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:	**2023/62/91356/W**
Site Address:	1, Carr Top Lane, Golcar, Huddersfield, HD7 4JB
Description:	Erection of detached garage with home office and storage within roof space (within a Conservation Area)
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: 11-Jul-2023

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f91356

Site Description

1 Carr Top Lane is a large detached stone constructed two storey property located within the Golcar Conservation Area on the Kirklees Local Plan. The property is a relatively modern construction with amenity areas to the front rear and side (north). The property hosts a porch to the front elevation and single storey structure to the side which was formerly a garage where a driveway is located. To the north of the property there is a parcel of land which is accessed via a driveway off the cul-de-sac which slopes upwards from the property towards the roadside. The parcel of land is bound by a low stone wall to the front with a high boundary wall to the rear which forms a retaining wall for the new housing development beyond.

Surrounding development comprises of mainly residential properties with modern development immediately surrounding the site with more historical properties beyond.

Description of Proposal

The application is for the erection of a detached garage with home office and storage within the roof space.

The building would be located to the north of the side elevation of the host property in parcel of lawned land between the host building and the roadside. Due to topography the building would be built into the landscape to provide a level surface. This area of land was not included within the red line boundary of the site under the 2003/95282 application which obtained permission for the new dwelling with integral garage.

The measurements of the proposal are as follows:

- 6.4 metres in width
- 10.4 metres in length
- 4.3 metres maximum height from ground to eaves
- 6.7 metres maximum height from ground to roof ridge

The proposed extension would be built from materials to match the host property using natural stone with quoins to match the host dwelling and either natural or artificial stone for the roof with conservation style roof lights. The garage door would be a brown powder coated aluminium with external door being oak boarded with the windows natural oak or oak effect uPVC. It is also proposed that a beech hedge would sit behind the low boundary wall along the entrance to the cul-de-sac.

History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the principle of development in this location not being considered acceptable.

Relevant Planning History

1989/05629 Outline application for erection of 31 no. dwellings and garages
Refused

1994/93595 Outline application for residential development (approx. 23 dwellings)
Refused

1994/93596 Outline application for residential development (10 dwellings)
Refused

1995/90501 Outline application for residential development (approx. 23 dwellings)
Refused

1995/90502 Outline application for residential development (10 dwellings)
Refused

2003/90487 Outline application for erection of two dwellings, for off-street parking, closing existing vehicular access and formation of new access
Conditional Outline Permission

2003/95282 Erection of detached dwelling with integral garage
Approval of Reserved Matters

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, site notice and newspaper advertisement.

Final publicity date expired 23rd June 2023 – no representations received

Parish/ Town Council – not applicable

Consultation Responses

K.C Conservation and Design – informal discussions – too large and dominant at the entrance to the site

K.C. Highways Structures – conditions requested regarding easement areas for boundary walls and for the submission of detailed dimensional cross sections to assess whether the proposed building will be within the influential zone of highway loading. AIP required.

K.C. Environmental Health – requested conditions with regard to the reporting of contaminated land found during development and electric vehicle charging point with a note added to the decision notice with regards to construction site working times

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 within the Golcar Conservation Area 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

Supplementary Planning Documents:

- Highways Design Guide SPD
- 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 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

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 Listed Buildings and Conservation Areas Act 1990

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity and Conservation Area

2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) Conclusion

1 – Principle of development:

The site is within the Golcar Conservation Area. Section 72 of the Listed Buildings and Conservation Areas Act 1990 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. this is mirrored in Chapter 16 of the National Planning Policy Framework and also Policy LP35 of the Kirklees Local Plan.

Policy LP1 of the Kirklees Local Plan states 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 designs 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 14: Drainage and flood risk
- 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 that in terms of outbuildings:

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 above listed policies and guidance within the SPD are taken into account within sections below of this report. Whether the principle of development is acceptable in this case is set out in the conclusion section of this report.

<u>2 – Impact on visual amenity and Conservation Area:</u>

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.

Section 72 of the Town and Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving of enhancing the character and appearance of Conservation Areas. This is echoed within Policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

The development seeks permission to construct a garage with home office and storage within the roof space to the side of the host dwelling in a parcel of land between the host building and Carr Top Lane. The host dwelling is a large detached property.

The garage itself would be sited to the side of the host dwelling and slightly forward of the front elevation of the host building. This does not comply with the requirements of Section 5.30 of the SPD as the structure is not set back behind the building line of the original building. In addition, due to the topography of the area and the steeply sloped nature of the land, the siting of what is affectively a two storey building on a currently open piece of land in such a prominent location between the host property and the roadside is not considered to have an acceptable impact in relation to the visual amenity of the street scene or character of the host property, contrary to Key Design Principles 1 and 2 of the SPD.

In terms of the impact of the scheme on the Conservation Area, Policy LP35 requires that proposals should retain those elements of the historic environment that which contribute to the distinct identity of the area and sure they are appropriately conserved.

In this case the structure would be located to the side of the host dwelling, separated by approximately 9 metres. Due to the separation distance and the overall size, height and scale of the building, it would not appear to be structure that would be read in the context of being an ancillary building to No. 2. When approaching the building from Carr Top Lane from the south-east, the impact of the scheme would be a two storey structure with a blank side elevation with the back drop of a stark high retaining wall. The structure would be highly prominent and whilst it is noted that there are new-build dwellings to the rear, the structure would infill the natural open landscape which separates the cul-de-sac from the roadside which contributes to the character and appearance of the Conservation Area.

It is not considered that the presence of such a large structure in the location proposed would preserve or enhance the Conservation Area by virtue of not being particularly subservient and not being in keeping with surrounding development which have strong defined frontages. This would be contrary to Policy LP35 which seeks to ensure that proposals within the Conservation Areas conserve those elements which contribute to their significance. The presence of such a large structure cut into the landscape within the location proposed would be out of character and would not contribute to its setting. Whilst it is acknowledged that a hedge is proposed to screen the south-east elevation, it is not considered to be an effective solution to screen the building as this cannot be permanently secured by a condition.

Within the NPPF, paragraph 202 states that where a proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should outweigh the harm to the Conservation Area. To permit this development, with no clear justification would be contrary national and local Policy and would have a negative visual impact, contrary to Policy LP24.

Whilst the garage structure would be constructed from natural coursed stone and would traditional construction materials, this is considered appropriate for the area and would therefore accord with Policy LP24 of the Local Plan and Key Design Principles 1, 2 and 9 of the SPD.

It is therefore considered that a large two storey outbuilding which would not appear in connection with the host property and would not be subservient in such a prominent location, set up from the finished floor level of the host building by approximately 2 metres at the entrance to the cul-de-sac would not be appropriate in this location. The development would be visually harmful and fails to improve the character and quality of the area and the wider Conservation Area contrary to policies within Section 16 of the NPPF, Policies LP24 and LP35 of the Kirklees Local Plan along with Key Design Principles 1 and 2 of the SPD. Refusal on this basis is therefore recommended.

<u>3 – Impact on residential amenity</u>:

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.

In this case the garage would be located in an area of land owned by the applicant (Certificate A has been signed with the application). Due to its siting in front of a high retaining wall with limited openings, it is not considered to cause harm to the amenity

of neighbouring properties by virtue of overlooking or by overshadowing. The development is not considered to significantly reduce the amenity space for the host property.

Therefore, it is considered that the development would be 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 proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 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.

The submitted details indicate that the ground floor of the building would be to accommodate 4 no. vehicles. However, Manual for Streets states that many authorities recommend a minimum size of garages of 6m x 3 metres. Therefore, with a footprint of 5.8 metres x 9.8 metres, this would fall short of the space required for 4 no. vehicles. Notwithstanding this, there is off-street parking provided within to the front of the single storey (former garage) section of the main property and there are no proposed increase in accommodation within the main dwelling and therefore whilst there is a shortfall in footprint to the building to accommodate 4 no. vehicles, any further provision for off-street parking is acceptable.

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.

A Climate Change Statement has been submitted as part of the application process with its content considered acceptable.

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 as the proposed building is a new building and not a conversion or attached extension to the host property.

Residential curtilage – the parcel of land to the side of the site is outside of the red line boundary on the approved 2003/95282 application for the new dwelling. As such, there is no clear evidence that this parcel of land forms residential curtilage for the host dwelling. In the absence of a Certificate of Lawful Development to establish whether, over the passage of time, this parcel of land is lawfully defined as curtilage. Notwithstanding this, the application has been submitted as Householder development with Certificate A signed and has been assessed as such. Were it the case this land is identified as outside the residential curtilage of the host property a further application to regularise its use would be required.

6 – Representations:

None

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 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.

The proposal is therefore considered to be contrary to policy LP2 which seeks to ensure all development proposals build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places.

Recommendation **REFUSAL**

Decision Authorisation – Delegated Powers

Application Number: 2023/91356

Officer Recommendation: Refuse

1. By reason of its siting, scale and massing the proposed garage building with home office and storage within the roof space would fail to preserve the character and appearance of the locality. The development would have a detrimental impact upon this part of the Golcar Conservation Area causing harm to its setting. The development is therefore contrary to Policy LP2, LP24 (a and c) and Policy LP35 of the Kirklees Local Plan, paragraph 5.30 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 12 and 16 of the National Planning Policy Framework and the Council's duties under the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan, proposed site plan, elevations, floor plans and cross sections	1A		18th May 2023
Species Enhancement Statement			18th May 2023
Climate Change Statement			17th May 2023
Heritage Statement			17th May 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 negotiations have taken place with the applicant/agent due to the principle of development in this location not being acceptable.

Report Dated: 10th July 2023

Coal – none