

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:	2023/62/92598/E
Site Address:	2, Skylark Drive, Shaw Cross, Dewsbury, WF12 7FB
Description:	Conversion of garage to form living space and associated alterations
Recommending Officer:	Sarah Longbottom

DECISION – Full Conditional 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 20-Feb-2025

OFFICER REPORT

Site Description

2, Skylark Drive, Shaw Cross, Dewsbury, is a newly built two-storey detached dwelling constructed from brick. The property benefits from parking to the front with an integral garage, as well as amenity space to the rear.

The dwellings that form the street scene are uniform in appearance, scale, and material palette. The site is located on a new residential development which is still under construction. The surrounding area is predominantly residential with local amenities in close proximity, including a farm shop, take-away units, primary school, and sports ground.

Description of Proposal

This application is for a garage conversion to form a living space. The proposal would result in the removal of the existing garage door, and its replacement with a window.

The materials used in the construction would be matching that of the existing dwellinghouse. While no projection from the existing dwelling is proposed, the proposal would result in the loss of an off-street parking space (currently within the garage).

Relevant Planning History

94/91111: Change of use of agricultural land to 20 bay gold driving range with associated driving range building and car park area. Conditional Full Permission.

99/92178: Renewal of unimplemented permission for change of use of agricultural land to 20 bay golf driving range with associated driving range building and car parking area. Conditional Full Permission.

2004/94789: Renewal of unimplemented permission for change of use of agricultural land to 20 bay golf driving range and car parking area. Conditional Full Permission.

2019/92787: Erection of 260 dwellings with open space, landscaping, and associated infrastructure. Section 106 Full Permission.

2021/92968: Discharge of conditions 20 (phase II site investigation) and 21 (remediation strategy) of previous permission 2019/92787 for erection of 260 dwellings with open space, landscaping, and associated infrastructure. DCA – Discharge of Condition(s) approved.

2021/93579: Discharge of conditions 3 (Construction Environmental Management Plan), 16 (coal mining legacy), and 37 (archaeological trial trenching) of previous permission 2019/92787 for erection of 260 dwellings with open space, landscaping, and associated infrastructure. Discharge of condition(s) split decision.

2022/92938: Non-material amendment to previous permission 2019/92787 for erection of 260 dwellings with open space, landscaping, and associated infrastructure. NMA-Approved.

Representations

The application was advertised by neighbour notification letters, which expired on 26.10.2023.

No representations have been received as a result of site publicity.

History of Amendments/Negotiations

The concerns surrounding the loss of a parking space was raised with the agent, and justification was put forward that there was additional land on the opposite side of the access to the property, which landed within its curtilage. The agent re-submitted a location plan which included a portion of the shared access and the area of land opposite which had at the time of the amendment, been altered from soft landscaping into hard standing to accommodate additional car parking.

Notwithstanding the above, the land does not form part of the property's curtilage. As this land forms part of the landscaping scheme of the wider development (maintained by the residential management company), it cannot form part of the current householder application and has not been accepted for this reason. The property does, however have a grassed area adjacent to the existing driveway, which it is considered, could be surfaced to provide the additional parking space required due to the displacement of the garage space.

Consultation Responses

Kirklees Council Highways officers raised concerns with the application, regarding the loss of off-street parking provision. Due to the design of the highway layout of the site, it would cause parking on an already narrow communal driveway. Therefore, this does not comply with the parking requirements set out in the House Extensions and Alterations SPD.

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
- **LP21** – Highway Safety and Access
- **LP 22** – Parking
- **LP 24** - Design

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 December 2024, 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 9 – Promoting sustainable transport
- 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 the 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 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) state that extension and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area of 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.

The alteration would see an alteration to the appearance of the principal elevation which would be visible from the street scene. The proposal would see the removal of a garage door and its replacement with a window. This would alter the uniformity and design which has been considered as part of the new development, however, the proposal would see no projections added, nor an increase in height of any part of the dwelling and would appear as a domestic alteration.

On the basis of the above, the alterations would comply with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the proposal would form a subservient addition to the property in keeping with the existing building.

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 proposal 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 Design Principle 7 for outdoor space.

The garage conversion would see the alteration to the appearance to the principal elevation of the existing dwelling. It is however acknowledged that the conversion would not consume any amenity space, and therefore sufficient amenity space would be retained. Therefore, the proposal would be acceptable in terms of residential amenity of existing and future occupiers of the dwelling. As shown on the submitted plans, the proposals would result in the conversion of the existing garage to a dining room (habitable room). The impact of this on the residential amenity of neighbouring occupants is assessed below:

Impact on 1, Brambling Avenue, Shaw Cross, WF12 7FD

There is approximately 1m between the side elevation of each dwelling, with no.1 situated to the north-east of the application property. The proposal is for a garage conversion which would see the installation of a window within the front elevation with no outward or upward projection. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 4, Skylark Drive, Shaw Cross, Dewsbury, WF12 7FB

There is approximately 1.1m between the side elevation of each dwelling, with no.4 situated to the south-west of the application property. The proposal is for a garage conversion which would see the installation of a window within the front elevation with no outward or upward projection. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Whilst the wider housing development is as yet incomplete, there would still be an adequate distance to residential properties on the opposite side of the road so as to ensure that no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

In summary, the proposal would have no adverse impact upon the residential amenity of adjacent occupiers and would accord with Policy LP24 of the KLP and the Key Design Principles of the House Extensions and Alterations SPD.

4 – Impact on highway safety:

The proposal would result in some intensification of the domestic use of the property, albeit no additional bedrooms would be created. The development would result in the loss of an off-street parking space associated with the host dwelling and required as part of the original residential scheme to meet policy requirements at that stage.

Concern for highway safety as a result of this development has been expressed by KC Highways DM, due to the potential impact additional parking on the highway could cause. The amended proposal put forward by the applicant would impact upon the wider landscaping scheme for the wider site and would not be acceptable, however it is noted that provision could be made if required for an additional space to the front of the dwelling within the curtilage of the

property. Furthermore, the property is located at the head of a small cul-de-sac where any parking in front of the applicant's driveway would not cause an obstruction to other road users.

On the basis of the above, the proposal, Officers consider that on balance, there would be no significant detrimental impact on highway safety as such, would comply with Policies LP21 and 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.

6 – Representations:

No representations have been received as a result of site publicity.

7 – Conclusion:

The application for a garage conversion to provide additional living accommodation at 2, Skylark Drive, Shaw Cross, Dewsbury, WF12 7FB 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.

It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2023/92598

Officer Recommendation: Conditional Full Permission

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 Policies LP1, LP2, LP21, LP22 and LP24 of the Kirklees Local Plan and guidance contained within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Existing and Proposed Plans, Location Plan and Site Plan	2322-01	A	13.09.2023
Climate Change Statement			13.09.2023

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. Whilst negotiations were undertaken regarding provision of an off-street parking space to replace that lost through the proposed conversion, on review officers considered the proposals to be acceptable in their originally submitted form.

Report Dated: 13.02.2025