

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:	2023/62/92452/E
Site Address:	173, Foxroyd Lane, Thornhill, Dewsbury, WF12 0LT
Description:	Erection of garage
Recommending Officer:	Elenya Jackson

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 30-Oct-2023

OFFICER REPORT

Site Description

173, Foxroyd Lane, Thornhill, Dewsbury, WF12 0LT is a two storey red brick detached dwelling which currently benefits from a private rear garden and hard standing to its principal elevation.

Due to the land falling away to the rear the dwelling appears to be single storey from the public realm.

Dwellings within the immediate vicinity are not uniform in design or appearance and have been extended in various ways. The buildings to the east follow a reasonably consistent building line; however, this is interrupted by two dwellings to the west.

Description of Proposal

This application has been received for the construction of a garage on the western elevation of the property.

Amendments have been made since the proposal was submitted to amend the pitch of the roof.

The garage would extend 4.1m beyond the principal elevation of the dwelling and have a width of 4.9m, the depth of the proposal would be 6.5m (this has not been revised since submission).

The proposal would feature a pitched roof with a gable end on the east and west elevation. The proposals maximum height would be 3.5m (the original height of the proposal was 4.6m).

The proposal is to be finished with natural stone walls on the eastern elevation.

Relevant Planning History

N/A

Representations

The application was advertised by neighbour letters, which expired on 6/10/2023.

No representations were received.

Consultation Responses

No formal consultations deemed necessary.

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 unallocated on the Kirklees Local Plan.

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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** – Design
- **LP 53** – Contaminated and Unstable Land

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

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, and 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 12 – Achieving well-designed places

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Negotiations
- 7) Conditions
- 8) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP 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 NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions and Alterations SPD and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

These issues along with other policy considerations will be addressed below.

2 –Impact on visual amenity:

Key Design Principle 1 of the House Extensions & Alterations supplementary planning document (SPD) does state 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. Furthermore, Key Design Principle 2 of the HEASPD goes onto state 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 details.

Section 5.2 of the HEASPD states that front extensions are highly prominent in the street scene and can erode the character of the area if they are not carefully designed. Large extensions (single and two-storey) and conservatories on the front of an existing house are likely to appear particularly intrusive and will not normally be acceptable.

Single storey extensions on the front of a house and two-storey or first floor front extensions are usually unacceptable due to the impact on the character of the area and visual amenity and will not normally be permitted unless:

- The house is set well back from the pavement or is well screened
- The extension is small, subservient to the original building
- well-designed and would not harm the character of the original house or the area
- The materials and design match the existing features of the original house
- The extension would not unreasonably affect the neighbouring properties.

The proposal would be visible within the street scene when travelling in a westerly direction along Foxroyd Lane.

Officers initially raised concerns regarding the depth of the proposal in relation to the host dwelling. The agent subsequently provided additional information to justify the proposal in relation to the context of the area (the proposal would not project beyond the building line to the west). In addition, they have provided an amended plan which shows an amended roof pitch and subsequent reduction in overall height.

The proposal would not extend beyond the existing building line within the street scene and would be set down from the ridge height of the host dwelling.

Having taken the above into account, the proposed development would not cause significant harm to the visual amenity of the host dwelling and the wider street scene, and would accord with Policy LP24 of the Kirklees Local Plan, KDP 1 & 2 of the House Extensions and Alterations Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

Impact on 175 Foxroyd Lane: adjoins the application site to the west and has two side facing windows serving a garage. These feature obscured glazing. It is considered that no significant issues would be raised regarding the residential amenity of the occupiers of no.175 due to the proposal being single storey and not obstructing any windows to habitable rooms.

Impact on 121 Foxroyd Lane: would be set sufficient distance from the proposal to not raise any significant issues regarding the residential amenity of the occupiers no.121.

4 – Impact on highway safety:

The proposal would occupy a parking space on site; however, despite tapering internally, the proposal would be of sufficient scale to occupy a car and therefore would not alter parking allocation on the site and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions and Alterations SPD.

5– Other matters:

Carbon Budget

The proposal is a small scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

Contaminated Land:

The proposal would involve groundworks and is located within a low coal risk area. It is considered that a condition related to the unexpected discovery of contaminated land would be sufficient to ensure the proposal would accord with LP52 of the Kirklees Local Plan.

6 – Representations:

No representations received.

7 – Negotiations:

N/A

8 – Proposed conditions

Timescales

In accordance with submitted plans

Matching materials

Unexpected contaminated land

9 – Conclusion:

This application for a the erection of a garage has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations SPD, the National Planning Policy Framework and other material considerations.

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. For the reasons set out above, it is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2023/92452

Officer Recommendation: APPROVE

Reasons and 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 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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework

3. The external facing materials must match in all aspects to those used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

4. In the event that contamination not previously identified by the developer is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to

ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors to accord with Policy LP53 of the Kirklees Local Plan and policies contained within Chapter 15 of the National Planning Policy Framework.

NOTE All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Grouped plans and elevations (Proposed)	Rev A	19.10.2023
Climate change statement		17.08.2023
Proposed part ground floor layout		17.08.2023
Grouped plans and elevations (Existing)	August 2023	19.10.2023

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 Planning 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 pitch of the roof has been amended since submission and further justification was received in relation to the proposal.