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:	**2023/62/92405/W**
Site Address:	3, Carr Top Lane, Golcar, Huddersfield, HD7 4JB
Description:	Erection of garden store and demolition of section of boundary wall (within a Conservation Area)
Recommending Officer:	Laura Yeadon

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 09-Oct-2023

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f92405

Site Description

3 Carr Top Lane is a large detached stone constructed two storey property located within the Golcar Conservation Area, as defined within the Kirklees Local Plan. The property is a relatively modern construction with amenity areas to the north, east and west with the amenity area to the north sloping upwards towards to the roadside. The dwelling is 'L' dwelling hosts a porch canopy to the south and west elevations with hardstanding for parking to the front and south side of the dwelling. Access to the property off the cul-de-sac with the properties boundaries consisting of dry stone walling.

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 garden store and the demolition of a section of boundary wall.

The proposed store would be located to the side of the dwelling between the property and the access to the cul-de-sac and would be a width of 3.8 metres to the rear elevation and chamfered to the side elevation to result in a front elevation with a width of 1.9 metres, depth of 4 metres with an eaves height of 2.5 metres and overall height of 3.5 metres. The building would be cut into the natural slope of the land. The proposed construction materials are annotated on plan and indicate that reclaimed natural stone would be used for the walls with slate for the roof with the roller shutter door to the front of the dwelling being a colour to co-ordinate with the dwellings' windows/door.

To facilitate the garden store, a small section of boundary wall to the side of the property would need to be removed. The height of the walling to be removed is approximately 0.8 metres and the length of walling would be approximately 4 metres.

History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

Relevant Planning History

2003/90487 Outline application for erection of 2 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 garages
Approval of Reserved Matters

2016/90245 Erection of one dwelling (within a Conservation Area)
Conditional Full Permission

2019/93128 Discharge conditions 3 (materials), 4 (sight lines) and 10 (landscape) on previous permission 2016/90245 for erection of one dwelling (within a Conservation Area
Split decision

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 6th October 2023 – no representations received

Parish/ Town Council – not applicable

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 within the Golcar Conservation Area on the Kirklees Local Plan.

<u>Kirklees Local Plan:</u>

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 28** - Drainage
- **LP 30** - Biodiversity and geodiversity

- **LP 35** – Historic environment
- **LP 51** – Protection and Improvement of Local Air Quality

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 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

Legislation

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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 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 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 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

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

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.

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design with Policy LP35 focussing on the historic environment.

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 or 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 for the construction of a garden store and the demolition of a section of boundary wall.

The proposed garden store would be relatively small with a footprint, being a total of 13.6m2, is single storey in height and would be set back from the southern elevation of the dwellinghouse and is therefore considered to be a subservient structure. It is noted that the building would replace an existing shed however permitted development rights have been removed for extensions and outbuildings and therefore permission is required for any form of outbuilding or extension to the property. Due to the location and siting of the proposed structure, it is considered that a reasonable amount of private amenity space appropriate to the size of the dwelling would be retained.

The proposed materials of construction would be traditional and would be constructed from reclaimed stone for the walls and slate tiles for the roof. These materials are considered acceptable and in keeping with the preservation of the Conservation Area.

Within the NPPF, paragraph 202 states that where a proposal will lead to less than substantial harm to the significance of a designated heritage, this should be weighed against the public benefits of the proposal with Policy LP35 requiring 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 instance, the proposed works are considered to be modest in terms of size and scale and would be more in keeping with the host and surrounding buildings than the existing timber shed. It is considered that the works would have a neutral impact on the street scene and would not prejudice the identified heritage value of the Conservation Area and it is concluded that the proposal would have no significant harm to the Conservation Area.

Taking into account all the above, it is not considered that the development would be visually harmful and would respect the wider Conservation Area, therefore complying with Chapter 16 of the NPPF, Policies LP24 and LP35 of the Kirklees Local Plan.

<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 location of the store would be to the side of the existing dwelling, within the residential curtilage of the host property.

The proposed garden storey is single storey in height with the roof ridge being on a comparable height to the canopy to the front elevation. The store would not be used for habitable accommodation and hosts one opening in the style of a roller shutter door to the front elevation of the building. As such, given its use and that there is good separation between the store and neighbouring dwellings, it is not considered that there would be undue harm from overlooking.

In terms of overshadowing and/or being overbearing, the proposed structure would be separated from the front elevation of No. 1 by approximately 12 metres and from the side elevation of No. 8 by approximately 14.5 metres. Due to the siting and separation distances between the site and the neighbouring residential properties, it is not considered that there would be undue harm from overshadowing or by being overbearing.

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.

In terms of highway safety there are no proposed changes or alterations to extend the bedroom provision for the property and therefore there are no changes to the existing parking and turning arrangements. The siting of the structure and the removal of the wall would not impact on the existing parking or highway network and would therefore the works would comply with Policies LP21 and LP22 of the Kirklees Local Plan.

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 proposed construction materials are natural and would be locally sourced which would accord with the above.

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 fact that the outbuilding is a detached single storey stand alone building

However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

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 would constitute sustainable development and is therefore recommended for approval.

Recommendation **APPROVE**

Decision Authorisation - Delegated Powers

Application Number: 2023/92405

Officer Recommendation: Approve

Conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP35 and LP51 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 15 and 16 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapters 2, 4, 9, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. The external walls and roofing materials of the outbuilding hereby approved shall in all respects match those used in the construction of the existing building.
Reason: In the interests of visual amenity and wider Conservation Area and to accord with Policies LP1, LP2, LP24 and LP35 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD and Policies within Chapters 12 and 16 of the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Location plan and site plan	3CTL/P01		22nd August 2023
Proposed elevations and floor plans	3CTL/P02		22nd August 2023
Design and Access Statement			22ns August 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 Case Officer did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Report Dated: 9th October 2023

Coal – none