

**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:	2023/62/92967/W
Site Address:	6, Southlands, Kirkheaton, Huddersfield, HD5 0JU
Description:	Erection of outbuilding and alterations
Recommending Officer:	Molly Storer

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: 01-Dec-2023

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/92967
Location	6, Southlands, Kirkheaton, Huddersfield, HD5 0JU
Proposal	Erection of outbuilding and alterations
Publicity end date	16 th November 2023
Number of representations received	One
Kirklees Local Plan Allocation/Designation	The site is located in a hazardous material zone (Syngenta Ltd., Leeds Road, Huddersfield)
Extension to Time (EoT)	Yes EoT Date: 6.12.23
Recommendation	Conditional Full Permission

	NO	YES
Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)	✓	
Contrary to previous decision	✓	
Called in by Ward Member	✓	
Significant number of representations received	✓	

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

Policy

National

National Planning Policy Framework (NPPF) September 2023
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed places
- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 51** – Protection and improvement of air quality

Supplementary Planning Document ‘House Extensions and Alterations’ (2021).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- 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 10: Renewable energy
- Key design principle 11: Water retention
- 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
- Key design principle 17: Access for all users

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	No	

Parish/Town Council comments sought	Yes	Comments from Kirkburton council were sought but they had no comments on the proposal
Planning History	No	
Consultations required	Yes	As the site is in a hazardous materials zone (Syngenta Ltd., Leeds Road, Huddersfield). A HSE consultation was required. The HSE response stated that "The HSE's Advice: Do Not Advise Against, consequently, HSE does not advise on safety grounds, against the granting of planning permission in this case."

Assessment

The application seeks permission for an outbuilding.

An L-shaped outbuilding with the first section being 9.6 meters in length and 3.6 width and the connecting section towards the rear of the garden being 5.2 meters width and 2.9 meters length. The base of the former garage on site would also be re-used as an open sided car port of 2.30m to the eaves and 2.70m to the top of the mono-pitched roof.

The Kirklees SPD sets out that outbuildings should comply with certain parameters set out at paragraph 5.6 on page 3 (and listed below) and if they do not, they need to be justified:

Outbuildings should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings	Yes – Due to the site's large garden area and no other existing extensions or other outbuildings the proposed outbuilding will be subservient to the original building	
be set back behind the building line of the original building so that they do not impact on the street scene;	Yes – the outbuilding would be to the rear of the property and would therefore have limited impact on the street scene	

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	Yes – the new development will leave more than 50% of private amenity space of the property. As the property only has two bedrooms there will be adequate amenity space to the potential number of occupants of the house.	
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Design and Visual Amenity

Summary of local street scene/character:

6, Southlands is a single storey semi-detached property located in Kirkheaton. It is located within a hazardous material zone (Syngenta Ltd., Leeds Road, Huddersfield). The property is constructed from red faced brick and stone with a concrete tiled roof. The property is located in a cul-de-sac, where surrounding development consists of single storey semi-detached properties where the predominant construction material is red faced brick. A number of properties in the immediate area have been altered or extended in some way.

Consideration has been given here in terms of the proposals impact on the local character and street scene, including subservience, terracing and building line.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on the Local character and street scene	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	Due to the outbuilding being proposed to the rear and being approximately 20m from the road there will be limited views from public vantage points. The design of the extension will be in keeping with the host property	✓
Impact on original house	• KDP2 of the SPD	Subservient due to being a single storey outbuilding and constructed from matching materials	✓

	• Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF		
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Due to the size of the garden and the dwelling being proposed in an L-shape in the rear corner of the garden with the longest projection being 9.6 meters (predominantly running along a neighbours garage), the outbuilding will not create a significantly negative cumulative impact. The height to the eaves will be 2.5 meters and the overall height will be 3.4 meters meaning it is proportional to the ground storey level of the house.	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	Materials to match- red facing brick work and concrete roof tiles.	✓
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Two simple dual pitched roof designs and a lightweight mono-pitch to the car port.	✓
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	There will be a three panel, full length bi-fold doors in the canted opening to the facing southwest/northwest elevation. On the southeast facing elevation on the boundary with No.4 there will be no openings. On the other side elevation, northwest	✓

		facing there will be another window opening and the doors to a store. There will be no openings on the rear northeast facing elevation.	
Accessibility for all users	• KDP 17 of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Private domestic outbuilding- no alterations to general access arrangements	N/A

The design of the proposal is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Residential Amenity:

The main properties affected are:

No. 4 Southlands – adjacent neighbour to the southeast – set on a higher ground level (0.7 meters higher) and set forward of the application site. No.4 has a large garage with a length of 8.5 meters along the boundary line to the rear of the garden this garage has a height of 3.5 meters. There is a ~2m screen fence separating the properties

No.32 Southlands – adjacent neighbour to the rear (northeast) – No.32 is set on a much higher ground level (~1.1 meters higher) than the application site. It has a conservatory extension facing onto the application site and there is a large ~2.5 meter screening fence separating the two properties.

No. 8 Southlands - adjacent neighbour to the northwest- set on the same ground level and the same building line the two properties are attached. It has a detached garage on the boundary with No.10, opposite side of the garden to the application site at no. 6. There is a ~2m screen fence separating No.8 and the application property and an area of mature hedging.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on privacy of neighbours (to sides, rear and front)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv)	There are no proposed openings within the southeast facing elevation and the majority of the	✓

	Chapter 12 of the NPPF	outbuilding will be faced by the neighbouring garage. There will also be no openings on the rear northeast facing elevation and, in any case, the differing ground levels means any windows would have looked on to the screening fence. The screening fence/hedging and the distance of over 4.5 meters from the bifold openings in the northwest facing elevation mean this proposal would have no significant material impact on privacy of residents of no. 8.	
Impact on light and outlook of neighbours and impact on overbearing or overshadowing (to sides, rear and front)	- KDP 4, 5, 6 of the SPD - Policy LP24 Design (b) - Chapter 12 of the NPPF	Limited, due to the outbuilding being single storey in height and the existing presence of screen fencing to all three sides and difference in ground levels. Furthermore the outbuilding proposed would be of a similar length and height to the garage at No.4 running along the boundary. The difference in ground levels with No.32 means that there will be no significant impact on loss of light, nor will it overbear or overshadow. There may be some shading in the summer months to No.8 between 5 and 7am however due to the screening fence this will not be any more significant than the fence already causes. Therefore, the outbuilding will not be	✓

		significantly overbearing or overshadow neighbouring properties.	
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	Acceptable level of remaining garden space	✓

The proposal is therefore acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Highways and Parking:

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on highway safety	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	N/A, a car port would replace the former garage and would be of size that could accommodate a modern vehicle.	N/A
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	The property hosts a driveway to the side of the original property and to the front. However, no additional bedrooms are proposed so parking will not be adversely affected.	✓
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	None shown on plan however sufficient space within site boundary	N/A

The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Other matters:

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on trees	• KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF	No protected trees within the application site. Representation received regarding the removal of soft landscape but there is no control over the removal of planting from this private domestic garden	N/A
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	Within Bat Alert layer on mapping system. Advisory note to be added to decision notice should bats be found during construction. Representation on the loss of landscape requesting this be replaced. Unfortunately, given the scale of development it is considered this would not meet the 6-tests for conditions.	✓
Carbon Budget / Climate change statement	• KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • Chapter 14 of the NPPF	Small scale domestic development to an existing dwelling. As such, no special measures required in terms of the planning application with regards to carbon emissions. A Climate Change Statement has been submitted with this application.	✓
Drainage and Flood Risk	• KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and	Some of the rear garden would be retained to allow for run-off. This would include the re-use of rubble and hardcore	✓

	LP34 of the KLP	which could assist to provide a soakaway on site (subject to ground conditions). The site is not located within an identified Flood Risk Zone 2 or 3 area.	
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The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

Representations, including Parish/Town Council comments:

Summary of Representation	Officer response	Addressed ✓ / X / N/A
Reassurance that the buildings are naturally screened from neighbouring properties or land using vegetation / trees / bush or shrubs to help the newly erected building blend in with its surroundings.	This application is assessed on the basis of the detail as submitted as discussed elsewhere in this report. Most of the site is already bounded by screen fencing of around 2m in height, which can be erected using permitted development rights. It would not be reasonable to require the replacing of natural vegetation in this instance, given the existing situation on site.	✓
Previously removed trees and shrub should be replaced.	This application is assessed on the basis of the detail as submitted as discussed elsewhere in this report, it would not be reasonable to require the replanting of vegetation and the trees and shrubs removed did not have any legal protections.	✓
Any supporting wall should be erected to prevent any land slip from neighbouring land.	Policy LP53 of the Kirklees Local Plan and paragraphs 174 and 183 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.	✓

	Paragraph 184 of the National Planning Policy Framework states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. An informative note will be placed on any grant of permission drawing the applicants attention to this fact. This would be a private legal issue between the landowners involved.	
Height of the building should be taken into to consideration to not obscure any neighbouring building and blend using same brick or stone colour as fits with the neighbouring properties.	This is addressed elsewhere in the report. A condition will be imposed requiring the principal outbuilding to be constructed in materials to match the main dwelling. The height of the building will be around 1m above the height of the rear fence and around 1.5m above the height of the screen fence to no. 8. It is largely obscured by the garage to no. 4.	✓

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: **CONDITIONAL FULL PERMISSION**

Decision Authorisation - Delegated Powers

Application Number: 2023/92967

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 to accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

3. The external walls and roofing materials of the outbuilding hereby approved shall in all respects match those used in the construction of the existing dwelling.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

NOTE: Paragraph 184 of the National Planning Policy Framework states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. This should be taken into account given the difference in levels between the application site and surrounding land.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form	-	-	06/10/2023
Location plan	-	-	06/10/2023
Block plan	-	-	06/10/2023
Existing and proposed grouped plans and elevations	2294	01	06/10/2023
Climate Change Statement	-	-	06/10/2023

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 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. It was not considered necessary to seek any amendments/further information during the course of this application.

01/12/2023

Report Dated: