

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:	2023/62/90528/W
Site Address:	17, Roman Avenue, Mount, Huddersfield, HD3 3XP
Description:	Erection of detached outbuilding
Recommending Officer:	Luke Walstow

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.

John Holmes

AUTHORISED OFFICER

Date: 10-Jul-2023

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/90528
Location	17, Roman Avenue, Mount, Huddersfield, HD3 3XP
Proposal	Erection of detached outbuilding
Publicity end date	12 April 2023. The amended plans were not re-publicised as these provided clarification to the original plans, rather than fundamental changes to the scheme.
Number of representations received	2
Kirklees Local Plan Allocation/Designation	N/A
Extension to Time (EoT)	Yes EoT Date: 13/07/2023
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	✓	

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

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 51** – Protection and improvement of air quality

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	Regarding tree, to include section and details of separation from the boundary,

		justification for height and privacy screens.
Parish/Town Council comments sought	No	N/A
Planning History	Yes	2006/91619 – Erection of Single Storey Extension. Refused – 09/06/2006.
Consultations required	Yes	KC Trees – Initial consultation due to an existing tree standing in the proposed location of the outbuilding. Since the tree has been removed, (it was not protected by TPO) it was not necessary to await response.

Assessment

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

Outbuilding 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 proposed outbuilding is subservient in footprint compared to the host dwelling and its garden and would also be considered a subservient addition to the site.	N/A
Be set back behind the building line of the original building so that they do not impact on the street scene.	The proposed outbuilding is located within the rear garden of the application site.	N/A
Preserve a reasonable private amenity space appropriate to the potential number of occupants of the house and follow a general principle that no more	Should the outbuilding be erected, the structure would not result in a loss of 50% of the garden space, leaving adequate outdoor room for residents to utilise.	N/A

than 50% of garden space should be lost.		
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Design and Visual Amenity: Are the considerations in the following table acceptable?

Summary of local street scene/character: The street scene consists of semi-detached dwellings which are of a similar design and appearance. Dwellings benefit from off-street parking and front and rear gardens. Many dwellings have garages located to the rear of their houses.

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	Due to the location of the outbuilding being within the rear of the application site, the proposed development would have limited impact upon the street scene.	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	The proposed outbuilding would be located 19 metres from the original house and would have therefore would have a limited impact on the original structure.	✓
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	The proposed height of the outbuilding would be 3.5m metres in total height. This height is considered to be acceptable, on balance, due to its positioning within the rear garden in relation to neighbouring dwellings, other outbuildings and boundary treatment. It would be 500mm from the rear boundaries and	✓

		around ~1m from the side boundaries. The footprint of the outbuilding is considered to be acceptable in relation to the size of the rear garden.	
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	The proposed external walls are to be constructed from brick which match the host dwelling. The materials are considered to be acceptable in design.	✓
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	The outbuilding is proposed to have a flat roof which would keep in character of existing outbuildings within neighbouring properties rear gardens, which is considered to be acceptable.	✓
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	4 glazed panels are proposed along the front elevation of the outbuilding. The glazed panels also act as doors. The proposed glazed aspects of the outbuilding are considered to be acceptable. There are no windows within side or rear external walls which could impact neighbouring dwellings residential amenity.	✓
Accessibility for all users	• KDP 17 of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	The proposed outbuilding can be accessed from the glazed s doors on the front elevation. The outbuilding would not impact any existing access to the rear garden.	✓

- 1) 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:

- 15 Roman Avenue – A semi-detached dwelling adjoined to the host dwelling to the west of the application site. The glazed front windows would be around 15m from the conservatory to the rear of this property, at an oblique angle. There is a ~1.3m close boarded fence with ~30cm trellis above forming the site boundary. There is also an outbuilding and mature shrubbery to elements of the boundary.
- 19 Roman Avenue – Semi-detached dwelling adjacent to the host dwelling to the east of the application site. Separated from the application site by ~1.8m close boarded fencing, tall mature hedging and an outbuilding in the application site and neighbouring back garden. Around 14m to the rear elevation of the property at an obstructed and oblique angle.
- 28 and 30 Mount Avenue – Semi-detached dwellings located to the rear (north) of the application site. Views of the building from both properties somewhat obscured by existing outbuildings and ~1.8m close boarded fencing. The submitted section indicates that the rear elevation of the building would be slightly dug into the site and would extend above the height of the existing fence by around ~1.2m.

	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	There are no proposed windows within the side and rear of the outbuilding which could impact the privacy of neighbours. Although there is a large element of glazing to the southern elevation, given the distance to the rear elevation of nos. 15 and 19 Roman Avenue, the presence of boundary treatments and outbuilding, it is concluded no material loss of privacy would ensue.	✓

		Officer's liaised with the Agent regarding potential privacy screens and further information was submitted. This clarified that the door height is 2.1m, the existing boundary treatment is 1.6m high. "A privacy screen would need to be rather deep to stop a view from the bi-fold doors and, in turn not very attractive. A person of 6ft (1.8m) would not have much of the boundary to look over, therefore, I do not believe there would be a loss of privacy". Officer's concur with this conclusion.	
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	Due to the location of outbuilding, a separation distance of at least ~11 metres to the closest neighbouring dwelling on Mount Avenue, the presence of close boarded fencing and the limited height of around 1.2m above this fence, it is concluded the outbuilding would not materially impact natural light received to neighbours' dwellings, recognising it is to the south of the properties on Mount Avenue. In addition, due to the outbuilding's siting, height and footprint, the outlook from neighbouring dwellings outlook would not be unduly impacted.	✓
Remaining garden space of	• KDP 7 of the SPD	Whilst the outbuilding would be erected in the rear garden, officers are	✓

application property	• Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	satisfied that adequate outdoor space would be retained to be used by current and future occupants.	
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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	There are no proposed changes to highway access with the proposal. The development is considered to acceptable in relation to highway safety.	✓
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	The proposed extension would not serve as an additional bedroom, meaning the presumed potential occupants are to remain as existing. This results in existing car parking arrangements to be acceptable.	✓
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	Waste collection and storage is considered to be 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	Officers noted an existing tree located to the rear of the site where the proposed outbuilding would be erected during the site visit. Because of this, KC Trees was consulted but the tree has since been felled. As this was not formally protected by TPO, there were no protections in place which required the retention of the tree.	✓
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	N/A – tree removed.	✓
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. A Climate Change Statement has been submitted with this application.	✓
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.	✓

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
Potential risk of reduced light due to outbuilding height. Tree to be removed holds ecological value.	Officers sought further information regarding the height of the building relative to land levels and boundary fences. Officers also asked why the building was relatively tall for an outbuilding. Amended plans were received which demonstrate the height would not unduly impact light. justification for height as follows accepted. "The reason for the structure is our clients are trainee powerlifters, and they need the height for overhead presses". The tree has been felled and it was not formally protected by TPO. If there was ecological value, this does not now exist on site.	✓
Tree had not been maintained by current or previous owner.. Request it be removed due to risk of falling over. Height of outbuilding raises concern.	As Above, tree has since been removed from the site. Separation distance of outbuilding to neighbouring dwellings, the presence of outbuildings and boundary treatments allows the height of the outbuilding to be acceptable.	✓

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: 2023/90528

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 of the Kirklees Local Plan, 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 and 12 of the National Planning Policy Framework

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans and Elevations	22-198-01	A	7 July 2023
Climate Change Statement			03 March 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. Additional information was requested regarding a tree on site and the siting and height of the proposed outbuilding. This decision is based on the additional information received.

Report Dated: 10/07/2023

Coal - Low