

**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:	2023/62/92920/E
Site Address:	42, Ings Crescent, Thornhill, Dewsbury, WF12 0BT
Description:	Erection of garden room to contain trampoline with support walls and drainage
Recommending Officer:	Edward Cheseldine

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.

Emma Thompson

AUTHORISED OFFICER

Date: 20-Dec-23

Error! Filename not specified.

Officer Report

2023/92920 - 42, Ings Crescent, Thornhill, Dewsbury, WF12 0BT

Site Description

42 Ings Crescent is a two-storey, semi-detached dwelling in Thornhill. The dwelling is part of a post-war housing estate which is characterised by simple form dwellings on linear streets with large residential gardens. There are spacious green areas which compliment the housing estate. No 42 has a modest front garden, with a rear garden space which backs onto a shared green area.

The area of space where the outbuilding is proposed has been used as a part of the residential garden for over 10 years, although it is currently owned by Kirklees Council and notice has been served.

Proposed Description

The applicant is applying for planning permission for the erection of an outbuilding clad in timber. The outbuilding measures 6.00m (W) x 4.00m (D) x 2.50 (H) and has a single pitched roof. There will be four patio style doors in the front elevation on the outbuilding.

History of Negotiations

None.

Relevant Planning History

2012/92362 - Erection of single storey rear and side extension – Full permission granted

Consultation Responses

None.

Public Representations

Neighbourhood notification letters were sent out to advertise the application which expired on the 08 December 2023. As a result of the publicity, there were no representations.

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 Proposals Map.

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity

Kirklees Council adopted supplementary planning guidance on house extensions (House Extensions and Alterations Supplementary Planning Document) (SPD) 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 House Extensions and Alterations

Supplementary Planning Document will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, and the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Environmental matters
- 6) Conclusion

Principle of development:

Kirklees Council adopted supplementary planning guidance on house extensions (House Extensions and Alterations Supplementary Planning Document) 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 House Extensions and Alterations Supplementary Planning Document (SPD) will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

Impact on visual amenity

Outbuildings should appear as complementary structures that relate well to the host property on the plot in terms of their size, style and architectural features. There should be sufficient usable amount of outdoor space left for the occupants of the property.

The outbuilding will be positioned to the rear of the garden space occupying a footprint of 6.00m (W) x 4.00m (D). There are several outbuildings in neighbouring gardens which are of a similar stature. The outbuilding will not compete with the size of the dwelling. It will be positioned vertically from the house leaving space towards the rear of the garden plot. In terms of height the outbuilding will be set against the boundary at ~2.30m for which there is a green space behind, currently there is a high boundary fence separating the land. As the roof height is modest the positioning of the outbuilding is acceptable as it will not appear overly large or effect a residential garden. The outbuilding has a pedestrian appearance which will not appear out of character given its residential setting.

Having taken the above into account, the proposed outbuilding would not cause significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout.

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 House Extensions and Alterations Supplementary Policy Document goes into further detail with respect to outlining principles.

- Key Design Principle 3, '*extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours*'.
- Key Design Principle 4, '*extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook.*'

Impact on 38 Ings Crescent

38 Ings Crescent is situated is the adjoining property to the east of the dwelling. The property hosts a similar rear garden to the application site. Windows on the proposed outbuilding will face the private outdoor amenity space of No. 38. Currently there is a mesh wire fence serving as a boundary treatment. Whilst this will allow views into the neighbouring garden, it can be changed to a solid fence if privacy is encroached. Currently the rear of the garden at No. 38 is a converted parking space which would not be considered private amenity space. As the relationship currently exists and can be altered to protect future inhabitants the impact to privacy is acceptable.

There is a distance of separation between the proposed outbuilding and boundary of ~5.50m, due to distance there will not be an overbearing or overshadowing impact. Additionally, there will not be a loss of outlook from the neighbouring dwelling.

Impact on 46 Ings Crescent

46 Ings Crescent is to west of the application site, being the adjacent dwelling. In terms of privacy there will be no openings facing in the direction of the neighbouring site. The outbuilding is to the north of the dwelling and garden space. Because of the boundaries, the outbuilding will not border private rear outdoor space therefore, there will not be a loss of light, or an overbearing impact. Due to its placement to the north, there will not be a loss of sunlight or a loss of outlook from the property.

Impact on Highways safety

None.

Environmental 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.

Conclusion

This application for the erection of an outbuilding at 42 Ings Crescent, has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations Supplementary Planning Document, 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 alteration 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: 2023/92920

Officer Recommendation: Approve

Conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan	LP	1	13/10/2023
Block plan	BP	1	23/10/2023
Grouped plan – Proposed	PL-01	1	23/10/2023
Grouped plan – Existing	PL-02	1	23/10/2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority has, 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. In this instance, no amendments were sought.

