

**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:	<b>2023/62/90891/W</b>
Site Address:	1, West Avenue, Lindley, Huddersfield, HD3 3LR
Description:	Erection of detached garage and detached garden room, demolition and re-position gate posts (within a Conservation Area)
Recommending Officer:	Lucy Taylor

**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: 26-Jul-2023**

## **Officer Report.**

**Reference:** 2023/90891

**Location:** 1, West Avenue, Lindley, Huddersfield, HD3 3LR

**Proposal:** Erection of detached garage and detached garden room, demolition and re-position gate posts.

## **Site Description.**

1 West Avenue is a detached dwelling, faced in stone with a tiled roof. The property benefits from garden amenity space to the front elevation of the dwellinghouse. On-site parking is available via a hard-surfaced driveway.

The site occupies a corner plot, on the junction between the highways of Daisy Lea Street and West Avenue. The streetscene is dominated by large, detached dwellings faced in stone.

The site is Allocated within the Edgerton Conservation Area in the Kirklees Local Plan.

## **Description of Proposal.**

Planning permission is sought for the erection of a detached garage, detached garden room and the demolition and re-position of gate posts.

### **Detached Garage:**

The detached garage would be located to the top of the existing driveway. It would be a single garage with the following dimensions:

Length (side elevations) – 6.2 metres  
Width (front and rear elevations) – 3.9 metres  
Maximum height – 4.3 metres

The walls of the garage would be faced in natural coursed stone, and it would have a pitched roof above, infilled with artificial stone slates.

A timber garage door would be installed to the front elevation, with a regular access door to the south east side elevation and windows to the north west side elevation.

### **Detached Garden Room:**

The garden room would be located within the garden to the front of the dwellinghouse. It would be single storey with the following dimensions:

Length (side elevations) – 4.55 metres  
Width (front and rear elevations) – 6 metres

Maximum height – 2.7 metres

The walls of the garden room would be faced in cedar boarding and would have a flat sedum green roof above. A black metal flue would project upwards from the flat roof.

Glazing would be installed to the front (eastern) elevation and side (northern) elevation.

#### Gate Posts:

The stone gate posts and walls would be rebuilt as necessary, moving the gate posts to a new location further towards the boundary.

#### History of Negotiations.

Following an informal consultation with KC Conservation and Design, the case officer sought amendments to the originally proposed detached garage, recommending that it be re-located within the site, reduced in size/scale and faced in stone to match the dwellinghouse.

In response to these recommendations, the applicant submitted amended plans in accordance with the case officer's design recommendations.

#### Relevant Planning History.

##### At 1 West Avenue:

- 99/93170 – Erection of sun lounge extension. *Granted.*
- 2023/91133 – Erection of first floor extension on piers. *Pending Determination.*

##### To Neighbouring Properties:

- 2016/93806 – 7 Daisy Lea Lane - Erection of detached garage. *Granted.*
- 2013/91489 – 7 Daisy Lea Lane – Erection of two storey extension and detached garage. *Granted.*

#### 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, a site notice and within the newspaper.

Final publicity date = 3<sup>rd</sup> June 2023.

No representations were received.

## **Consultation Responses.**

KC Conservation and Design (informal) – Following the submission of amended plans for the detached garage, have no objections to the scheme.

## **Policy/Legislation.**

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 application site is Allocated within the Edgerton Conservation Area.

The site is also located within an area with a known presence of bats and within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

## **Kirklees Local Plan:**

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP35 – Historic Environment
- LP51 – Protection and improvement of local air quality

## **Supplementary Planning Documents:**

Highways Design Guide SPD (2019)

House Extensions and Alterations SPD:

The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and architects who are planning and designing an extension or alterations (householder development) to an existing residential property, including conservatories and outbuildings, such as garages. It provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration required by the Council.

## **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, together with Circulars, Parliamentary 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 4 – Decision-making
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

### **Assessment.**

The following matters will be considered as part of the assessment of the proposal and will be looked at in detail individually:

- 1) Principle of Development
- 2) Impact on Visual Amenity and Historic Environment
- 3) Impact on Residential Amenity
- 4) Impact on Highway Safety
- 5) Other Matters
- 6) Representations
- 7) Conclusion

#### **1) Principle of Development**

Chapter 2 of the NPPF states that: *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*

Chapter 2 of the NPPF goes on to further state that objectives should: *“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

Policy LP1 goes further and states: *“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”*

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *“good design should be at the core of all proposals in the district”*.

In this instance, it can be stated that the principle of development in this application could be acceptable, subject to the assessment of impacts on the historic environment, visual and residential amenity, as well as highway safety and any other impacts that may arise. These will be discussed below.

## **2) Impact on Visual Amenity and Historic Environment**

### Visual Amenity:

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby paragraph 126 provides a principal consideration concerning design which states: *“The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

Paragraph 130 of the NPPF is of relevance, in particular the following parts:-

- *‘b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping’*
- *‘c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change’*

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

- *‘a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...’*
- *‘c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...’*

Key Design Principles 1 and 2 of the Council’s adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

Section 5.6 of the House Extensions and Alterations SPD relates directly to outbuildings, with paragraph 5.29 setting out: *‘Outbuildings, such as garden offices, detached garages and granny annexes, can have as much of an impact on the appearance of the building as any other extension. Wherever possible these should reflect the style, shape and architectural features of the existing house and not be detrimental to the space around the building’.*

Paragraph 5.30 of the SPD sets out 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; and
- 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 be lost.

Although the proposed detached garden room would be located forward of the principal elevation of the host dwelling, in this instance, the siting of the structure would be considered acceptable visually. The structure would be read in the context of the garden at 1 West Avenue, which is located to the front of the property. The structure would be separated from the dwellinghouse by approximately 5 metres and would be read as subservient with regard to its size/scale.

In terms of design, the garden room would be faced in cedar boarding with a flat Sedum green roof above. This design is considered to be acceptable, of a standardised appearance for a garden room structure.

Following the submission of amended plans, the proposed detached garage is considered to be visually acceptable. The garage would be of an acceptable single storey size/scale and would be sited behind the front build line of the host property within the site. In addition, the garage would be faced in stone to match the appearance of the host dwelling.

It should also be noted both the garden room and garage structures would be set back from the highway and be well screened by the forms of boundary treatment around the site's curtilage. Given the spacious appearance of the front amenity space, and the scale and materials of the garden room proposed it is considered it would not significantly impact upon the visual amenity / character of the locality and wider street.

The works to the gate posts and driveway are concluded to be visually acceptable, with the original gate posts and walls to be retained and relocated. Therefore, these works are considered to retain the original/existing character of the site within the context of the host property and wider streetscene.

For all of the reasons outlined above, it is considered that the proposal would not cause detrimental harm to the visual amenities of the host property or wider locality. The proposed development is therefore considered to comply with Chapter 12 of the NPPF, Policy LP24 of the Kirklees Local Plan and Key Design Principles 1 and 2 of the House Extensions and Alterations SPD.

#### Historic Environment:

Due to the site's location within the Edgerton Conservation Area, Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) is relevant and requires that special attention shall be paid in the exercise of planning

functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.

Section 72 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Policy LP35 of the Kirklees Local Plan will also be taken into account, stating that *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm”*.

KC Conservation and Design were informally consulted on this planning application. Following the submission of amended plans regarding the detached garage, KC Conservation and Design officers concluded the scheme to be acceptable with regard to its impacts upon the Edgerton Conservation Area.

It is considered the development would not lead to harm to the conservation area in this case and taking account of the design of the development which is proposed and its siting within the site it is considered the development would be acceptable having regard to the setting of the site within the Conservation Area. It is recommended conditions to ensure the materials of construction match the dwelling in the case of the detached garage and are in accordance with those on the plan for the garden room are included upon any grant of permission to ensure the appearance of these elements is acceptable.

The submitted plans set out, in relation to the relocation of the gate post, that it would be constructed from the existing materials and its relocation would not see a new gate post / material introduced. On the basis a condition is in place to ensure the development is carried out in accordance with the submitted drawings it is considered this element of the proposal would be controlled by this condition.

For these reasons, the proposed development at 1 West Avenue is considered to have an acceptable impact with regard to the heritage significance of the Edgerton Conservation Area (i.e. it would avoid harm to the significance of this designated heritage asset). Therefore, it is concluded that the proposal complies with policies within Chapter 16 of the NPPF and Policy LP35 of the Kirklees Local Plan.

### **3) Impact on Residential Amenity**

Section B and C of LP24 states that alterations to existing buildings should: *“...maintain appropriate distances between buildings”* and *“...minimise impact on residential amenity of future and neighbouring occupiers.”*

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive/overbearing.

Whilst the proposed developments could see a slight reduction in the extent of outdoor amenity space at 1 West Avenue, the scheme is considered to retain an adequate amount would be retained.

The proposed garden room and garage are to be designed and sited in locations that would not pose detriment to neighbouring properties with regard to overbearing, overshadowing or neighbouring privacy. The structures would both be separated from neighbouring boundaries, be single storey in height and have no glazing on the elevations facing directly towards other properties.

By nature, the proposed alterations to the gate post and driveway would not pose any impact with regard to residential amenity.

For these reasons, the proposed developments at 1 West Avenue would not be considered to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan and Key Design Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations SPD.

#### **4) Impact on Highway Safety**

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The proposed developments would not directly increase the domestic function of 1 West Avenue and it is considered that an adequate extent of on-site parking amenity space would be retained at the site.

The alterations to the gate posts would not significantly alter existing routes of vehicle access to and from the site with regard to the highway and, upon any grant of approval, a condition would be included to ensure that the widened driveway be surfaced permeably for reasons of drainage.

In turn, the proposal would be considered to appropriately accord with Chapter 9 of the NPPF, LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extension SPD.

## **5) Other Matters**

### Climate Change:

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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. National Planning Policy 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 predates 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.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

### Bats:

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site lies within the bat alert layer on the Council's GIS system.

The proposal does not present any demolition works or alterations to existing roofing forms at 1 West Avenue. Even so, as a cautionary measure, in the event of any grant of permission a note would be added to the decision notice, stating that if bats are found development shall cease and the advice of a licensed bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

## **6) Representations**

No representations were received.

## **7) 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: Approve**  
**Decision Authorisation – Delegated Powers**  
**Application Number: 2023/90891**  
**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 Policies LP1, LP2, LP21, LP22, LP24, LP30, LP35 & LP51 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8 & 15 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 9, 12, 14, 15 & 16 of the National Planning Policy Framework.
3. The external walls of the garden room shall be faced in cedar boarding and the roof shall have a Sedum green roof. These external materials of construction shall be thereafter retained.

**Reason:** In the interests of visual amenity and to accord with Policies LP2 and LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and Policies within Chapters 12 and 16 of the National Planning Policy Framework.

4. The external walls of the detached garage shall be faced in natural coursed stone and the roof infilled with artificial stone slates. These materials shall be thereafter retained.

**Reason:** In the interests of visual amenity and to accord with Policies LP2 and LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and Policies within Chapters 12 and 16 of the National Planning Policy Framework.

5. The developments hereby approved shall not be brought into use until the extended driveway as indicated on the hereby approved plans has been 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 (ISBN 9781409804864) 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) this shall be so retained, free of obstructions and available for parking.

**Reason:** In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that the additional hardstanding area is appropriately drained to mitigate flood risk in accordance with Policies LP21, LP22, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Note: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. 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
Drawing titled 'Proposed revised Gate Post position'	2	-	25.7.23
Existing Gate Posts	-	-	18.4.23

Proposed Detached Garden Room	3	-	25.7.23
Proposed Detached Single Garage	1	A	18.7.23
Climate Change Statement	-	-	28.3.23
Conservation/Heritage Assessment	-	-	24.4.23

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer requested amended plans with regard to the detached garage. In response, the applicant submitted an amended plan to re-site the garage, reduce its size/scale and face this element of the proposal in stone and tiles.

Report dated:

25.7.23