

**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:	2023/62/91358/W
Site Address:	131, Leymoor Road, Golcar, Huddersfield, HD7 4QX
Description:	Erection of outbuilding to create dwelling forming annex accommodation associated with 131, Leymoor Road, Golcar, Huddersfield, HD7 4QX
Recommending Officer:	Lucy Taylor

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 24th August 2023

Officer Report.

Reference: 2023/91358

Location: 131, Leymoor Road, Golcar, Huddersfield, HD7 4QX

Proposal: Erection of outbuilding to create dwelling forming annex accommodation associated with 131, Leymoor Road, Golcar, Huddersfield, HD7 4QX

Site Description.

No. 131 Leymoor Road is a mid-terrace two-storey dwelling. The dwelling is faced in natural stone, with a tiled gable roof above. The property has a narrow garden to the rear which, presumably, due to later land purchases, now includes land which wraps around the end of neighbouring gardens. This area of land hosts several detached garages. An unnamed track runs along the rear of the terrace row fronting onto Leymoor Road, giving access to their rear gardens and those of properties on Marina Terrace.

Description of Proposal.

Planning permission is sought for the erection of an outbuilding to create a dwelling forming annex accommodation associated with No. 131 Leymoor Road.

The outbuilding would have a rectangular footprint measuring 5mx8m, offering approximately 32sqm of floor space internally. The roof is to be of a gable form, with an eaves height of 2.15 metres and a ridge of 3.75 metres.

The walls would be faced in stone to the front elevation, with block and render to the sides and rear. The roof would be infilled with slate tiles.

With regard to fenestration, glazing and access doors are proposed to the front, rear and northern side elevations of the outbuilding.

Relevant Planning History.

- **2020/91406** – Erection of outbuilding. *Granted. There is evidence of some construction work on site, but it is unclear whether this relates to this outbuilding.*

History of Negotiations.

Upon assessment of the application, officers sought a justification statement from the planning agent / applicant regarding the need for the proposed outbuilding and annex structure. Via email correspondence, the planning agent / applicant stated that the building would be for the use of guests to the

main house and may be used to house a relative of the occupiers of No. 131 Leymoor Road in the not-too-distant future.

Officers expressed concerns over the scale and design of the original outbuilding proposed, with regards to the size of the development in respect to the character of the area, the proximity of the proposal to neighbouring properties and the imposing nature of the structure.

This led to an amended scheme been submitted, which saw the originally proposed outbuilding minimally reduced in size/scale, with a reduction of 0.5 metres in length and width of the structure and a reduction of only 0.15 metres in height.

The planning agent / applicant also provided photographed examples of outbuildings in response to officer concerns, however, these were a significant distance from the site, on Carr Street and Ochrewell Avenue. As such, officers did not consider these photographed examples to hold any significant weight in the determination of this planning application.

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 which expired on 29 June 2023 – one objection was received.

The objection set out the following:

- Too close to neighbouring properties and will cause noise and disturbance.

Consultation Responses.

KC Highways Development Management – have no objection to these proposals, however, suggest a condition regarding the use of the annex dwelling upon any grant of approval.

KC Environmental Health –

Contaminated land: the proposed development site is not shown as being potentially contaminated from its former use. However, because the development would involve groundwork, KC Environmental Health would recommend conditions relating to unexpected contamination upon any grant of approval.

Loss of amenity caused by the construction of the development: there is a potential loss of amenity to the occupiers of nearby properties from noise and vibration from the construction phase of the development. Therefore, upon any grant of approval, a condition is recommended regarding restricting the times when noisy construction activities (including deliveries).

Planning 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).

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP51 – Protection and improvement of local air quality

Supplementary Planning Documents:

Highways Design Guide SPD (2019)

House Extensions and Alterations SPD (2021).

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

Assessment.

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

- 1) Principle of Development
- 2) Impact on Visual Amenity

- 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 onto 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”*.

2) Impact on 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...'*

The application is to provide a new building associated with 131 Leymoor Road, to provide annex accommodation. The House Extensions and Alterations SPD is of general relevance for visual amenity purposes.

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.

Paragraph 5.30 of the House Extensions and Alterations 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 proposed outbuilding would be set in a prominent and obtrusive position within the curtilage of No. 131 Leymoor Road and the proposed structure would be large in scale, in terms of both footprint and height, further impacting on its obtrusive appearance adjacent to the existing dwelling and within the wider context of the surrounding streetscene.

The host property of No. 131 Leymoor Road, as extended, has a footprint of approximately 48.75sqm. The proposed outbuilding would have a total footprint of approximately 41.65sqm. Therefore, it is concluded that the annex structure would not be read as subservient to the host dwellinghouse and would be separated from the built form of the host property by only approximately 6 metres, increasing its obtrusive appearance.

Further increasing the obtrusive appearance of the annex structure to No. 131 Leymoor Road is its proximity to the neighbouring properties of No.'s 129 and 133 Leymoor Road (separated by approximately 10 metres), which have a total footprint of approximately 35sqm, less than the total footprint of the proposed annex structure. In turn, this further works to emphasise the extent to which the outbuilding would introduce excess bulk/massing, introducing an additional built form which would appear imposing in the context of the wider streetscene. This is significant great in footprint and height than the previous approved outbuilding.

Additionally, the proposed outbuilding would be built up to the rear boundary of curtilage, adjoining the unnamed track, and would be only approximately 3.5 metres from the rear boundaries of properties along Marina Terrace. Resultantly, the proposed outbuilding would be concluded to reduce the openness of the site and wider area, impacting on the relationship between the properties which front Leymoor Road and those located along Marina Terrace, particularly No. 14 Marina Terrace, the rear elevation of which retaining a separation distance of only approximately 8.6 metres from the siting of the annex.

The blank southern elevation of the proposed outbuilding, facing towards the properties along Marina Terrace, would further increase the extent to which it would be read as imposing visually. Introducing a new blank, solid elevation of a significant size/scale.

Whilst officers note the presence of detached garages in close proximity to the proposed siting of the outbuilding, these are of a reduced size/scale to that of the proposed annex structure and are set in from the unnamed track reducing their prominence. In turn, these detached garage structures are not considered to have set a precedent for the proposed annex building, which fails to respect the character of the area and is imposing as a result of its siting, size/scale and overall design. The previously approved outbuilding was of a comparable size to these existing structures.

The submitted plans and elevations (Dwg No. 2313-01 Rev A) show a large patio area to be incorporated to the front and side of the outbuilding. This would further increase the extent to which the outbuilding would be read as an obtrusive addition, introducing a significant extent of hard standing in addition to the additional built form. The introduction of hard standing in the form of a patio would further impact upon openness. The occupation of the annex as a separate dwelling would also require bin storage and additional parking which would further develop the site.

Officers note that whilst permission has previously been granted on site for an outbuilding structure, application 2020/91406, this was of a smaller size/scale, concluded to have fallen close within the Permitted Development allowance of Part 1, Class E of the GPDO2015 (as amended) for outbuildings. This fallback position is not valid for this new proposal and PD rights have since been removed from the property for developments falling within Class E.

Having taken the above into account, the proposed annex would, by reason of its size and design form an incongruous feature which would cause significant harm to the visual amenity of both the host dwelling and the wider streetscene, thereby failing to comply with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and the aims of chapter 12 of the National Planning Policy Framework.

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.

The proposal would see a reduction in the extent of rear garden amenity space at 131 Leymoor Road, but it is considered that an adequate amount would be retained in accordance with Key Design Principle 7 of the House Extensions and Alterations SPD.

It is considered that the properties most likely to be affected by the proposed development are those which directly neighbour the site.

No.'s 129 and 133 Leymoor Road:

These properties directly neighbour No. 131 to the east and west.

The position of the annexe would be at the rearmost extent of the site, with a separation distance of approximately 10 metres from these neighbouring properties. In turn, given the single storey height of the proposed outbuilding, it is not considered that it would result in any significant impacts of undue overbearing or overshadowing for the occupiers of No.'s 129 or 133 Leymoor Road.

Fenestration detailing proposed to the northern side elevation of the outbuilding, which would face towards these neighbouring properties, would consist of an access door and small window. In turn, given the minimal extent of glazing proposed on this elevation, it is not considered that it would result in significant detriment with regard to residential privacy by way of overlooking for No.'s 129 or 133 Leymoor Road. The glazing to the other elevations of the outbuilding would also not be considered to result in significant impacts of overlooking.

With regards to the impact on the neighbouring 129 and 133 Leymoor Road, the scheme has been considered in terms of Key Design Principles 3, 5 and 6 of the House Extensions and Alterations SPD, policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF and the proposals are considered to be acceptable.

Nos. 12 and 14 Marina Terrace:

This property is located south of No. 131 Leymoor Road, to the rear.

The proposed outbuilding would be separated from the rear boundary of curtilage of No. 14 Marina Terrace by only approximately 4 metres and from the rear elevation of the property by 8.6 metres (glazed single storey rear projection). This separation, together with the 3.75-metre-high blank southern side elevation, would pose an overbearing effect. It should also be noted that the proposed annexe would be considerably higher than the rear boundary treatment of No. 14 Marina Terrace, which comprises of low wooden fencing.

Whilst no glazing is proposed that would detriment the privacy of No. 14 Marina Terrace, it is considered that the proposed development would be likely to have an overbearing effect for the neighbouring property of No. 14 Marina Terrace and would therefore not be compliant with the aims of Policy LP24b of the Kirklees Local Plan, or Chapter 12 of the National Planning Policy Framework.

In addition, the activity associated with the annexe would take place within close proximity to the rear of these properties. Consultation has taken place with Environmental Service who have raised no objections for this reason. Given the annexe would be for domestic use and the surrounding development is residential, it is considered that the future occupation of the unit would not give rise to undue noise and disturbance.

It is considered that the proposed building would be a sufficient distance away from any other properties to prevent undue harm to residential amenity in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing affect.

Amenity of Future Occupiers of the Annex:

The submitted floor plans for the annex indicate a one-bedroom unit with a double bed. The building would have an internal floor area of 32sqm, with the bedroom providing approximately 8 sqm.

The proposed annex fails to comply with the Nationally Described Space Standards for a single storey one bedroom unit when used by either one or two occupiers. The minimum space standards for one occupier would be 39 sqm and for two occupiers would be 50 sqm. In turn, the annex would not provide a good stand of living for any future occupiers. It is important to note that the NDSS is not adopted as a Policy within the Kirklees Local Plan. However, new build dwellings – and in this case the annexe is clearly capable of independent occupation - should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out the NDSS, these are not currently adopted in the Kirklees Local Plan. The council will seek to adopt such a policy in the future in accordance with evidence and in the meantime will seek to ensure high quality living environments through the application of Local Plan policy LP24 (Design).

Whilst officers note that the proposal is for annex accommodation associated with No. 131 Leymoor Road, the structure would be under no obligation to be used ancillary to the host dwelling and the plans demonstrate that it would have all the required parts to function independently. This includes the annex having a living room, kitchen, WC and bedroom internally and a separate outdoor space in the form of a patio to No. 131 Leymoor Road.

In addition to failing to provide a high standard of amenity for future occupiers, officers also note that, if to ever function as a separate unit, there would only be a very limited area of outdoor amenity space to serve the residential building, comprising of only a hard-surfaced patio. This and the annexe would face onto an unmade track with no other residential dwellings fronting the lane. It would have a poor outlook and visual environment for future occupiers.

These factors mean that the outbuilding would be at risk of providing a substandard level of amenity for any future occupiers, contrary to LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

Whilst officers are aware that upon any grant of approval, a condition could be implemented regarding the ancillary use of the annex, it has been concluded that any such condition could fail to meet all of the required tests, in terms of failing to be enforceable and failing to be precise. The intention of the applicants do point to the potential use by family members in the future. As such, in this instance, it is not considered that any such condition could be implemented to mitigate use of the proposed outbuilding as a separate independently functioning residential unit separate to No. 131 Leymoor Road.

In conclusion, it is considered that the proposed development would be likely to have an overbearing effect on one neighbouring property, 14 Marina Terrace, and would therefore not be compliant with the aims of Policy LP24(b) of the Kirklees Local or Chapter 12 of the National Planning Policy Framework.

In addition, the proposed annex is considered to be of a form and design that could possibly function completely independently from No. 131 Leymoor Road in the future, under no obligation to remain in ancillary use to the host property. Officers conclude that the unit as a separate residential property would provide a substandard level of amenity for any future occupiers and that the outdoor amenity space would be inadequate, with only a small patio area. This would be contrary to LP24b of the Kirklees Local Plan and Chapter 12 of the NPPF.

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.

Upon formal consultation with KC Highways Development Management, it was concluded that, permitted the annex dwelling is used ancillary to No. 131 Leymoor Road, the Highways Development Management team would have no objection to the scheme with regards to parking arrangements for both No. 131 Leymoor Road and the annexe.

However, officers note that the proposed annexe has the potential to function completely independently from the host dwelling and that, in this instance, there would likely be an increased demand for parking if permanent residents were to occupy the structure. This could result in an inadequate level of off-street parking for No. 131 Leymoor Road and the outbuilding which could host up to two occupiers, sharing only three off-street parking spaces, two in the form of detached garages associated with No. 131 Leymoor Road. However, Highways consider a space in front of one of the garages could form a third space. Given this, on balance, there is deemed to be adequate parking to serve no. 131 and the annexe/building.

5) Other Matters

Climate Change:

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.

A Climate Change Statement was submitted as part of this application, setting out the following mitigation measures:

- Perimeter walls and ceilings are to be lined with insulated plasterboard
- All materials of construction will be sourced locally and the building works carried out by local craftsmen
- Design is compact and utilises a well insulated roof space

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 further 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.

6) Representations

In response to publicity, one representation was received.

The representation set out the following:

- Too close to neighbouring properties and will cause noise and disturbance.

This has been considered in the 'residential amenity' section of the assessment.

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 proposed development would not constitute sustainable development, would be contrary to the provisions of the adopted development plan and is therefore recommended for refusal.

The proposal is also 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: Refuse

Decision Authorisation – Delegated Powers

Application Number: 2023/91358

Officer Recommendation: Refuse

Reasons for Refusal:

1. The proposed development, by virtue of scale, massing and siting, would not appear subservient to the host property and be an overly prominent and incongruous addition within the street scene to the detriment of visual amenity and character of the area, failing to comply with Policy LP24a of the Kirklees Local Plan and Policies within Chapter 12 of the National Planning Policy Framework.
2. The proposed building would result in a loss of amenity arising from overbearing impact upon neighbouring properties, in particular No. 14 Marina Terrace, by reason of its scale and proximity to the property boundary. It would therefore not be compliant with the aims of Policy LP24b of the Kirklees Local Plan and Policies within Chapter 12 of the National Planning Policy Framework.
3. The proposed annexe has been concluded to have the potential to have all the facilities to function independently from No. 131 Leymoor Road. Taking this into account, it would provide a poor level of amenity for any future occupiers due to its siting and limited floor space and outdoor space. The development is thus contrary to LP24b of the

Kirklees Local Plan and Policies within Chapter 12 of the National Planning Policy Framework.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	-	-	10.5.23
Plan, Elevations and Views as Proposed	2313-01	Rev A	11.8.23
Climate Change Statement	-	-	17.5.23

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.

In this case, there was communication between the Planning Officer and Planning Agent / Applicant which led to the assessment of amended plans. However, the amended plans were not considered to overcome concerns with regard to the size/scale of the proposed outbuilding structure.

Report dated:

23.8.23