

**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:	2023/62/90220/W
Site Address:	50, St Pauls Road, Kirkheaton, Huddersfield, HD5 0EX
Description:	Erection of detached garage
Recommending Officer:	Tom Hunt

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 22-Mar-2023

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/90220
Location	50, St Pauls Road, Kirkheaton, Huddersfield, HD5 0EX
Proposal	Erection of detached garage
Publicity end date	10/03/2023
Number of representations received	0
Kirklees Local Plan Allocation/Designation	Unallocated. Within Hazardous Material Site (Middle H0396)
Extension to Time (EoT)	Yes EoT Date: 29/03/2023
Recommendation	Conditional Full Permission

	NO	YES
Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)	✓	
Contrary to previous decision	✓	
Called in by Ward Member	✓	
Significant number of representations received	✓	

If 'No' to all above, proceed with a fast track report

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

Policy

National

National Planning Policy Framework (NPPF) July 2021
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed places
- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- NPPF Chapter 15 – Conserving and enhancing the natural environment

Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity
- **LP 53** – Contaminated and unstable land

Supplementary Planning Document ‘House Extensions and Alterations’ (2021).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	Yes	Received amended plans to reduce size, to have all side elevations and updated floor plans
Kirkburton Parish/Town Council comments sought	Yes	'No Comment'
Planning History	No	
Consultations required	Yes	HSE – No objections Yorkshire Water – No objections

Assessment

The Kirklees SPD sets out that outbuildings should comply with certain parameters set out at paragraph 5.29-5.30 on page 33 (and listed below) and if they do not, they need to be justified:

Outbuildings should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings;		The proposal would remove an existing outbuilding for one in its place. While the height is 4m with a modestly larger footprint, it would be made subservient by its significant set back from the host's primary elevation, partially screened by the host bulk and massing and would appear suitably in scale to its adjacent neighbouring side extension and its outbuilding at higher ground. It would therefore not compete for dominance with its host.
be set back behind the building line of the original building so that they do not impact on the street scene	Yes	

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	Yes	

Design and Visual Amenity: Are the considerations in the following table acceptable?

Summary of local street scene/character: The streetscene is of similarly built properties with detached outbuildings and side extensions built up to the flank property boundary. The material palette is similar with a mix of brick, stone and render with concrete tile roofs. The road is on sloping topography sharply falling from north to south.

Consideration has been given here in terms of the proposals impact on the local character and street scene, including subservience, terracing and building line.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on the Local character and street scene	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	The significant set back of the outbuilding to the highway would contribute to a low impact, despite the increase in height.	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	The height of the outbuilding would finish above the first floor level appearing to compete for dominance, however its significant set back behind the host and screened by the host	✓

		bulk and massing would mitigate against this.	
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	As previously addressed in Impact on original house. In addition, the shallow pitched roof would reduce some of the height finishing at 3.8m in height from ground to the rear.	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	Facing materials are timber cladding in grey colouring with roof membrane. Those would appear residential in nature and not out of keeping with its use/setting. There are a variety of materials used in outbuildings in the vicinity of the site.	✓
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Appropriate for an outbuilding and being simple pent in form.	✓
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	None	✓
Accessibility for all users	• KDP 17 of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Private domestic extension which would not change the existing access into / around the property.	✓

The design of the proposal is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Residential Amenity: Are the considerations in the following table acceptable?

The main properties affected are:

- *52 St Pauls Road (north of outbuilding). On higher ground to the property with an existing outbuilding immediately adjacent to the footprint also on higher ground and would be of similar equivalent height to the proposed as a result. Outbuilding has no side windows facing the proposed. Fence in between the side extension and outbuilding provides screening.*
- *48 St Pauls Road (south of outbuilding). On lower ground to the property with the footprint proposed to be 5m distant to the shared boundary. Outbuilding has no side elevation windows facing the neighbour.*
- *Perrowville St Mary's Lane (east of outbuilding). Land falls from west to east with this property on significantly lower ground. Outbuilding would have no windows facing and would be of a sufficient distance (~20-22 metres) screened in part by boundary fencing.*

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on privacy of neighbours (to sides, rear and front)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	None, while one side elevation is not received, floor plans indicate the garage is windowless so no additional impact on overlooking or privacy.	✓
Impact on light and outlook of neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	None, the outbuilding would be of similar height to one to the north, and at sufficient distance to north or to west of other neighbouring properties – as clarified in Italics	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	Mostly retained and adequate for privacy and use	✓

The proposal is therefore acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Highways and Parking: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on highway safety	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	None, no removal of parking or intensification.	✓
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	Would supply a garage suitable for large modern vehicle sizes under Highways Design Guide SPD.	✓
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	Not supplied but would not intensify use or significantly reduce space for bin arrangements	✓

The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Other matters: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on trees	• KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF	N/A	N/A

Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	Within Great Crested Newt area however within an existing area of hardstanding and existing outbuilding to be demolished. Neutral impact and therefore acceptable. An informative has been attached to advise of protected status.	✓
Carbon Budget / Climate change statement	• KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • Chapter 14 of the NPPF	Small scale domestic development to an existing dwelling. As such, no special measures required in terms of the planning application with regards to carbon emissions.	✓
Health and Safety	• Policy LP53 • Chapter 15 NPPF	Consultation with HSE as within consultation zone of hazardous materials site. No objections raised.	✓
Drainage and Flood Risk	• KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP	The rear garden and landscaping would be retained to allow for run-off. The site is not located within an identified Flood Risk Zone 2 or 3 area. Yorkshire Water raise no objections	✓

The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

Representations, including Parish/Town Council comments:

Summary of Representation	Officer response	Addressed ✓ / X / N/A
		N/A

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:

CONDITIONAL FULL PERMISSION

Decision Authorisation - Delegated

Application Number: 2023/90220

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 accord with Policies LP01, LP02, LP21, LP22, LP24, LP30 and LP53 of the Kirklees Local Plan, Key Design Principles 1-17 of the Council's House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 12, 14 and 15 of the National Planning Policy Framework.

FOOTNOTE: The site is located within the Kirklees Great Crested Newts Alert Layer and there is an increased potential for newts. Newts are a European protected species under the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It is an offence for anyone capturing, killing, disturbing or injuring great crested newts deliberately, damaging or destroying a breeding or resting place, obstructing access to their resting or sheltering places (deliberately or by not taking enough care), possessing, selling, controlling or transporting live or dead newts, or parts of them

taking great crested newt eggs. If newts are discovered on site, development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan.	-	Unamended.	24/01/2023
Existing Elevation Plans (front, side and rear).	-	Unamended.	24/01/2023
Existing Floor Plan.	-	Unamended.	24/01/2023
Proposed Elevations (front, rear and side).	-	Amended.	20/03/2023
Proposed Floor Plan.	-	Amended.	21/03/2023
Email rec'd from applicant	Colour of timber	Original	21/03/2023

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 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 Planning Officer sought clarification on the finish of the timber cladding and amended plans for the floor plan to reflect changes to the design for consistency.

Report Dated: 22/03/2023