

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:	2023/62/92788/W
Site Address:	3, Buckden Road, Edgerton, Huddersfield, HD3 3AX
Description:	Demolition of existing garages and erection of replacement garage and single storey side/rear extension with associated alterations
Recommending Officer:	Lucy Taylor

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: 08-Nov-2023

Officer Report.

Reference: 2023/92788

Location: 3, Buckden Road, Edgerton, Huddersfield, HD3 3AX

Proposal: Demolition of existing garages and erection of replacement garage and single storey side/rear extension with associated alterations

Site Description.

3 Buckden Road is a two-storey detached property located in Edgerton, Huddersfield. The external walls of the property are faced in natural stone, brick and render, with a tiled hipped roof. To the side elevation, the property benefits from two attached garages. On-site parking amenity space is present to the front of the site and outdoor amenity space is located to the front and rear.

The properties located along Buckden Road share a sense of similarity, detached and faced predominantly in stone to the front with tiled roofs.

The application site is located outside the edge of the Edgerton Conservation Area and is located approximately 20 metres from the nearest Listed Building (The Old Lodge House, 1 Buckden Road).

Description of Proposal.

Planning permission is sought for the erection of replacement garage and single storey side/rear extension with associated alterations.

The existing garages at 3 Buckden Road would be demolished to facilitate the erection of the proposed garage and extension.

The proposed extension would wrap around the side and rear of the property, projecting 3.7 metres from the side elevation and 3.2 metres from the rear elevation. The extension would have a maximum height of 2.5 metres, with a flat roof above.

Fenestration detailing to the extension would consist of an access door to the front elevation and a large window and a set of glazed doors to the rear elevation.

The replacement detached garage would be erected to the east of the wrap-around extension. The garage would have a width of 3.6 metres, a length of 6.6 metres and a maximum height of 3.8 metres with a gable roof above.

Fenestration detailing to the garage would consist of a garage door to both the front and rear elevation.

The external walls of the extension and garage would be faced in natural stone (front) and render.

With regard to associated alterations, the submitted drawings show the installation of an access door to the rear elevation of the host dwelling to form a new opening to the utility and the existing concrete flat roof to be removed from the rear elevation of the host dwelling, to be replaced with a lean-to roof.

History of Negotiations.

No negotiations took place, and no amended plans were sought or submitted.

Relevant Planning History.

At the application site:

- 88/00049 – Erection of extension to form double garage. *Granted Conditionally.*

To neighbouring properties:

- 1A Buckden Road – 90/02856 – Erection of detached double garage. *Granted Conditional Full Permission.*
- 1B Buckden Road – 2002/92610 – Erection of detached garage and conservatory. *Granted Conditional Full Permission.*

Representations.

We are currently undertaking 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.

Final publicity date = 31st October.

No representations were received.

Consultation Responses.

KC Conservation and Design (informal) – No objection, with the inclusion of conditions regarding construction materials and materials for fenestration.

Policy/Legislation.

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 located outside the edge of the Edgerton Conservation Area and is located approximately 20 metres from the nearest Listed Building.

The site falls in an area with a known presence of bats and within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP30 – Biodiversity and Geodiversity
- LP35 – Historic Environment
- LP51 – Protection and Improvement of Local Air Quality

Supplementary Planning Documents:

Highways Design Guide SPD (2019)

House Extensions and Alterations SPD: (2021)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 5th September 2023, together with Circulars, Parliamentary 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 and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Assessment.

The following matters will be considered as part of the assessment of this proposal. These considerations will be looked at in detail individually:

- 1) Principle of Development
- 2) Impact on Visual Amenity and the Historic Environment
- 3) Impact on Residential Amenity
- 4) Impact on Highway Safety
- 5) Other Matters
- 6) Representations
- 7) Conclusion

1) Principle of Development

Chapter 2 of the NPPF states that: *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*

Chapter 2 of the NPPF goes on to further state that objectives should: *“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

Policy LP1 goes further and states: *“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”*

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *“good design should be at the core of all proposals in the district”*.

In this instance, it can be stated that the principle of development in this application could be acceptable, subject to the assessment of impacts on visual, the historic environment and residential amenity, as well as highway safety and any other impacts that may arise. These will be discussed below.

1) Impact on Visual Amenity

Visual Amenity:

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 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, while 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 development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

- *‘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...’*

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

Paragraph 5.6 of the House Extensions and Alterations SPD sets out that single storey rear extensions should:

- be in keeping with the scale and style of the original house
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings)
- not exceed 4 metres in height
- not project out more than 3 metres from the rear wall of the original house for semi-detached and terrace houses or by 4 metres for detached properties
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

Section 5.3 of the House Extensions and Alterations SPD refers to side extensions, with paragraph 5.17 setting out that single storey side extensions should:

- not extend more than two thirds of the width of the original house;
- not exceed a height of 4 metres; and
- be set back at least 500mm from the original building line to allow for a visual break.

Section 5.6 of the House Extensions and Alterations SPD refers to outbuildings, including detached garages. Paragraph 5.30 sets out 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.

It is firstly important to acknowledge that the siting of the proposed extension and detached garage are to replace existing built forms at 3 Buckden Road, in the form of the existing attached double garage, which projects to a similar side elevation as these proposed additions. As such, based on the individual merits of the site and proposal, in this instance, the siting of the proposed extension and detached garage are concluded to be acceptable.

In addition, whilst officers note that the single storey side extension is not set back from the original building line of 3 Buckden Road, again, based on the individual merits of the site and proposal, in this instance, the flush design of the side extension is concluded to be acceptable visually. This is because the existing attached double garage which the extension is to replace sits flush with the host dwelling.

The overall size/scale of the proposed wrap-around extension is considered to be subservient to the host dwellinghouse, with projections to the rear and side that are in accordance with the design recommendations of the SPD and the height not exceeding 4 metres. The wrap-around extension would not cover more than half the total area around the original house.

With regard to the flat roofing form to the proposed extension, this matches the existing design of the attached double garage, which has a flat roof erected above. In addition, the erection of a flat roof, by form, naturally reduces the potential for undue bulking and massing from the overall appearance of the extension.

The detached garage would also be considered to be of an appropriate size/scale, subservient in footprint to the scale of the original house and its garden, including when viewed cumulatively with the proposed wrap-around extension. The garage would not result in the detrimental loss of private amenity space.

The submitted plans annotate that the front elevation of the garage would be faced in stone to match the existing front view of the dwellinghouse and that the gable roof above would be infilled with concrete tiles.

Specific details for the materials of the wrap-around extension have not been annotated on plan, however, to ensure high levels of visual amenity are retained on site, a condition will be included upon any grant of approval to ensure that the front elevation of the extension be faced in stone.

For the same reason, upon any grant of approval, a condition will also be imposed to ensure that any render applied to the developments be coloured the same as the existing render to the rear elevation of the host dwellinghouse.

Whilst the proposed extension and garage could be visible from public vantage points along the highway of Buckden Road, given the replacement nature of the development, the subservience of the additions and the harmonising appearance of the new built forms, it is not considered that their erection would disrupt the existing character of the locality visually. It would be preliminary the front elevations that would be visible, with the additions to be set back from the adjacent garage at No. 1B Buckden Road, meaning they would be mostly hidden, noting that the garage would be seen on rising land some height above the existing garage to the adjacent property.

With regard to associated alterations, the submitted drawings show the installation of an access door to the rear elevation of the host dwelling to form a new opening to the utility and the existing concrete flat roof to be removed from the rear elevation of the host dwelling, to be replaced with a lean-to roof. These alterations are also considered to be acceptable visually, located to the rear of the host dwelling.

For all of the reasons outlined above, with the inclusion of the aforementioned conditions, it is considered that the proposal would not cause detrimental harm to the visual amenities of the locality. The proposed development is therefore considered to comply with Chapter 12 of the NPPF, Policy LP24 of the Kirklees Local Plan and Key Design Principles 1 and 2 of the House Extensions and Alterations SPD.

Historic Environment:

Due to the site's location just outside the boundaries of the Edgerton Conservation Area and relatively close to Listed Buildings, Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) is relevant, and requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area. Section 66 sets out that in considering whether to grant planning permission 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.

Sections 66 and 72 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.

Policy LP35 of the Kirklees Local Plan will also be taken into account, stating 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”*.

As part of the determination of this application, an informal consultation was undertaken with KC Conservation and Design. Upon informal consultation, KC Conservation and Design concluded that they had no objection to the proposal at 3 Buckden Road for the following reasons:

- Additions look neat, tidy and subservient to the main house.
- Additions separated from Listed Buildings.
- Additions set back from adjacent garage at No. 1B Buckden Road, meaning that they would be mostly hidden.
- Visual improve to the existing attached double garage.

However, upon any grant of approval, KC Conservation and Design requested that the following be conditioned:

- Condition the front elevations of both the detached garage and extension to be stone.
- Condition that any render applied to the detached garage and extension be the same colour as the existing render to the rear elevation of the host property.
- Condition that the door on the principal elevation of the extension be timber, to match the front access door on the main house.
(this is considered unnecessary given the style and appearance of the existing doors and their materials. The existing windows are Upvc. However, an advisory note will be appended).

Therefore, within the inclusion of the aforementioned conditions, it is concluded that the proposed developments have an acceptable impact with regard to the heritage significance of the Edgerton Conservation Area and nearby Listed Buildings (i.e. it would avoid harm to the significance of these designated heritage assets). For these reasons too the application was not publicised as affecting designated heritage assets. Therefore, it is concluded that the proposal complies with policies within Chapter 16 of the NPPF and Policy LP35 of the Kirklees Local Plan.

2) Impact on Residential Amenity

Section B and C of LP24 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 users.

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 accordance with Key Design Principle 7 of the House Extensions and Alterations SPD, a sufficient extent of outdoor amenity space would be retained at 3 Buckden Road following the erection of the proposed extension and detached garage.

No. 5 Buckden Road neighbours the application site to the north west. The proposed side extension and detached garage would not impact upon the amenity of these neighbours, to be located to the opposite side of the host dwelling to the siting of this neighbouring property. The rear extension would retain a separation distance of over 5 metres from the shared boundary with No. 5.

As such, it is not considered that the proposed works to 3 Buckden Road would result in any undue impacts of overbearing or overshadowing for the occupiers of No. 5 Buckden Road. In addition, the proposal would not result in any additional glazing to face towards this neighbouring property, resulting in no detriment to neighbouring privacy with regard to overlooking.

No. 1B Buckden Road neighbours the application site to the south east. The proposed extensions and detached garage would retain a minimum separation distance of approximately 10 metres from the siting of this neighbouring property, with no glazing proposed to be directly adjacent to the neighbouring dwellinghouse itself or any habitable room windows to this neighbouring dwelling. Although sited close to a detached garage forward of no. 1b, this does not contain habitable accommodation.

As such, it is not considered that the proposed works would result in any undue impacts of overbearing or overshadowing for the occupiers of No. 1B Buckden Road, nor would the developments detriment neighbouring privacy.

No.'s 2a, 2b and 4 Dingley Road are located to the rear of No. 3 Buckden Road. The proposed works to No. 3 Buckden Road would retain a minimum separation distance of approximately 35 metres from the shared boundaries with these properties and an even greater distance from the dwellings themselves.

As such, it is not considered that the proposed works would result in any undue impacts of overbearing or overshadowing for the occupiers of occupiers of these neighbouring properties, nor is it considered that proposed glazing would result in any undue impacts of overlooking.

It is considered that the proposed works would be a sufficient distance away from any other properties to prevent undue harm to residential amenity in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing affect.

For these reasons, the proposed development at 3 Buckden Road is not considered to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan and Key Design Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations SPD.

3) 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.

The proposal would not alter vehicle access to or from the site in conjunction with the adjoining highway of Buckden Road.

The proposal would not increase the number of bedrooms within the interior of 3 Buckden Road, to remain as a 4-bedroom property. Whilst the existing attached garages would be demolished, it is considered that the proposal would see sufficient levels of on-site parking retained, with the proposed replacement detached garage and the existing driveway which would remain unaltered.

In turn, the proposal would appropriately accord with Chapter 9 of the NPPF, LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extension SPD.

4) 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 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.

As part of this application, a Climate Change Statement was submitted. This set out various climate change mitigation measures. Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs further mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

Bats:

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 lies within the bat alert layer on the Council's GIS system.

The proposal would see the demolition of the existing attached double garage. Given the age / design of the attached double garage it is not considered necessary for a full assessment of the roof space to be undertaken in this case given the low likelihood for roosting bats to be present.

Even so, as a cautionary measure, in the event of any grant of permission a note would be added to the decision notice, stating that if bats are found development shall cease and the advice of a licensed bat worker sought. This is in accord with the aims of Chapter 15 of the NPPF.

5) Representations

No representations were received.

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 development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation – Delegated Powers
Application Number: 2023/92788
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.

1. 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 Policies LP1, LP2, LP21, LP22, LP24, LP30, LP35 & LP51 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8 & 15 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 9, 12, 14, 15 & 16 of the National Planning Policy Framework.

2. The front elevation of the hereby approved detached garage and the front elevation of the hereby approved side extension shall be faced in stone, to match the front elevation of the existing dwelling and be thereafter retained.

Reason: In the interests of visual amenity and to accord with Policies LP2 and LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and Policies within Chapter 12 of the National Planning Policy Framework.

3. Any render applied to the exterior walls of the hereby approved detached garage and hereby approved extensions shall be coloured to match the appearance of render used in the construction of the existing dwelling and be thereafter retained.

Reason: In the interests of visual amenity and to accord with Policies LP2 and LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and Policies within Chapter 12 of the National Planning Policy Framework.

NOTE: It is recommended that the access door on the front elevation of the side extension is constructed from timber, to match the appearance of the front access door to the existing dwelling.

Note: Due to its location, a bat roost 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 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	22/835/01	-	22.09.23
Block Plan	22/835/02	-	22.09.23
Plans & Elevations as Existing	22/835/03a	-	22.09.23
Proposed Elevations	22/835/05c	-	22.09.23
Plans & Elevations as Proposed	22/835/04d	-	22.09.23
Proposed Block Plan	22/835/06a	-	22.09.23
Climate Change Statement	-	-	22.09.23

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 negotiations took place, and no amended plans were sought or submitted.

Report Dated: 07.11.23