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:	**2023/62/90512/W**
Site Address:	315, Long Lane, Dalton, Huddersfield, HD5 9SP
Description:	Demolition of detached buildings and 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: 02-May-2023

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/90512
Location	315, Long Lane, Dalton, Huddersfield, HD5 9SP
Proposal	Demolition of detached buildings and erection of detached garage
Publicity end date	07/04/2023
Number of representations received	0
Kirklees Local Plan Allocation/Designation	Unallocated. It is adjacent to woodland designated as a Kirklees Wildlife Habitat Network and the Strategic Green Infrastructure Network with significant trees. It is within a Hazardous Material Site and the proposed development is just outside the HP Gas Pipeline buffer area
Extension to Time (EoT)	**Yes EoT Date: 10/05/2023**
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 27** – Flood risk
- **LP 28** – Drainage
- **LP 30** – Biodiversity & Geodiversity
- **LP 31** – Strategic Green Infrastructure Network
- **LP 33** – Trees
- **LP 34** – Conserving and enhancing the water environment
- **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	Additional information regarding proximity to gas pipeline.
Parish/Town Council comments sought	No	n/a
Planning History	Yes	99/90268 – Erection of Porch, Balcony and Detached Garage/Store. Approved. Planning application details | Kirklees Council 97/91738 – Erection of 2 Storey Extension. Approved. Planning application details | Kirklees Council
Consultations required	Yes	HSE – No Objections. Northern Gas Networks – Initial Objection. Withdrawn on supply of additional information. No Objection. KC Trees – 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 normally:	**Yes - COMPLY**	**No - JUSTIFY**
be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings;		No – it would be considered a moderately large outbuilding in footprint being larger than a double garage. This would replace two

		current outbuildings with a cumulative footprint of ~44.1m2, one of which is visually prominent in the streetscene and rendered in white for a single-storey design, ~58.7m2 in footprint and placed to the rear of the garden visually screened by the host and surrounding woodland. This would aid in reduced visual clutter and prominence. It would be subservient in scale to the two-storey host. The property retains full Permitted Development Rights and there is a realistic fall back position for a larger proposal which would be considered a material consideration; it is proposed that the design would visually improve the streetscene and have a greater subservience to the host than current arrangements.
be set back behind the building line of the original building so that they do not impact on the street scene	Yes – the outbuilding would be set behind the host and be screened by surrounding woodland. It would remove an outbuilding visible from the highway and replace an existing outbuilding of smaller size reducing visual clutter. While it would be rendered, this would be similar to the treatment of the existing large garage	

	however it would be substantially more screened by the host, woodland and its position to the streetscene.	
preserve a reasonable private amenity space appropriate to the potential number of occupants of the house	Yes – the property would have a reasonable amenity space	
follow a general principle that no more than 50% of garden space should be lost	Yes – there is still more than 50% of the garden remaining to the rear	

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

Summary of local street scene/character: The host is a two-storey, stone property at the end of a ribbon development abutting woodland so the rear is visually screened by significant trees. The host is rendered white at rear with some stone detail exposed. There is a double garage to the side/rear of the property which appears to be highly prominent in the streetscene with its white render. Detached outbuildings in the area similarly positioned to the large garage to be demolished are in a more subdued tone and appear less prominent than No. 315's as a result.

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 outbuilding is screened by the host and surrounding woodland and would not appear overly prominent. It would remove a highly prominent existing outbuilding visible from the streetscene reducing the cumulative impact to the host and streetscene.	✓

Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	The original property would remain the dominant feature.	✓
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 above. The outbuilding would appear as single-storey in scale and moderately subservient in height and scale when viewed against the host's two-storey design. Its massing would appear largely screened by the woodland and its orientation to the host would reduce visual dominance. The removal of the large existing, white rendered garage with gable frontage would reduce the existing impression of height, scale and massing from the streetscene.	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	It would be rendered predominately however it would also have a brick/stone plinth aiding in harmonising with the host. It would use interlocking tiles to similarly match existing.	✓
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Pitch roof in-keeping with host property.	✓
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c)	It would be windowless	✓

	and (d) of the KLP • Chapter 12 of the NPPF		
Accessibility for all users	• KDP 17of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Private domestic outbuilding which would have a driveway allowing easy access by pedestrian or wheelchair movement to the garage.	✓

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?

Due to the position of the proposed outbuilding, there would be no detrimental impact to No. 313. The removal of the large outbuilding is not adjacent to No. 313's own rear garden and the position of the new windowless outbuilding is further to the northeast and of single-storey design sufficient to demonstrably avoid any concerns over overlooking, overshadowing and overbearing.

	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	Acceptable for the reasons set out above.	✓
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	As above.	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	Rear garden would remain sufficient for the use of future and present occupiers	✓

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	The indicated driveway would allow sufficient turning to enable entry into the Classified C Road 'C554' in forward gear. The access would remain as existing. Visibility remains restricted by the neighbouring shrubbery/tree and the front amenity's own however this is an existing arrangement with stone walls approximately 1m in height from ground.	✓
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	Adequate when considering the driveway and the garaging facilities.	✓
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	Not identified on the proposed plan, however more than sufficient space away from the highway to store bins safely with bin arrangements likely to remain as existing.	✓

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	The single-storey structure would be on pad foundations therefore it would have minimal disturbance to tree's roots. It does not have windows which otherwise would lead to pressure to prune trees. The Trees Officer did not object to the proposal as the works proposed would not result in significant impact to trees of significant amenity value and would be compliant with LP33.	✓
Impact on ecology/SGIN	• KDP 12 of the SPD • Policy LP30 • Policy LP31 • Chapter 15 of the NPPF	Small scale domestic development to an existing dwelling. Requiring BNG would not be commensurate with the limited scale of the development. An informative has been attached regarding the site being in a Bat Alert layer (a protected species). The proposal would not detrimentally affect the SGIN's connectivity being erected partly within the existing footprint of an existing building and in avoidance of damage to trees by using pad foundations.	n/a
Carbon budget	• KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • Chapter 14 of the NPPF	Climate Change Statement supplied. Small scale domestic development to an existing dwelling using	✓

		local materials and tradespeople to reduce carbon emissions related to transport. As such, no special measures 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.	
Health and Safety Executive	• Policy LP53 • Chapter 15 of the NPPF	Consultation with HSE was necessary to determine risk of development within an area indicated as a Hazardous Material Site (Middle H0396). The response indicated no objections for the proposal	
Northern Gas Networks	• Policy LP53 • Chapter 15 of the NPPF	Consultation with the NGN was considered necessary for public safety as the site would be partially within the High Pressure Gas Pipeline buffer area. An Objection was raised however following supply of additional clarifications from the Officer, NGN withdraw their Objection. Subject to informatives being attached, no further concerns are raised.	
Drainage and Flood Risk	• KDP 14 of the SPD • Policy LP24 (d) (vii), LP27, LP28 and LP34 of the KLP	The site is not located within an identified Flood Risk Zone 2 or 3 area, it is within an indicative critical drainage area. Adequate rear garden	✓

		and landscaping would be retained to allow for run-off. Subject to a condition on drainage of additional driveway space, the proposal would have minimal impact to run-off and drainage.	

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:

None received.

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 Powers
Application Number: **2023/90512**
Officer Recommendation: CONDITIONAL FULL PERMISSION
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, LP27, LP28, LP30, LP31, LP33, LP34 and LP53 of the Kirklees Local Plan, Key Design Principles

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 12, 14 and 15 of the National Planning Policy Framework

3. Prior to the hereby approved outbuilding being first brought into use, the driveway set out within the hereby approved 'Drawing No. 0154/2023 – 02 Rev A.' shall be laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the parking of vehicles.
Reason: To ensure that sufficient parking is provided for the site and to accord with Policies LP21, LP22 and LP28 of the Kirklees Local Plan, to accord with Key Design Principle 14 of the 'House Extensions and Alterations SPD' and Chapter 14 of the NPPF.

NOTE FROM NORTHERN GAS NETWORKS: You must be aware of the high pressure main gas pipe. The BDP on the main is 14 metres which means that nothing can be built within 14 metres of it. In order to discuss the safety aspects of your intended work and to determine if a Site Visit will be required, at least 28 days prior to commencing any ground works in the vicinity of our buried asset, you must contact the local Plant Protection Officer at Northern Gas Networks (Chris Wright: 07935 077 424).

Damaging gas pipes is dangerous and potentially expensive. Not only could it lead to a fire or explosion, it could result in the loss of the gas supply to local communities. Safety is therefore Northern Gas Network's top priority. They need to ensure no-one damages their equipment and puts either themselves or members of the public at risk. Their work in this area is encapsulated in the Pipeline Safety Regulations, and by the Northern Gas Network's safety case, which is approved by the Health and Safety Executive (HSE).

The website of Northern Gas Networks (www.northerngasnetworks.co.uk) has safety
guidance booklets that can be downloaded to assist you when carrying out any works. Please use these as reference guides prior to commencing works. Should you have any difficulty in downloading these documents, please either call 0800 040 7766, option 5, or via email: beforeyoudig@northerngas.co.uk
The guidance documents include the following:
1. Safe working in the vicinity of high pressure gas pipelines and associated installations
2. Avoiding injury when working near gas pipes up to 7 bar
3. Avoiding injury when working near gas pipes

You must not carry out any ground works within 3 metres of the Buried High Pressure or Intermediate Pressure assets without Northern Gas Networks consent.
If at any point during your works, you smell gas, call the National Gas Emergency Service immediately on the Freephone 0800 111 999.

Examples of higher risk works are, but not limited to, the following:

- Any excavation works within 0.5m of low/medium pressure mains and 3m of
  intermediate and high pressure mains (the distance is measured from the proven position of the gas main).
- Demolition works within 15m of low/medium pressure mains and 150m of intermediate and high pressure mains.
- The use of explosives within 30m of low/medium pressure mains and 250m of
  intermediate and high pressure mains.
- Excavations within 10m of a pressure reduction unit.
- Excavations deeper than 1.5m.
- Heavy loading e.g., cranes, spoil deposits and heavy construction traffic.

NOTE: Following communication with NGN to withdraw their objection, in avoidance of all doubt, it is advised that there should be no explosive blasting within 250 metres of the pipeline, there will be no new trees planted within 10 metres of the pipeline, there will be no groundworks within 10 metres of the pipeline and there will be no new balancing ponds or drainage within 7 metres of the pipeline. Plans must be completed in accordance with condition 2 of the planning permission and any other variation must not be carried out until the Local Planning Authority is able to provide written confirmation of this.

NOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of 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 intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats 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
Existing Location and Elevation Plans and Proposed Site, Floor, Section and Elevation Plans.	Drawing No. 0154/2023 - 02.	A	15/02/2023

Plan Type	Reference	Version	Date Received
Climate Change Statement	-	-	23/02/2023

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. No amendments/further information were sought during the course of the application.

Report Dated: 02/05/2023