

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:	2023/62/93068/W
Site Address:	7, Daisy Lea Lane, Lindley, Huddersfield, HD3 3LL
Description:	Extension of existing garage to form garden room and associated 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: 05-Dec-2023

Officer Report

Site Description

7, Daisy Lea Lane, Lindley, Huddersfield, HD3 3LL

7 Daisy Lea Lane is a two storey detached property located within an area defined as Unallocated Land within the Kirklees Local Plan. The eastern and southern boundaries of the site form the boundary to the Edgerton Conservation Area. A driveway leads down the western boundary to a hardstanding area to the rear of the properties on Lea Street. The property is relatively large and set within modest mature grounds. The surrounding area is predominantly residential with a variety of dwelling sizes including detached properties set in large grounds, semi-detached properties and also terraced rows.

The host dwelling is constructed from regular coursed stone, artificial stone roof slates with white Upvc windows.

Description of Proposal

The application seeks planning permission for the erection of a single storey extension to the rear of the existing garage.

The proposed extension to the rear is to measure approximately 5.85m x 5.5m, with an approximate eaves height of 2.5m. and ridge height to the gable pitched roof of approximately 4m. The extension will create a new garden/hobby room with a sink area and bathroom. It will have a pedestrian access through a small door on the front southeast elevation and a window on the north east elevation

Materials proposed within the extensions include regular coursed stone, artificial stone roof slated and Upvc windows, all to match the existing property.

History of negotiations/amendments received

No amendments were considered necessary in this case.

Relevant Planning History

2016/93806 – Erection of a detached garage – Approved, 5th January 2017

Representations:

Neighbour Letters – Expired 29th November 2023.

No representations have been received. The application was publicised with neighbour notification letters only as the development was assessed as having no impact on the character or appearance of the adjacent Edgerton Conservation Area.

Parish/Town Council comments

None.

Consultation Responses

None.

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 application site falls within an area with a known presence of bats and its eastern and southern boundaries form the Edgerton Conservation Area boundary.

The Edgerton Conservation Area is described as:

“Large residential suburb of Huddersfield characterised by mature planting in association with stone built nineteenth century villas in extensive grounds with gate piers and boundary walls being significant features.”

Kirklees Local Plan (KLP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP21** – Highway Safety
- **LP22** – Parking provision
- **LP 24** – Design
- **LP30** – Biodiversity and geodiversity
- LP33 - Trees
- **LP 35** - Historic Environment
- **LP51** – Local air quality

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated September 2023, 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. Most specifically in this instance, the below chapters are of most relevance:

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 9** – Promoting sustainable transport
- **Chapter 12** – Achieving well-designed places
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 14** – Meeting the challenge of climate change, coastal change and flooding
- **Chapter 16** – Conserving and enhancing the historic environment

Other material considerations

- Highway Design Guide (November 2019)
- House Extensions and Alterations SPD (June 2021)
- Edgerton Conservation Area Appraisal

Legislation

The Town & Country Planning Act 1990 (as amended).
 The Conservation of Habitats and Species Regulations 2017
 The Planning and Compulsory Purchase Act 2004

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on Visual Amenity including the character and appearance of the adjacent Conservation Area
- 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 introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the KLP. This policy stipulates 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 a property, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF. Policy LP24 of the KLP is the overarching policy in relation to the design, requiring proposals to respect the appearance and character of existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety, and to promote sustainability. The SPD provides detailed guidance to inform decisions on householder development.

The application is for an extension to a garage at a residential property within a settlement boundary, where the principle of development such as this is acceptable, subject to the satisfactory assessment of material considerations. These considerations, along with others, are addressed in the following sections in this report.

2 - Impact on Visual Amenity:

Chapter 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24 states that all proposals should promote good design by ensuring the following:

‘The form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’ and that ‘extensions are subservient to the original building, are in keeping with the

existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers’.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area. This development falls adjacent to the Edgerton Conservation Area and the impact on this will be assessed below.

Furthermore, this relates to Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

LP35 states that:

‘Development proposals affecting a designated heritage asset...should preserve or enhance the significance of this 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’.

The harm, should any be considered to accrue from this development, will be assessed and discussed later in the report.

The proposed garage extension would be set back to the rear of the site and the existing garage means the extension would only be visible by 1.5 meters to the side. Although the maximum height of the extension would be 0.4m higher than the existing garage the eaves height of 2.5 meters would be the same therefore the erection of the single storey rear extension to the existing garage is not considered to be obtrusive in height and would sit comfortably within the site.

Given the large domestic curtilage of no. 7, it is not considered that the proposal would constitute as overdevelopment of the site. The proposal would still remain subservient to the host dwelling. The proposed construction materials are considered to be in keeping with the host dwelling and adjacent properties and therefore, the impact of the proposed extension is considered to be neutral with the property and will not detract from its architectural style.

It is considered that the proposed works would adhere to the aesthetic appearance of the surrounding area, both visually and spatially and therefore it can be concluded that the proposed extension is not considered to harm the visual amenity of the area or indeed the significance of the adjoining Conservation Area.

The proposals are therefore considered to accord with LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework and the Council's adopted SPD for house extensions and alterations.

3 - Impact on Residential Amenity:

The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is echoed within sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should:

“Maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers’

Furthermore, the Council’s adopted SPD for house extensions and alterations provides additional details under key design principles 3: privacy, 4: habitable rooms and side windows, 5: overshadowing/loss of light, 6: preventing overbearing impact and 7: outdoor space. These will be discussed in more detail within the below assessments.

Neighbouring properties with the most potential to be impacted by the proposals are discussed below.

In terms of overlooking, the proposed garage extension would have a small double panel door within the front (southeast) elevation, a three panel window in the side of the northeast elevation and two roof lights in this elevation as well. Given the distance the garage extension would be set back from Daisy Lea Lane in addition to the majority being covered by the existing garage and the openings facing the side elevation of the host property, it is not considered that there would be any harm from overlooking.

With regards to overshadowing and/or being overbearing, the height of the garage extension is marginally higher than the original garage (0.4m) and would be sited adjacent to the boundary with the terraced properties on Lea Street. Given the sloping nature of Daisy Lea Lane and the garage being set on a lower ground level to the terraced properties coupled with the garage extension being single storey in height, there are minimal concerns. Furthermore since there is a boundary fence above the western boundary that would appear to be higher than the ridge line of the garage. This would effectively screen the development from residents of Lea Street.

The proposal does not give rise to any adverse impacts upon neighbouring residential amenity and as such, this aspect of the proposal is considered to be acceptable. It is therefore concluded that the proposals comply with Policies LP24 of the Kirklees Local Plan, and Section 12 of the National Planning Policy Framework. The proposals are also considered to be in accordance with the Council’s adopted house extensions and alterations SPD.

4 - Impact on Highway Safety:

Policies LP21 and LP22 of the Kirklees Local Plan and Policies within Chapter 9 of the NPPF 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 Council's adopted House Extensions and Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The proposed development would not increase the number of bedrooms on site, and it is considered the number of occupants within the dwelling would remain as existing. With this being the case, existing parking arrangements are considered to be acceptable. Additionally, the proposal does not propose any changes highway access. It is therefore considered that the proposal is acceptable in relation to highway safety.

It is considered that waste storage and collection arrangements would remain as existing, and that the proposal would also be in accordance with Principle 16 of the House Extensions and Alterations SPD too.

It is therefore considered that in terms of access and highway safety / parking the proposal would comply with Policies LP21 and LP22 of the Kirklees Local Plan, Principles 15 and 16 of the House Extensions and Alterations SPD and Chapter 9 of the National Planning Policy Framework.

5– Other matters:

Climate Change –

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. Key Design Principles 8-11 of the SPD set out criteria to be taken into account in the assessment of the application and the submission is supported by a Climate Change Statement (CCS), which is proportionate to the scale of development proposed.

The CCS sets out that:

To reduce the energy demand associated with the proposed development extra insulation in the roof and walls will be provided.

To limit the carbon consumed through the implementation and construction process they will reuse existing stone from the garage gable and provide from local supplies.

Low energy lighting will be used to utilise renewable and low carbon energy sources.

Double glazing windows to ensure the building design has been optimised to be energy efficient.

Local labour to be used throughout to avoid excessive travel in order to reduce air pollution associated with the proposed development.

These matters are considered to be a suitable response to climate change for a scheme of this scale.

Ecology-

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. Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest. The application is supported by a desk study bat report which has assessed the suitability of the existing garage for bats. As this building is of very recent construction (it is only 7 years old) it is concluded that "The building was assessed as having low suitability to support roosting bats".

The report recommends that "No further bat survey or mitigation is considered necessary for this project, however, to enhance the site for biodiversity in line with the national planning policy framework it is proposed that a bird box is incorporated into the northwest gable of the new garden room".

Subject to a condition to incorporate a bird box into the gable of the garden room during the period of construction and an informative note making the applicant aware that if bats are discovered on site during the works, any development shall cease, and the applicant is advised to contact Natural England for advice on how to move forward, the development will align with Policy LP30.

There are mature trees on the northern boundary of the site. Although the garage extension would be sited close to the crown spread of these trees, given the existing boundary treatment and that there is still a stand-off to

these trees, the development would be in accordance with Policy LP33 of the Local Plan.

6 – Representations:

No representations have been received.

7 – Conclusion:

This application for a garage extension at No.7 Daisy Lea Lane has been assessed against relevant policies in the development plan, the SPD as listed in the policy section of the report, the NPPF and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed development is considered 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.

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: 2023/93068
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 ensure the satisfactory appearance of the development on completion, and to accord Policies LP21, LP22, LP24, LP30, LP35 and LP51 of the Kirklees Local Plan and Chapters 12, 15 and 16 of the National Planning Policy Framework.

3. The external walls and roofing materials to the pitched roof of the extension hereby approved shall in all respects match those used in the construction of the existing garage building.
Reason: In the interests of visual amenity and to accord with Policy LP24 (a and c) of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the Council's House Extensions and Alterations SPD and Chapter 12 of the National Planning Policy Framework.
4. A bird box such as the Dual Chamber Sparrow Terrace shall be incorporated into the northwest gable of the new garden room during the period of construction. The bird box shall be retained thereafter. To enhance the site for biodiversity in line with Chapter 15 of the National Planning Policy Framework and Policy LP30 of the Kirklees Local Plan.

NOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). 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
Climate Change Statement	-	-	20/10/2023
Proposed plans and elevations	23_202.2A	-	20/10/2023
Proposed site plan	23_202.1.1	-	20/10/2023
Existing site/ Block layout	23_202.1	-	20/10/2023
Bat survey	Middleton Bell Ecology 21.9.23	-	20/10/2023
Application form	-	-	20/10/2023
Existing group plans and elevations	23_202.2	-	24/10/2023
Location plan	23_202.0	-	24/10/2023

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 has, 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 amendments have been sought, as the proposal is acceptable in its current form.

Report Dated: 05/12/2023