

**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:	2023/62/91140/W
Site Address:	Park Views, 72, Beaumont Park Road, Beaumont Park, Huddersfield, HD4 5JH
Description:	Erection of outbuilding / pergola
Recommending Officer:	Laura Yeadon

DECISION – REFUSED

I hereby authorise the refusal 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: 13-Jun-2023

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f91140>

Site Description

Park Views, 72 Beaumont Park Road is a large detached property set in relatively well sized grounds within an area without notation on the Kirklees Local Plan. The property is constructed from stone with a rosemary coloured tiled roof. The property is set back from the roadside within a sloping site with the main amenity space for the property located to the front of the dwelling. The sit is accessed via a long drive set behind electric gates.

Residential properties are located to the north, east and west and to the south is Beaumont Park which is a Grade II listed park and garden containing the Grade II listed Park Lodge.

Description of Proposal

The application is for the erection of an outbuilding/pergola which is a detached structure and located to the side and forward of the host property. The materials are metal clad panels to the walls and roof.

There is also an application within the site boundary for the erection of a garage under application number 2023/91141 which is under consideration. The works for the outbuilding/pergola and garage are development that seek permission retrospectively. The applications have been submitted following the refusal of permission number 2022/93346 for the erection of a single storey car storage extension and outbuilding.

The reason for refusal was as follows:

- 1. The extension and outbuilding, by virtue of their siting, overall scale and incongruous and low-quality construction materials result in development that fails to sympathetically harmonise with the host dwelling and constitutes poor design. The development therefore causes detrimental harm to the host property and the wider character and appearance of the area, contrary to Key Design Principles 1, 2 and 9 of the Council's adopted House Extensions and Alterations Supplementary Planning Document, Policy LP24 of the Kirklees Local Plan and Policies contained within Chapter 12 of the National Planning Policy Framework.*

The outbuilding/pergola is 'L' shaped with the following dimensions:

- 15.3m in depth
- 12 metres in maximum width
- 2.5m in overall height

History of negotiations/amendments received

The Agent was informed that Officers could not support the application as no changes have been made to this structure following the previous refusal.

Relevant Planning History

- 2008/91963 Outline application for residential development (2 no. dwellings) and formation of new access to existing development
Refused
- 2008/92542 Demolition of conservatory and erection of single storey extension
Conditional Full Permission
- 2009/90533 Formation of vehicular access
Conditional Full Permission
- 2010/93389 Erection of extension and additions on man-pass gate to driveway entrance
Refused
- 2012/93584 Erection of extensions and gates to drive entrance
Refused
- 2012/93584 Erection of extensions and gates to drive entrance
Refused
- 2022/93346 Erection of single storey car storage extension and outbuilding
Refused
- 2023/91141 Erection of garage and alterations
Under consideration – not yet determined

Representations

We are currently undertaking the legal 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.

Final publicity date expired 2nd June 2023

Parish/ Town Council – not applicable

As a result of the public consultation period 2 representations have been received with the summary of comments set out below:

- Materials not in keeping with the property, neighbouring properties or the wider surrounding area particularly when considered in the context of Beaumont Park with the house being in a prominent position in relation to the main park entrance
- Extends significantly forward of the front elevation
- Size and scale of development is excessive in relation to the original dwellinghouse
- Detrimental impact on amenity of neighbouring properties and harms character of the area
- Application does nothing to overcome previous reasons for refusal
- Not subservient to host building
- Extends forward of the host building and takes up majority of the side garden
- Not compliant with KC planning policies and should again be refused

These are addressed in full in the following report.

Consultation Responses

None required

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 without notation on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** - Biodiversity and geodiversity
- **LP 35** – Historic environment
- **LP 51** – Protection and Improvement of Local Air Quality

Supplementary Planning Documents:

- House Extensions and Alterations SPD

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 21st July 2021, 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 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 & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

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

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 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 National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the

adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – that “extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene.”
- Principle 2 – that “extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.”

With specific regard to the House Extensions and Alterations SPD the other key design principles for consideration are:

- 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 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

With specific regard to the proposed development the SPD states the following in terms of outbuildings:

Outbuildings

With specific regard to outbuildings which include domestic garages, section 5.30 of the adopted SPD states 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 should be lost.

The aforementioned policy contained within the House Extensions and Alterations SPD is applicable to consideration of both visual and residential amenity and is considered within parts 2 and 3 of this report where applicable.

The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations

2 – Impact on visual amenity and historic environment

The NPPF offers guidance relating to design in Chapter 12 (Achieving well designed places) whereby paragraph 126 provides a principle 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 also of relevance, in particular the following:

‘Planning policies and decisions should ensure that developments:

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment...’

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

The application seeks retrospective permission for the erection of an outbuilding/ pergola.

The application has been submitted following the refusal of planning application 2022/93346 which was for the erection of a car storage building and outbuilding. There are no changes to the outbuilding/ pergola from what was previously refused. Therefore the materials, size and scale of the structure is as previously refused.

The previous Officer Report cites that paragraph 5.30 sets out the criteria for outbuildings and what parameters would be acceptable.

As previously assessed, the footprint of the building whilst having smaller footprint than the host property, is not considered to be sufficiently subservient to have a neutral impact on visual impact. The building line of the structure is not behind the original building line of the host property and whilst the structure

is screened from Beaumont Park Road, the wider street scene is characterised by dwellings set within modest curtilages, set back from the roadside with manicured front gardens which do not contain outbuildings. As such, this structure is considered to be out of character with the street scene. It is noted however that the building does allow for a sufficient level of garden space to remain.

The previous reason for refusal took into account another retrospective structure to the rear of the property in the form of a garage which is the subject of a separate application under number 2023/91141 and is therefore a material consideration to the assessment of this application.

When viewed cumulatively, the extension and outbuilding as constructed do not read as structures in keeping with the character of the host property and given their size and prominence, with the construction materials being wholly inappropriate, which do not harmonise with the host property. It is therefore considered that this has resulted in incongruous features being constructed having a detrimental impact on visual amenity, in particular the host property and the character of the wider area contrary to Key Design Principles 1, 2 and 9 of the SPD, Policy LP24 of the Kirklees Local Plan and Policies contained within Chapter 12 of the NPPF.

As there have been no proposed amendments to the structure from the previously refused application, the matters within the previous refusal relating to siting, overall scale and being incongruous are not considered to have been overcome. The construction materials of the outbuilding/pergola are considered wholly inappropriate and it does not appear that there are any similar extensions in the immediate area of comparable size, scale, design or construction materials which would provide towards any level of justification for the extension in this case.

In terms of the nearby Grade II listed park and garden and the nearby Grade II listed building, Section 66 of the Planning (Listed Buildings & Conservation Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Sections 66 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.

Furthermore, Policy LP35 of the KLP states 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."

In this circumstance and in line with the previous assessment, given the single storey height of the development, the boundary treatment to the front and the distance of the development from the heritage assets, it is considered that the development does not cause harm to the significance of these designated heritage assets.

In light of the previous refusal and that the reason for refusal for the outbuilding/pergola remains the application does not overcome this reason and therefore the structure is recommended for refusal.

3 – Impact on residential amenity:

Paragraph 130 of the NPPF requires that planning decisions ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being with a high standard of amenity for existing and future users.

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. 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.

Principles 3 and 4 specifically state the following:

Key design principle 3, *Privacy – Extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours*

Key design principle 4, *Habitable rooms and side windows – Extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook.*

In terms of the outbuilding/pergola, this is sited close to the boundary with the adjacent neighbour to the west. Due to the existing boundary screening with the neighbouring property being set forward of the structure and as the structure is single storey in height, it is not considered that this causes significant harm either (in terms of loss of outlook, loss of light and overshadowing).

Key Design Principle 7 requires that useable areas of outdoor space are retained and in this instance due to the extent of curtilage and as demonstrated on the submitted site plan, the works are not considered to result in an overdevelopment of the site as a usable garden space remains. The development is therefore considered to comply with this principle.

Therefore, it is considered that the development is acceptable in terms of residential amenity. It is considered there will be no significant impact on

neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the development accords with the aims of policies LP1, LP2 and LP24 of the Kirklees Local Plan, Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within Chapter 12 of the National Planning Policy Framework.

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.

In this case there is considered to be limited impact on parking or highway safety. The existing driveway is retained and whilst there is some form of garage provision within the garage structure for one parking space, there is sufficient space for the parking for further vehicles within the site boundary.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the 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 pre-dates 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.

The Agent has submitted a Climate Change Assessment which identifies that the works would not impact on climate change as the works are existing.

Biodiversity – 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 is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the works being carried out and the nature of the works. It is not considered necessary to seek enhancements given the nature of the development.

6 – 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 proposals do not accord with the development plan and/or the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

Recommendation

REFUSAL

Decision Authorisation - Delegated Powers

Application Number: 2023/91140

Officer Recommendation: Refuse

Reason:

1. The outbuilding/pergola by virtue of its siting, overall scale, being incongruous and with low-quality construction materials results in a development that fails to sympathetically harmonise with the host dwelling and constitutes poor design. The development therefore causes detrimental harm to the host property and the wider character and appearance of the area, contrary to Key Design Principles 1, 2 and 9 of

the Council's adopted House Extensions and Alterations Supplementary Planning Document, Policy LP24 of the Kirklees Local Plan and Policies contained within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan and site plan	TR-A22-0901-001		17 th April 2023
Existing floor plans	TR-A22-0901-002		17 th April 2023
Existing elevations	TR-A22-0901-003		17 th April 2023
Proposed location plan and site plan	TR-A22-0901-004		17 th April 2023
Proposed floor plans	TR-A22-0901-005		17 th April 2023
Proposed elevations	TR-A22-0901-006		17 th April 2023
Pergola images			17 th April 2023
Climate Change Statement	Appendix A		25 th April 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 Agent was informed that Officers could not support the application as no changes have been made to this structure following the previous refusal.

Report Dated: 13th June 2023

Coal – none