

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:	2023/62/92929/W
Site Address:	Park Views, 72, Beaumont Park Road, Beaumont Park, Huddersfield, HD4 5JH
Description:	Erection of outhouse/pergola
Recommending Officer:	Laura Yeadon

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: 29-Nov-2023

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2F92929>

Site Description

Park Views, 72 Beaumont Park Road is a large detached property set in well sized grounds within an area without notation on the Kirklees Local Plan. The property is constructed from stone with a rosemary coloured tiled roof. The property is set back from the roadside within a sloping site with the main amenity space for the property located to the front of the dwelling. The site is accessed via a long drive set behind electric gates.

Residential properties are located to the north, east and west and to the south is Beaumont Park which is a Grade II listed park and garden containing the Grade II listed Park Lodge.

Description of Proposal

The application is for the erection of an outhouse/ pergola which would be a detached structure located at the side of the host property.

There is also an application within the site boundary for the erection of a garage and alterations under application number 2023/92932 which is under consideration. Works have commenced at the site for both the pergola and the garage structure which have sought permission and have been subsequently refused under applications 2023/91140 and 2023/91141. The current submissions seek to overcome the previous reasons for refusal.

The most recent reason for refusal under application number 2023/91140 was as follows:

1. The outbuilding/pergola by virtue of its siting, overall scale, being incongruous and with low-quality construction materials results in a development that fails to sympathetically harmonise with the host dwelling and constitutes poor design. The development therefore causes detrimental harm to the host property and the wider character and appearance of the area, contrary to Key Design Principles 1, 2 and 9 of the Council's adopted House

Extensions and Alterations Supplementary Planning Document, Policy LP24 of the Kirklees Local Plan and Policies contained within Chapter 12 of the National Planning Policy Framework.

The outhouse/pergola is 'L' shaped with the following dimensions:

- 12 metres in maximum width
- 8.4 metres in depth
- 2.3 metres in overall height

It is proposed that the existing structure on site is reduced in size to not extend significantly forward of the building line of the existing dwelling and that the metal cladding would be removed and replaced with timber cladding on the walls and with the metal clad roof removed and replaced with clear/obscure polycarbonate sheeting. The existing posts shall be retained.

History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the application being considered acceptable in its submitted format (discussed in the assessment section of this report).

Relevant Planning History

- | | |
|------------|---|
| 2008/91963 | Outline application for residential development (2 no dwellings) and formation of new access to existing dwelling
<i>Refused</i> |
| 2008/92542 | Demolition of conservatory and erection of single storey extension
<i>Conditional Full Permission</i> |
| 2009/90533 | Formation of vehicular access
<i>Conditional Full Permission</i> |
| 2010/93389 | Erection of extension and addition of man-pass gate to driveway entrance
<i>Refused</i> |
| 2012/93584 | Erection of extensions and gates to drive entrance
<i>Refused</i> |
| 2022/93346 | Erection of single storey car storage extension and outbuilding
<i>Refused</i> |
| 2023/91140 | Erection of outbuilding/pergola
<i>Refused</i> |
| 2023 91141 | Erection of garage and alterations
<i>Refused</i> |

2023/92932 Erection of garage and alterations
Under consideration – not yet determined

Representations

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 letter.

Final publicity date expired 17th November 2023 – no representations received

Consultation Responses

None required

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 without notation on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity
- **LP 35** – Historic environment
- **LP 51** – Protection and Improvement of Local Air Quality

Supplementary Planning Documents:

- House Extensions and Alterations SPD

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 21st 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.

- 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 & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity and historic environment
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 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 National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – that “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.”
- Principle 2 – 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 detail.”

With specific regard to the House Extensions and Alterations SPD the other key design principles for consideration are:

- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

With specific regard to the proposed development the SPD states the following in terms of outbuildings:

Section 5.30 of the adopted SPD states 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.

The aforementioned policy contained within the House Extensions and Alterations SPD is applicable to consideration of both visual and residential amenity and is considered within parts 2 and 3 of this report where applicable. On the basis the proposal is concluded acceptable in these respects, and in light of all other relevant considerations, it is considered the principle of development is acceptable.

2 – Impact on visual amenity and historic environment:

The NPPF offers guidance relating to design in Chapter 12 (Achieving well designed places) whereby paragraph 126 provides a principle consideration concerns 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 also of relevance, in particular the following:

“Planning policies and decisions should ensure that developments:

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting.....”

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

The proposal is to modify/amend the existing structure that is currently constructed at the property.

The application has been submitted following the refusal of previous applications (refs:- 2022/93346 and 2023/91140). The reason for the refusals, in summary, were with regards to materials, size / scale and location of the structure.

In terms of this application, this seeks to overcome the previous concerns.

It is important to note that the property hosts full permitted development rights and therefore certain works can be carried out without the requirement of planning permission.

The proposed outhouse/pergola has been significantly reduced on plan from the previous application with the front projecting section being significantly reduced so that the building would mainly sit behind the building line of the front elevation of the property with the corner of the structure marginally projecting forward. It is also proposed that the metal clad walls would be removed and replaced with timber cladding and that the metal roof is removed and replaced with clear/obscure polycarbonate.

It is proposed that the outhouse/pergola is more in keeping with what one would expect as a garden structure with its timber appearance, similar to a garden room/large outbuilding.

The reduction in footprint would be smaller than that of the main dwelling and is, on balance, considered to be subservient having a neutral impact on visual amenity. The structure would be screened from Beaumont Park Road and the wider street scheme is characterised by dwellings set within modest curtilages, set back from the roadside with manicured front gardens. As such, as amended, the building allows for a sufficient level of garden space to remain.

Taking into account the submission of the application for the garage to the rear of the main dwelling, this has also been reduced in size and scale for the resubmitted proposal in addition to the altered construction materials. Due to the application being a 'live' application, this is considered to be a material planning consideration. It is considered that the proposals, would be a much better solution in terms of visual amenity.

It is important to take into account the realistic fall back position in this case. The property benefits from full permitted development rights and therefore, an outbuilding could be constructed without the requirement of planning permission. In this case, the 'as built' structure within the site does not comply with permitted development legislation. In terms of the proposed structure as indicated on the submitted plans and a brief assessment against current permitted development restrictions:

- the building would not cover more than 50% of the ground around the original house;
- the building would marginally be located on land forward of the front elevation of the original house'
- the building would be single storey in height;
- the building is within 2 metres of a boundary however, would not exceed 2.5 metres in height;
- the structure would not be in the curtilage of a listed building; and
- the plans do not indicate the provision of a veranda, balcony or raised platform.

Therefore, other than the front corner of the structure, the works, as demonstrated on plan, would likely not require planning permission.

In terms of the nearby Grade II listed park and garden and the nearby Grade II listed building, Section 66 of the Planning (Listed Buildings & Conservation 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 or preserving the building or its setting or any features of special scientific interest which it possesses.

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

Furthermore, Policy LP35 of the Kirklees Local Plan 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."*

In this circumstance and in line with the previous assessment on heritage issues, given the significant reduction in scale of the building and it being single storey in height with boundary treatment to the front of the site alongside the separation distance of the development to the heritage asset, it is considered that the development does not cause harm to the significance of these heritage assets.

Taking into account the previous assessments of the proposal and the amendments made to try and overcome the reasons for refusal, it is considered that the significant reduction in size and scale of the proposed works coupled with the alteration to the finishing materials proposed within this application are considered to be acceptable.

The outhouse/pergola is considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity and the nearby heritage assets, in accordance with the requirements of policies LP1, LP2, LP24 and LP35 of the Kirklees Local Plan, having regard to principles 1, 2, 7 and 9 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Paragraph 130 of the NPPF requires that planning decisions ensure that developments create places that are safe, inclusive and accessible and which promote health and wellbeing with a high standard of amenity for existing and future users.

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. 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.

Key Design Principles 3 and 4 specifically state the following:

Key Design Principle 3 – Privacy – *Extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupiers and neighbours.*

Key Design Principle 4 – Habitable rooms and side windows – *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.*

In terms of the outhouse/ pergola, the structure is sited close to the boundary with the adjacent neighbour to the west of the site. Due to the existing boundary screening with the neighbouring property being set forward of the structure and as the structure is single storey in height, it is not considered that this causes significant harm either in terms of loss of outlook, loss of light or overshadowing.

Key Design Principle 7 requires that useable areas of outdoor space are retained and in this instance due to the extent of curtilage and as demonstrated on the submitted site plan, the works are not considered to result in an overdevelopment of the site as a useable garden space remains. The development is therefore considered to comply with this principle/

Therefore, it is considered that the development is acceptable in terms of residential amenity. In line with the previous assessment of the works, which was for a larger structure, there will be no significant impact on neighbouring properties in terms of overshadowing, overbearing or overlooking, and the development accords with the aims of policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations Supplementary Planning Document as well as policies within Chapter 12 of the NPPF.

4 – 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.

In this case there would be limited impact on parking or highway safety. The existing driveway would be retained and whilst there is some form of garage provision with the garage structure for one parking space, there is sufficient space for the parking for further vehicles within the site boundary.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

5 – 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 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.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

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.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the works being carried out and the nature of the works. It is not considered to seek enhancements given the nature of the development.

6 – Representations:

None

7 – 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: 2023/92929

Officer Recommendation: Approve

Conditions:

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 with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP35 and LP51 of the Kirklees Local Plan, principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, 14, 15 and 16 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapters 2, 4, 12, 14, 15 and 16 of the National Planning Policy Framework.

2. Within three months of the date of this decision the external wall materials of the outhouse/pergola hereby approved shall be finished in timber. The roofing materials shall be finished in clear/obscure polycarbonate. The approved materials for the walls and the roof shall be completed within three months of the date of this decision and thereafter retained for the lifetime of the development.

Reason: In the interests of visual amenity and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan and site plan	TR-A23-0903-004 – Rev: A		3 rd October 2023
Proposed floor plans	TR-A23-0903-005 – Rev: A		3 rd October 2023
Proposed elevations	TR-A23-0903-006 – Rev: A		3 rd October 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 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.

The Case Officer did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Report Dated:

24 th November 2023

Coal – none