office
Recommending Officer:	Nicole Helliwell

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.

Emma Thompson

AUTHORISED OFFICER

Date: 08-Mar-2023

Officer Report

Reference No. 2023/62/90085/E
Site Address: 2 Doctor Lane, Shelley, Huddersfield, HD8 8HQ
Proposal: Erection of garden room for home office

Site Description
The application relates to 2 Doctor Lane, a two-storey detached property located in Shelley, Huddersfield. The dwelling is faced in stone and incorporates a dual pitched roof. The property benefits from off street parking and outdoor amenity space to the front. The neighbouring properties are of residential use and comprise single storey and two storey properties of varying sizes, materials and architectural styles.

Description of Proposal
The applicant seeks planning permission for the erection of a detached outbuilding within the front curtilage of the dwellinghouse. The outbuilding would be located east of the host property and would be used as a home office. The structure would have a width of approx. 3.6m, a depth of approx. 3m and an overall height of approx. 2.46m. The proposed development would be faced in cedar composite cladding to the front and side elevations and anthracite cladding to the rear elevation. The extension would also incorporate a flat roof and would contain anthracite fenestration.

Relevant Planning History
2022/21736: Pre application for erection of new garden room for use as a home office.
2021/91921: Erection of detached potting shed/home office and associated works. Planning application details | Kirklees Council
92/03405: Erection of 2-storey extension. Planning application details | Kirklees Council
99/91010: Erection of detached bungalow with integral garage and detached house with integral garage. Planning application details | Kirklees Council

Representations
The application was publicised by neighbour notification letters, which expired on 24th February 2023. As a result of the above publicity, no representations have been received.

Kirkburton Parish Council – No comments

Consultation Responses
Not Applicable.

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 UNALLOCATED on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies
- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 21** - Highways and Access
- **LP 22** – Parking
- **LP 24** – Design

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 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.

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 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

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 the House Extensions and Alterations SPD and Chapter 12 of the NPPF, regarding design.

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

1. **Visual amenity**

Key Design Principle 1 of the House Extensions & Alterations Supplementary Planning Document (SPD) does state 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.

Detached Outbuilding

The detached outbuilding would be located within the front curtilage of the property. The structure would be faced in cedar composite cladding to the front and side elevations and anthracite cladding to the rear elevation. Although the material palette would not match the appearance of the host property, it would be considered acceptable given the existing variety of materials within the street scene. Furthermore, the submitted plans confirm that the outbuilding would incorporate a flat roof and would be positioned forward of the original building line. Whilst this would generally constitute poor design, it is taken into consideration that the extension would be a modest addition with reduced visibility from public vantage points. The structure would also appear subservient in relation to the original dwellinghouse and would maintain a sense of space within the plot. On this basis, the proposal is not considered to have a significant visual impact on

the character and appearance of the host property and surrounding area and therefore would be acceptable in this regard.

Summary
Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extensions and Alterations Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

2. 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 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

The submitted plans confirm that no properties east of the application site would be affected by the detached outbuilding.

Impact on Chapelstones
Chapelstones is a two storey detached property located west of the host property. It is considered that the neighbouring occupants would not experience any undue harm to their residential amenity given that the outbuilding would be positioned east of the site and would be sufficiently screened by the original dwellinghouse.

Impact on 1 Doctor Lane
The detached outbuilding would be positioned at an angle such that the fenestration would not face towards the front elevation of 1 Doctor Lane. Furthermore, a separation distance of approximately 19.5m would be retained to the common boundary shared with no.1. Therefore, it is considered that there would be no undue harm to the neighbouring occupants with regard to overlooking, overshadowing and overbearing impact.

Impact on 94, 96 & 98 Huddersfield Road

94, 96 and 98 Huddersfield Road are residential dwellings located north of the application site and have an elevated position relative to the host property. It is noted that the outbuilding would contain a window on the side elevation that would face towards no.96. However, given that the outbuilding would be sited on lower ground and would maintain a separation distance of approximately 12m to the neighbouring property, it is considered that the development would have an acceptable impact on their residential amenity.

Occupier Amenity
The plans confirm that sufficient outdoor amenity space of a functional layout would be retained at the site. On this basis, the proposed works would ensure an acceptable standard of amenity for existing and future occupants.

Summary
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.

3. Highway Safety

The proposed outbuilding would not intensify the domestic use at the dwelling or affect the existing parking arrangements on site. Therefore, the proposed development would be acceptable in accordance with Policies LP21 and LP22 of the KLP, Chapter 9 of the NPPF, Principles 15 and 16 of the Kirklees House Extensions and Alterations SPD and the Highways Design Guide SPD.

Other Matters

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 relevant to the determination of this application.

4. Representations

No representations were received following the statutory publicity.

5. Negotiations

No amendments were sought or received during the course of the application.

6. Conclusion

This application for the erection of a garden room at 2 Doctor Lane 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. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be acceptable.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation - Delegated Powers
Application Number: 2023/90085
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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22 and LP24 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims 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 13.00hours, 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**	**Date Received**
Existing_Plans	RJS183_PL_001	11/01/2023
Proposed_Plans	RJS183_PL_001	11/01/2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The scheme was considered acceptable and therefore no alterations were required after submission.

Report Dated: 01/03/2023