

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

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| Reference No: | 2023/62/91797/E |
| Site Address: | 5, Jessop View, Staincliffe, Batley, WF17 7SG |
| Description: | Erection of detached garage and shed |
| Recommending Officer: | Katie Wilson |

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: 07-Nov-2023

HOUSEHOLDER DELEGATED REPORT

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| Application Number | 2023/911797 |
| Location | 5, Jessop View, Staincliffe, Batley, WF17 7SG |
| Proposal | Erection of detached garage and shed |
| Publicity end date | 11 th August 2023 |
| Number of representations received | 1 |
| Kirklees Local Plan Allocation/Designation | Unallocated |
| Extension to Time (EoT) | Yes – 7 th November 2023 |
| Recommendation | Conditional Full Permission |

| | NO | YES |
|---|-----------|------------|
| Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration) | ✓ | |
| Contrary to previous decision | ✓ | |
| Called in by Ward Member | ✓ | |
| Significant number of representations received | ✓ | |

If 'No' to all above, proceed with a fast track report

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

Policy

National

National Planning Policy Framework (NPPF) July 2021
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed places

- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 51** – Protection and improvement of air quality

Supplementary Planning Document ‘House Extensions and Alterations’ (2021).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- 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 10: Renewable energy
- Key design principle 11: Water retention
- 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
- Key design principle 17: Access for all users

| | YES / NO | SUMMARY |
|--|-----------------|----------------|
| Negotiations/Amendments during course of application | No | |
| Parish/Town Council comments sought | N/A | |

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| Planning History | | 2008/93493 – Erection of 5 dwellings and detached garages. Conditional full permission. Planning application details Kirklees Council |
| Consultations required | | Neighbour letters were issued. One comment was received as a result of the advertisement. |

Assessment

The Kirklees SPD sets out that outbuilding extensions should comply with certain parameters set out at paragraph 5.6 on page 33 (and listed below) and if they do not, they need to be justified:

| | <u>Yes - COMPLY</u> | <u>No - JUSTIFY</u> |
|--|----------------------------|----------------------------|
| Be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings | Yes | |
| Be set back behind the building line of the original building so that they do not impact on the street scene | Yes | |
| 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 | Yes | |

Design and Visual Amenity: Are the considerations in the following table acceptable?

Summary of local street scene/character:

Jessop View is a relatively recently built residential cul-de-sac of 5 houses, off Woodside Crescent, Staincliffe, Batley. It consists of two pairs of two-storey semis together with a detached two storey house, which is subject to the current planning application. All have dual pitched roofs with raised eaves and rooms in the roof cavity. Their walls are predominantly red brickwork with artificial stone front quoins, headers, sills and corbels. Their roofs are surfaced in dark grey concrete tiles and punctured by roof lights. There is a single width access road with turning head and all houses have a paved drive to the front and side providing space for 2 or 3 vehicles to park off street.

The application site is at the head of the cul-de-sac and has space for two or three cars to park on drive to the side of the house, together with an existing outbuilding at the end of the drive which would be removed.

The application site is in a wider residential area with more mature houses to the east (on slightly lower ground) and south (at similar level). The pallet of materials is predominantly red or brown brickwork with some pale coloured render, and dual pitched roofs surfaced in brown or red tiles.

Consideration has been given here in terms of the proposals impact on the local character and street scene, including subservience, terracing and building line.

| | Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF | Further comments | ✓ / X / N/A |
|--|---|--|----------------------------|
| Impact on the Local character and street scene | <ul style="list-style-type: none"> • KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF | <p>The detached garage would be positioned at the end of the driveway and the shed would be in the garden and adjacent to the northern side of the house. Both are single storey structures and surrounded by two storey houses and behind fencing that is around 1.8m high. As such it is considered that they would not be seen within the street-scene.</p> <p>The walls of both structures would be brickwork to match the</p> | ✓ |

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| | | <p>existing. The garage would have a dual pitched roof whilst the shed roof would be flat. In the neighbourhood there are a wide range of outbuildings and so it is considered that the proposed development would be inkeeping with the local character.</p> | |
| Impact on original house | <ul style="list-style-type: none"> • KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF | <p>The proposed detached garage and shed will be subservient to the host dwelling in terms of footprint and volume.</p> <p>The current garage is about the size of a single garage and has walls in dark green vertical panels and a dual pitched roof surfaced in corrugated sheets. This would be replaced by a garage of similar scale and shape but with wall and roof materials to match the host dwellinghouse.</p> <p>The proposed shed would have an unusually shaped footprint (thought to be trapezoid with two right angles) and a flat roof, but walls in materials to match the host dwellinghouse. It would fill an awkward shaped area of the garden immediately to the northern side of the house. It would also be subservient in terms of scale footprint and scale to the original house.</p> | ✓ |

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| | | Overall, it is thought that the proposed outbuildings would not impact upon the adversely on the original dwellinghouse. | |
| Height, scale and massing | <ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF | The proposed garage and shed combined would add approximately 39.5m ² to the footprint of the original house. This would be around 60% as large as the original. Furthermore the original building is 2 ½ storeys high whereas these outbuildings would be single storey. As such they would be subordinate and acceptable. | ✓ |
| Facing materials and detailing | <ul style="list-style-type: none"> • KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF | The materials and details of the proposal are appropriate. | ✓ |
| Roof style | <ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF | Roof style will match or complement the host dwelling and surrounding properties. The roof of the garage will be tiled in concrete roof materials which will match the appearance of the dwelling. | ✓ |
| Window proportions | <ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF | Window proportions are deemed appropriate to the outbuildings and host dwelling. | ✓ |

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| Accessibility for all users | <ul style="list-style-type: none"> • KDP 17 of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF | The proposal meets the policy set out by Kirklees Planning Authority regarding accessibility. | ✓ |
| Remaining garden space of application property | <ul style="list-style-type: none"> • KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF | The proposal will remove a small section of outdoor space due to the increase in footprint from the original outbuilding. Over 50% of outdoor space will be retained. | ✓ |

The design of the proposal is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Residential Amenity: Are the considerations in the following table acceptable?

The main properties affected are:

- 4, Jessop View

| | Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF | Further comments | ✓ / X / N/A |
|--|---|--|--------------------|
| Impact on privacy of neighbours (to sides, rear and front) | <ul style="list-style-type: none"> • KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF | No 4, Jessop View is situated to the north of the application site. It would be affected by the proposed shed only which would be close to the mutual boundary. However, as the shed is a single storey structure with a flat roof and no openings facing 4, Jessop View, it is considered that this impact would be very limited. Furthermore, there is a close board wooden fence along the boundary around 2.0m | ✓ |

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| | | high which provides significant screening. These factors are considered to provide enough mitigation so that there will not be a significant impact to privacy levels. | |
| Impact on light and outlook of neighbours (to sides, rear and front) | <ul style="list-style-type: none"> • KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF | As the shed would be single storey with a flat roof design it is considered that there will not be an impact on light or an overbearing impact. | ✓ |

- *55 and 56, Woodsome Estate*

| | Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF | Further comments | ✓ / X / N/A |
|--|---|---|----------------------------|
| Impact on privacy of neighbours (to sides, rear and front) | <ul style="list-style-type: none"> • KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF | They are located to the south of the application site would only be potentially affected by the proposed new garage. It would not have openings facing these properties and there is a wooden fence around 1.8m high along the mutual boundary. As such there would be no alteration to privacy of these neighbouring properties. | ✓ |
| Impact on light and outlook of neighbours (to sides, rear and front) | <ul style="list-style-type: none"> • KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF | <p>Their rear elevations face in a northerly direction and no 56, in particular would face onto the side of the proposed garage.</p> <p>However, the proposed garage would be a single</p> | ✓ |

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| | | <p>storey structure, replacing an existing garage, albeit with slightly larger footprint and higher ridge height, and it would be due north so unlikely to block any direct sunlight.</p> <p>Nos 55 and 56, Woodsome Estate would also retain open aspects to the front and those to the side would be unaffected.</p> <p>As such it is considered that there would not be a significant change to light or an overbearing impact from the proposal.</p> | |
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- *53 and 54, Park Croft*

| | Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF | Further comments | ✓ / X / N/A |
|--|---|--|----------------------------|
| Impact on privacy of neighbours (to sides, rear and front) | <ul style="list-style-type: none"> • KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF | <p>They are located to the east of the application site and on slightly lower ground. They are 2-storey terraced houses and their rear elevations face onto the back and northern side of the application site.</p> <p>The proposed shed would have a door and window facing their rear elevations but at ground floor only and at least 5.0m from the mutual boundary where there is overlapping wooden</p> | ✓ |

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| | | <p>fencing around 1.8m high.</p> <p>The proposed garage would also have a door and window facing in a northerly direction at ground floor only. However there would be a separation distance of around 11.0m with boundary fencing described above and no direct relationship between any windows.</p> <p>As such it is considered that there would be very limited, if any overlooking impacts.</p> | |
| Impact on light and outlook of neighbours (to sides, rear and front) | <ul style="list-style-type: none"> • KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF | The proposed garage and shed would be single storey structures and at least 5.0m from the mutual boundary and so it is considered that they would have no material impact upon the light or outlook of these neighbouring properties. | ✓ |

The proposal is therefore acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Highways and Parking: Are the following acceptable?

| | Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF | Further comments | ✓ / X / N/A |
|--|---|-------------------------|----------------------------|
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| Impact on highway safety | <ul style="list-style-type: none"> • KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF | None | ✓ |
| Parking provision | <ul style="list-style-type: none"> • KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF | It would potentially improve parking provision by providing another parking space | ✓ |
| Provision for waste storage | <ul style="list-style-type: none"> • KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF | No changes | ✓ |

The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Other matters: Are the following acceptable?

| | Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF | Further comments | ✓ / X / N/A |
|-------------------|--|-------------------------|--------------------|
| Impact on trees | <ul style="list-style-type: none"> • KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF | N/A | ✓ |
| Impact on ecology | <ul style="list-style-type: none"> • KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF | N/A | ✓ |

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| Carbon Budget / Climate change statement | <ul style="list-style-type: none"> • KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • Chapter 14 of the NPPF | Small scale domestic development to an existing dwelling. As such, no special measures required in terms of the planning application with regards to carbon emissions. A Climate Change Statement has been submitted with this application. | ✓ |
| Drainage and Flood Risk | <ul style="list-style-type: none"> • KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP | The rear garden and landscaping would be retained to allow for run-off. The site is not located within an identified Flood Risk Zone 2 or 3 area. | ✓ |

The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

Representations, including Parish/Town Council comments:

| Summary of Representation | Officer response | Addressed ✓ / X / N/A |
|---|--|--------------------------|
| <p>One representation received.</p> <p>Houses on Jessop View have separate curtilages and shared communal space for manoeuvring of vehicles and people and the status of this communal space and usage must be clearly maintained.</p> <p>The proposed development would be at the back and side of 5, Jessop View. The redline includes the communal access road and this is misleading.</p> | <p>Records held on the Kirklees mapping system indicate that the communal drive at Jessop View is unadopted. Planning application boundaries should extend up to an adopted highway and in this instance, it is Woodside Crescent. Section 11 (ownership certificates) of the application form declares certificate B and informs that notice 1 has been served on everyone who was also an owner of any land within the red line boundary (ie other houses at Jessop View). This is satisfactory from a planning perspective.</p> | |

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 accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

Plans and specifications schedule: -

| Plan Type | Reference | Version | Date Received |
|--|------------------------|---------|---------------|
| Location plan, site plans (as existing and as proposed) and proposed plans and elevations of the garage and shed | Dwg no. 23.2731.01A | | 19.06.2023 |
| Supporting information: Climate change statement | | | 19.06.2023 |

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. It was not considered necessary to seek any amendments/further information during the course of this application.

