

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:	2023/62/92499/W
Site Address:	Land Adjacent, 92, Lascelles Hall Road, Huddersfield, HD5 0BQ
Description:	Erection of detached garage
Recommending Officer:	Katie Chew

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.

John Holmes

AUTHORISED OFFICER

Date: 15-Nov-2023

Officer Report

Site Description

Land Adjacent, 92, Lascelles Hall Road, Huddersfield, HD5 0BQ

The application site relates to a traditional two-storey stone-built link-detached property located down a private access road off of Lascelles Hall Road. The property forms part of a cluster of residential development set within a courtyard style arrangement. The dwelling is surrounded by residential properties to the east, north and west, with a menage to the south.

The site is not located within a Conservation Area, but there are Grade II Listed Buildings located approximately 58m away to the west.

Description of Proposal

The application seeks planning permission for the erection of a detached garage.

The proposed garage is to be located to the east of the host dwelling, within the driveway of the existing turning circle, and is to measure approximately 6m x 6m, with a maximum height of 2.6m. The garage is to be constructed from stone, with a green living sedum flat roof.

History of negotiations/amendments received

No amendments have been sought in this instance.

Relevant Planning History

2003/95333 – Erection of two storey extension to form granny flat. Approved 5th February 2004.

94/03682 – Erection of detached garage. Approved 10th January 1995.

93/05021 – Pitched roof to new pool hall. Approved 29th November 1993.

92/02851 – Erection of detached dwelling. Approved 16th September 1992.

91/01912 – Listed building consent for conversion of outbuildings to form a granny flat extension. Approved 26th July 1991.

Representations

Final publicity date expires:

Neighbour Letters – Expired 17th October 2023.

No representations have been received to date.

Officer note: 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 only. Whilst it is acknowledged that there are Grade II Listed Buildings located to the west of the site, these buildings are around 58m away and given the location, small scale and size and materials of the proposed garage, which will be viewed amongst the existing built form of which detached garages are not uncommon, the proposals are considered to have a negligible impact upon the setting and significance of these heritage assets and therefore it was not considered necessary to advertise the application by site notice or press notice on this occasion.

Consultation Responses

KC Highways Development Management – No comments received within the statutory timescales.

KC Ecology Unit – Comments received 27th October 2023. No objections.

Parish/Town Council

Kirkburton Parish Council – Comments received 18th September 2023. No comment.

Local Ward Members

None.

Planning Policy Background

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 application site is located within Lepton Neighbourhood Area and within the Green Belt as indicated upon the Kirklees Local Plan. It is also noted that Grade II Listed Buildings are located to the west approximately 58m away.

Kirklees Local Plan (LP):

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP21** – Highways and Access
- **LP22** – Parking
- **LP24** – Design
- **LP30** – Biodiversity and Geodiversity
- **LP35** – Historic Environment

- **LP51** – Protection and Improvement of Local Air Quality
- **LP57** – The Extension, Alteration or Replacement of Existing Buildings

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- Kirklees House Extensions and Alterations SPD (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th 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. Most specifically in this instance, the below chapters are of most relevance:

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 9** – Sustainable Travel
- **Chapter 12** – Achieving Well-designed Places
- **Chapter 13** – Protecting Green Belt Land
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

Summary of Principal Planning Issues

The following matters are considered in the assessment below -

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 3) Impact on highway safety
- 4) Other matters
- 5) Conclusion

1 - Principle of Development:

1.1 – Sustainable Development

NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and

environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted.

1.2 – Land Allocation (Green Belt)

The site is allocated as Green Belt in the Kirklees Local Plan.

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt, with one such purpose being to ‘assist in safeguarding the countryside from encroachment’. Paragraph 147 of the NPPF states that inappropriate development should not be approved except in ‘very special circumstances’

Paragraphs 149 and 150 of the NPPF set out that certain forms of development are exceptions to ‘inappropriate development’. Paragraph 149 outlines that the extension or alteration of a building could be appropriate provided it does not result in disproportionate additions over and above the size of the original building.

Policy LP57 of the Kirklees Local Plan is consistent with advice within the NPPF. Policy LP57 of the Local Plan relates to the extension, alteration and replacement of existing buildings in the Green Belt. Policy LP57(a) states that in the case of extensions, it notes that these will be acceptable provided that the original building remains the dominant element both in terms of size and overall appearance. Policy LP57(c) also outlines that such development should not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standing, curtilages and enclosures and means of access. Further to this, Policy LP57(d) states that with such development, the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.

Whether the proposal is inappropriate development within the Green Belt

As a starting point it is important to understand what constitutes the ‘original building’. The glossary within the NPPF defines ‘original building’ as “*A building as it existed on 1st July 1948 or, if constructed after 1st July 1948, as it was built originally*”.

A review of historic maps and previous planning decisions has been undertaken to ascertain what can be considered the original building at the site. In this case, the historic mapping is somewhat sporadic and therefore on balance of probabilities it is considered that the host building has benefitted from a two-storey rear extension (granny flat) and a single storey side extension (pool hall – as noted within the previous application ref: 2003/95333).

Whilst it is noted that permission was previously granted for a detached garage, this garage now falls within the curtilage of adjacent property no. 90 Lascelles Hall Road and therefore would not fall to be considered as part of the cumulative impact arising from any extensions or additions to the host dwelling. It is however Officers understanding that the new proposed garage is to replace the previous garage which is now under ownership of no. 90, and therefore an assessment has been undertaken in respect of the differences between the previous garage and the proposed garage and their impact on the Green Belt.

The previous garage – now under ownership of no. 90 has a volume of around 163.20 cubic metres. The proposed garage has a volume of 93.6 cubic metres, therefore, resulting in a difference of approximately 69.6 cubic metres. Officers therefore consider that the replacement garage would be smaller in scale and size than the garage which was deemed to be acceptable previously under application reference 94/03682. It is therefore considered that the replacement of this previous garage with the new proposed, smaller garage is deemed to be acceptable on this occasion.

Officer note: It is important to note that the impact arising from the previous garage (now falling within no. 90's curtilage) on the Green Belt is not wholly discounted, as any impact arising from this garage has been assessed separately within application 2023/90064.

From a visual perspective, the proposed garage would be set back from the public highway down a private access road and would be viewed amongst existing built form, whereby buildings are typically two-storeys in height. The proposed garage is to be small in scale and size and have a maximum height of 2.6m, it is to comprise of a flat sedum living roof which helps to reduce the overall bulk and massing of the structure, whilst also softening its appearance. The garage is to be constructed from stone, whereby a condition shall be attached should planning permission be granted to ensure that the stone is similar in appearance to the stone used within the host dwelling. This is in the interests of visual amenity.

Taking the above assessment into account, Officers consider that the proposed garage would not result a disproportionate addition and would also have the appearance of being a subservient addition, with the host dwelling remaining as the dominant building within the site. The proposals are therefore considered to be acceptable in terms of Policy LP57 of the Kirklees Local Plan and policies within Chapter 13 of the NPPF.

Policy LP57 is discussed further within the visual amenity section of this report in reference to subsections (c and d).

2 – Impact on Visual Amenity and Heritage Assets:

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 beautiful and sustainable 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, whilst 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 the development in the local area, thus retaining a sense of local identity.

LP24 states that all proposals should promote good design by ensuring the following:

“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...”

As noted previously Policy LP57(c) also outlines that such development should not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standing, curtilages and enclosures and means of access. Policy LP57(d) states that with such development, the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.

Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states that: *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”*

Paragraph 199 of the NPPF states: “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation...”. This is further supported by paragraph 202 of the NPPF outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this weight should be weighed against the public benefits of the proposal.

Key Design Principles 1 and 2 of the Council’s adopted House Extensions and Alterations Supplementary Planning Document seek to ensure development is subservient to the host property and in keeping with the character of the locality. Specifically stating the following: -

- Key design principle 1 (Local character and street scene) – ‘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’.
- Key design principle 2 (Impact on the original house) – ‘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’.

Section 5 of the House Extensions and Alterations SPD provide guidance on specific extensions and alterations.

Sections 5.29 & 5.30 of the above SPD notes that outbuildings, such as detached garages can have as much of an impact on the appearance of the building as any other extension. Where possible, these should reflect the style, shape and architectural features of the existing house and not be detrimental to the space around the building. Outbuildings should normally:

- *‘be subservient in footprint and scale to the original building and its garden taken 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.*

In this instance the proposed garage is considered to be subservient in footprint and scale to the original building and its garden, taking into account other extensions and existing outbuildings. Furthermore, the location of the detached garage would be within an existing driveway and therefore would not result in the loss of any private amenity space at the site. Finally, whilst the proposed garage would not be set behind the building line of the host dwelling, this is due to the existing layout of the site, whereby the front elevation of the property faces into a courtyard arrangement which provides a private access into the

site from Lascelles Hall Road. Given this design it is reasonable that a garage would be provided to the front of the property within this courtyard area for ease of access. The proposals are therefore considered to accord with Section 5 of the House Extensions and Alterations SPD.

Furthermore, this is a modest addition to an existing dwelling, which would be viewed within the context of the site which comprises of a number of residential properties, and detached garages/outbuildings, and is to be constructed from sympathetic materials. The garage would also be set approximately 58m away from adjacent Listed Buildings and therefore Officers consider there to be negligible harm to the setting and significance of the adjacent heritage assets on this occasion.

In conclusion, the proposal is considered to be appropriate in size, scale and design in this location, and that it would not appear incongruous or overly dominant in the general context of this site. The proposal is therefore considered to be in accordance with Local Planning Policies LP24, LP35 and LP57(c and d) of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework and Principles 1 and 2 of the House Extensions and Alterations SPD.

3 – Impact on Residential Amenity:

Sections B & C of the Kirklees Local Plan Policy LP24 which 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 occupiers.

Principle 3 of the House Extensions and Alterations SPD highlights that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours.

Principle 4 of this SPD relates to habitable rooms and side windows and seeks to ensure that design and layouts of habitable and non-habitable rooms reduce conflict between neighbouring properties relating to privacy, light and outlook.

Principles 5 and 6 of this SPD relate to overshadowing/loss of light and overbearing impact. The above principles will all be discussed in more detail within the assessments below.

Principle 7 requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Impact on no. 98 Lascelles Hall Road

This neighbouring property is located to the north of the application site. As no windows are proposed within the detached garage and that the neighbouring property and application site are separated by a high stone boundary wall, Officers have no concerns in respect of overlooking or the loss of privacy. In addition, the proposed garage is to be small in scale and size with a flat roof which helps to alleviate any additional bulk and massing. Officers therefore do not consider the proposals to appear overbearing or overly dominant when viewed within the context of the site. Finally, in terms of overshadowing, whilst the proposals will result in some additional overshadowing throughout the afternoon, this would not be for a prolonged period of the day and would fall across a small portion of the rear garden which already appears to be shaded by planting. Nevertheless, the shadowing arising from the proposed garage would not impact significantly on the residential amenity of no. 98, with a large majority of the rear garden area being free from shading throughout the day.

Impact on The Stables (no. 90 Lascelles Hall Road) – Under construction

This neighbouring property is located to the east of the application site, approximately 9m away. Again, as no windows are proposed within the detached garage Officers have no concerns in respect to overlooking. Furthermore, given the small scale and size, separation distances and orientation of the proposed garage to this dwelling, Officers have no concerns in respect of overshadowing or the garage appearing overbearing or overly dominating on this occasion. Whilst the siting of the garage will mean that the existing turning circle will no longer be able to be used, there is still considered to be sufficient turning space for no. 90 to access their property and detached garage. This is discussed further within the highway section of this report.

In conclusion, taking the above into account it is considered that the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Chapter 12 of the National Planning Policy Framework. The proposals are also considered to be in accordance with the Council's House Extensions and Alterations SPD.

4 - Impact on Highway Safety:

Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Principle 15 of the House Extensions and Alterations SPD states that extensions and alterations should maintain appropriate access and off-street 'in curtilage' parking. With Principle 16 going on to say that proposals should maintain appropriate storage arrangements for waste.

Given the location and nature of the proposals, the existing bin storage and waste collection is considered to remain as is existing and therefore accords with principle 16 of the above SPD.

In terms of principle 15, the proposals would provide off-street 'in curtilage' parking in the form of a detached double garage. Officers presume this is to offset the loss of the double detached garage located to the east, which previously formed part of the curtilage of no. 92 Lascelles Hall Road, but now forms part of the new dwelling being constructed to the east named 'The Stables'. This provision of additional off-street parking is welcomed.

Whilst the proposed location of the garage will result in the loss of the use of the existing turning circle in full, this existing access will still provide a safe and acceptable route to nos. 90 and 92 Lascelles Hall Road, allowing for sufficient turning space for vehicles entering and exiting the site, and given that the existing main access from Lascelles Hall is to remain unchanged Officers consider the scheme to be acceptable in respect of highway safety.

It is therefore concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, Principles 15 and 16 of the House Extensions and Alterations SPD and Chapter 9 of the National Planning Policy Framework.

5 - Other Matters:

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.

Whilst the application site is not located within a bat alert area, it is located in close proximity to a bat alert area within an area for great crested newts. The Council's Ecologist was therefore consulted. They raised no objections to the proposal as the scheme is considered to have a negligible impact on any ecological receptors. In addition, the garage proposes to have a living sedum roof which will ensure a biodiversity net gain at the site.

Taking the above into account, the proposals are considered to accord with Chapter 15 of the NPPF, Principle 12 of the House Extensions and Alterations SPD and LP30 of the Kirklees Local Plan.

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 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.

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.

It is noted that the proposal is for a small-scale domestic development, nevertheless a Climate Change Statement has been submitted in support of the proposals. This statement outlines that materials for the construction of the garage are to be sourced locally, and that a living sedum roof is proposed to provide biodiversity net gains at the site. The proposed development is therefore considered to comply with Policy LP51 of the Kirklees Local Plan, Principles 8,9 10 and 11 of the House Extensions and Alterations SPD and Chapter 14 of the NPPF.

6 - 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 constitute sustainable development and is therefore recommended for approval.

Recommendation:

Approve.

Conditions & 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 ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP21, LP22, LP24, LP30, LP35, LP51 and LP57 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15 and 16 of the House Extension and Alterations SPD and policies within Chapters 2, 4, 9, 12, 13, 14, 15 and 16 of the National Planning Policy Framework.

3. The external materials used within the walls of the garage hereby approved shall in all respects match those used in the construction of the host dwelling no. 92 Lascelles Hall Road, Huddersfield, HD5 0BQ.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, policies within Chapter 12 of the National Planning Policy Framework, and Principles 1 and 2 of the House Extension and Alterations SPD.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	11 th September 2023
Proposed Garage	23/103	-	11 th September 2023
Climate Change Statement – Supporting Information	-	-	11 th September 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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments have been sought in this instance as the proposals are deemed to be acceptable upon submission.

Report Dated:

14th November 2023.