

**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:	2023/62/92541/E
Site Address:	Sandhurst Court, 7, Spen View, Dewsbury Moor, Dewsbury, WF13 3PZ
Description:	Erection of detached garden room
Recommending Officer:	Elenya Jackson

DECISION -

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: 02 November 2023

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OFFICER REPORT

Site Description

Sandhurst Court, 7, Spen View, Dewsbury Moor, Dewsbury, WF13 3PZ is a single storey detached unit in C2 use.

The property benefits from parking to its principal elevation and an enclosed garden along its southern boundary.

The property is constructed out of red brick which is characteristic of the area and the immediate vicinity is not uniform in design or building line

Description of Proposal

This application has been received for the erection of a detached garden room along the southern boundary of the site. This would be screened from the public realm by an existing 2m close boarded timber fence.

The garden room is proposed to have a-symmetric roof which reduces in height towards the southern boundary of the site (matching the site's topography), a width of 4.4m and a depth of 6.2m.

The outbuilding would have a maximum height of 2.5m and be finished in timber cladding with grey upvc windows.

Relevant Planning History

88/05792 – Use of land as car park and erection of garage – Granted conditionally

2011/92294 – Demolition of former Woolpack Inn and erection of 10 dwellings – Conditional Full Permission

2017/90555 – Erection of 10 dwellings – Conditional Full Permission

2019/92261: Erection of 8 bedroom care home (C2). Conditional full permission.

Representations

The application was advertised by neighbour letters, which expired on 12/10/2023

No representations were received.

Consultation Responses

The Coal Authority: No objection subject to imposition of footnotes.

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
- **LP53** – Contaminated and Unstable Land

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:

Paragraph 7 of the National Planning Policy Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 goes on to note that achieving sustainable development has three overarching objectives (social, environment and economic), and these are interdependent and need to be pursued on mutually supportive ways.

In line with the National Planning Policy Framework, Policy LP1 of the Kirklees Local Plan declares that:

“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”

Policy LP2 of the Kirklees Local Plan states: *“All development proposals should seek to 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, as set out in the four sub-area statement boxes set out in the Local Plan.”*

The site currently operates as a C2 use and benefits from its own amenity space and private parking to its principal elevation.

The application would provide additional space within the site's amenity space to enable the occupants of the site to access the garden during all weather conditions.

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 building, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design.

The site is unallocated on the Kirklees Local Plan and would enhance the site's existing use for its occupants, the principle of development for extending and enhancing the existing use is considered acceptable, and the proposal shall now be assessed against all other relevant, material planning considerations.

2 – Impact on visual amenity:

Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring the form, scale, layout and details of all development

respects and enhances the character of the townscape, heritage assets and landscape.

The proposal would be for a single storey garden room along the southern boundary of the site.

It is considered that the scale of the garden room is sympathetic to the host structure in that its set back from the public realm, well screened by the existing boundary treatments and single storey.

The existing site is red brick which would not be replicated in the garden room; however, the use of timber cladding is considered a contemporary addition which would be appropriate in a garden setting.

Considering the scale, location, limited visibility and acceptable materials, the proposal is considered to accord with Ip24 of the Kirklees local plan in terms of visual impact.

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 15-17 Spen View: are situated to the south of the application property and the rear garden of these dwellings shares a boundary with the application site.

Overlooking: The proposal would not feature any rear facing windows

Overshadowing/loss of light: The proposal would be situated 1.7m away from the shared boundary and 12m away from the rear elevation of no.17. It is considered that due to the single storey nature of the proposal, the separation distance would be sufficient to not raise any significant issues regarding overshadowing/loss of light/overbearing impact.

4 – Impact on highway safety:

Policy LP21 of the Kirklees Local Plan states new development will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe. Highways Development Management (HDM) have not been formally consulted on this application as it is considered the addition of a garden room would not significantly intensify the use of the site.

All the above considered, the proposal is considered to accord with Policy LP22 of the Kirklees Local Plan.

5– Other matters:

Carbon Budget

The proposal is a small scale extension to an existing use. 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 resides within a high risk 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 LP53 of the Kirklees Local Plan.

Coal Mining Legacy:

The site is situated in a high-risk coal area and as such The Coal Authority has been consulted on this application.

They have not imposed any conditions on the application but have requested that a footnote is added to the application relating to the unexpected discovery of coal on site and on site burning.

6 – Representations:

No representations received.

7 – Negotiations:

N/A

8 – Proposed conditions

The standard time condition which is a requirement of Section 91 of the Town and Country Planning Act 1990.

Accordance with the approved plans to ensure the development is carried out and maintained in line with the officer's assessment.

Contaminated land

Coal mining

9 – Conclusion:

This application to erect an garden room within the amenity space of extension to Sandhurst Court, 7, Spen View, Dewsbury Moor, Dewsbury, WF13 3PZ has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations Design SPD, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be acceptable.

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.

As set out above, 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: 2023/92541

Officer Recommendation: Approve

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 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. In the event that contamination or coal 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 LP53 of the Kirklees Local Plan and policies contained within Chapter 15 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the

applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration,

repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays

08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and

Transportation Services can control noise from construction/ sites by serving a notice. This notice can specify the hours during which the works may be carried out.

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

NOTE: The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities may result in potential for court action. Protecting the public and the environment in mining areas 3 If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal

Authority website at: www.gov.uk/government/organisations/the-coal-authority

NOTE: In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Location Plan and site plan	SM-FR0956-003 -	1.09.2023
Proposed Elevations	SM-FR0956-01	1.09.2023
Proposed Floor Plans	SM-FR0956-02	1.09.2023
Coal Mining Risk Assessment		1.09.2023
Climate Change Statement		1.09.2023
Design and access statement		

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.

No alterations have been made since submission.