

**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:	2023/62/90982/E
Site Address:	37, High Street, Clayton West, Huddersfield, HD8 9PD
Description:	Formation of vehicular access
Recommending Officer:	Edward Cheseldine

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: 05-Jun-2023

Officer Report

2023/90982 - 37, High Street, Clayton West, Huddersfield, HD8 9PD

Site Description

37 High Street is a two-storey detached dwelling in Clayton West. The property is situated on a corner plot on the main street of the village. The dwelling hosts a front garden that surrounds the property off High Street and Bilham Road. Many of the properties within the immediate vicinity have converted parking spaces and drop curbs allowing vehicles to exit and enter.

Application Description

The applicant is seeking permission to install two vehicular parking spaces within the dwelling plot with a dropping kerb from High Street. The parking spaces will be 2.8m x 4.8m each and will maintain an existing footpath to the side of the spaces. The application also grants the partial demolition of a stone boundary wall. Materials for the drive are proposed to be non-permeable paving blocks.

In order to achieve vehicular access to the parking bay the proposal includes the installation of a dropped kerb to the pavement that adjoins the front boundary of the property. A section 184 agreement will be submitted to attain permission to alter the highway.

Relevant Planning History

None.

History of negotiations

Amendments to the initial submitted plans were not necessary.

Representations

The application was advertised by neighbour letters, which expired on 11 May 2023. As a result of the above publicity, no representations have been received.

Denby Dale parish council were consulted on the submitted plans. They made no comment on the plans.

Consultation Responses

Consultation response from KC Highways Development Management.

Comment: Highways Development Management saw the proposal as a benefit because it removes the need to park on the street. In addition, they

recognised that there are a number of examples of similar schemes at neighbouring houses.

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.

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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety & access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity

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.

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, and 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 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

Assessment

- 1) Principle of development
- 2) Impact of visual amenity
- 3) Impact of residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Conclusion

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 Extension SPD (HEASPD) and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

Impact on visual amenity:

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.

Whilst the formulation of vehicular access to the front of the property would change the appearance of the site, it has been considered that this would not result in detrimental impact on the local street scene. A large section of the stone wall would be retained and there would be adequate garden space. Most properties on the street benefit from vehicular access. Therefore, the formulation of vehicular access and the installation of a dropped kerb at 37 High Street would not look out of place within the streetscene.

Impact on residential amenity:

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan.

The application site shares a property boundary with No. 35. Currently there is a stone wall boundary separating the two properties that will be maintained. The separation will give enough protection as to the proposed drive not impacting the neighbouring property.

Impact on highway safety

Turning to highway safety, Policy LP21 of the Local Plan has been considered along with the KC Highway Design guide. The policy seeks to ensure that new developments have an acceptable impact on highway safety. The application has also been assessed by KC Highways who raised no objection to the proposal.

The formation of a parking area to the front of the property would introduce vehicles manoeuvring within close proximity to neighbouring properties and on to a C classified road. A space that is 5.6 metres wide is sufficient for 2 cars to park side by side and provided the depth is 4.8 metres would be long enough for a car to park without overhanging the footway. The development would have the benefit of removing a small number of cars parked on the highway in front of the property; thus representing a highway improvement at the site. Whilst sightlines onto the road would be limited given the typically low speeds along the road and the fact that there are other similar entrances is considered to be sufficient to ensure that the development does not have a detrimental impact on highway safety.

To ensure that that spaces are of sufficient depth a condition will specify that they are 5 metres deep to ensure that appropriate surfacing is used this will also be conditioned. A note will also be added to the decision notice advising the applicant that works to the highway such as the dropped kerb requires separate consent.

Subject to the above conditions the proposal would accord with Policy LP21 of the Local Plan.

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.

Conclusion:

This application to erect vehicular access at 37 High Street has been assessed against relevant policies in the development plan as listed in the policy section

of the report, the House Extensions & 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

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 Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.
3. Notwithstanding the approved plans the depth of the parking spaces hereby approved shall be a minimum of 4.8 metres and prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained.
Reason: For the avoidance of doubt as to what is being permitted in the interests of highway safety and to achieve a satisfactory layout and to accord with Policy LP21 of the Kirklees Local Plan.

NOTE: The changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally 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 bats are present or not. If bats are discovered on site, development shall cease, and the applicant is advised to contact Natural England for advice.

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.

Plans and specifications table: -

Plan Type	Reference	Version	Date Received
Block Plan	BP	1	10/05/2023
Location Plan	LP	1	03/04/2023

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 has, 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 were sought.