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:	**2023/62/93146/W**
Site Address:	10, Occupation Road, Lindley, Huddersfield, HD3 3AZ
Description:	Demolition of fire damaged garage and erection of replacement garage
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: 21-Dec-2023

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/93146
Location	10, Occupation Road, Lindley, Huddersfield, HD3 3AZ
Proposal	Demolition of existing garage and erection of replacement garage
Publicity end date	11th December 2023
Number of representations received	No representations received
Kirklees Local Plan Allocation/Designation	The site is located within an area with a known presence of bats
Extension to Time (EoT)	No **EoT Date:** N/A
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) December 2023
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed and beautiful 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
- **LP30** – Biodiversity and geodiversity
- **LP33** - Trees
- **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	No	
Planning History	Yes	2000/90890 – erection of two storey extension - conditional full permission 8 Occupation Road: 2017/92604 - Demolition of existing garage and erection of new detached garage – Full permission
Consultations required	No	

Assessment

Permission is sought for the demolition of existing garage and erection of replacement garage at 10 Occupation Road. The proposal seeks for a new garage to be rebuilt on a like-for-like basis within the same footprint as the garage that was originally there. The garage will be 6.515m x 6.515m and will have new paving to the proposed door in the west (side) elevation. The garage will have two large shutter doors and solar panels on the east (side) elevation.

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:	**Yes - COMPLY**	**No - JUSTIFY**
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 proposed development's limited scale within a large plot of land, the outbuilding will be subservient to the original building.	
be set back behind the building line of the original building so that	Yes- the outbuilding would be to the rear of the property and would therefore have limited	

they do not impact on the street scene;	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 the private amenity space to the rear of the property. Despite the property having 5 bedrooms there will still be adequate amenity space to the potential number of occupants of the house.	

Design and Visual Amenity

Summary of local street scene/character:

The application site relates to 10 Occupation Road, a two storey detached dwelling in the area of Lindley. The property benefits from a large garden amenity space to the front and rear it also has a large driveway to the side of the house. The dwelling is constructed from red brick and red concrete roof tiles. Due to the topography of the site, the application property lays at a significantly higher land level than the properties to the rear (north) on Dingley Road. There was a detached garage to the rear of the property which has since been removed due to a fire incident. The property had a two story rear extension which was erected around the year 2000.

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 • Policy 1 & 2 of the HVNDP • Chapter 12 NPPF	Due to the garage being proposed to the rear and being approximately 40m from Occupation Road there will be limited views from public vantage points from here or Dingley Road. The design of the outbuilding will be in keeping with the	✓

		host property with a gabled roof and faced in brick.	
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Policy 1 & 2 of the HVNDP • Chapter 12 of the NPPF	Subservient due to being a single storey garage and constructed from matching materials.	✓
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Policy 1 & 2 of the HVNDP • Chapter 12 of the NPPF	Due to the large size of the garden and dwelling the 6.515m by 6.515m outbuilding will not create a significantly negative cumulative impact. The height will be 2.3m to the eaves with an overall height of 4.295m which is considered to be subservient to the original dwelling and proportionate to the host property.	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Policy 1 & 2 of the HVNDP • Chapter 12 of the NPPF	Red blend facing brick work to match original property. Ashlar stone lintels, timber window frame and brown Calderdale (flat profile) roof tiles. These would harmonise with the host dwelling.	✓
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Policy 1 & 2 of the HVNDP • Chapter 12 of the NPPF	Simple dual pitched roof design with solar panels in the east (side) elevation.	✓
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c)	There will be two windows in the west (side) elevation. The	✓

	and (d) of the KLP • Policy 1 & 2 of the HVNDP • Chapter 12 of the NPPF	would be 1.125m from ground level and 1.05m in height. There will also be a personnel door in the opening. The plans show there will be no other openings in the garage, save for the garage door itself.	
Accessibility for all users	• KDP 17of the SPD • Policy LP24 Design (f) • Policy 1 & 2 of the HVNDP • Chapter 12 of the NPPF	Private domestic garage- 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. 8 Occupation Road – adjacent neighbour to the east– is a two storey detached dwelling set on a lower ground level than the applicant property. This property has a detached garage in a similar position to the one proposed at No.10. There is a fence and vegetation which is screening the boundary between the two properties.

No. 12 Occupation Road – neighbouring dwelling to the west – is a two storey detached dwelling set on a similar ground level and building line as the applicant property. This property hosts a detached garage near the boundary of No.10, but not set as far back as the proposed garage. There is a large ~2m high dense hedge between the two properties.

No. 13 Dingley Road – neighbour to the north – this property is to the rear of the proposed garage and is a two storey detached dwelling. It is on a lower land level than the applicant property and has a fence which only goes ~1m above the ground level at No.10. Although there is less vegetation screening this property there is a large distance (approximately 22m) and No.13 Dingley Road's detached garage between the proposed new development and the property at No.13.

No. 15 Dingley Road – neighbour to the north – this property is also to the rear of the proposed garage and is a two storey detached dwelling. This property is at a lower land level and is also screened by vegetation built up between the gardens.

There are no properties within close proximity to the rear (Northeast)boundary of the site which would be materially affected by the proposal.

	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) • Policy 2 of the HVNDP • Chapter 12 of the NPPF	There would be no significant impact on privacy to neighbours to the east or rear as there are no proposed openings in these elevations. Although there are openings in the west elevation the neighbouring property is screened by a ~2m high hedge.	✓
Impact on light and outlook of neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Policy 2 of the HVNDP • Chapter 12 of the NPPF	Limited impact due to being single storey in height however due to it being positioned on a higher ground level it could be considered prominent. In regard to the neighbouring properties to the rear the dwellings at No.13 and 15 Dingley Road are set far back from the proposed development (at least 22m). The garage at No.13 also screens the proposed development. In addition due to the vegetation and the limited view of the proposed garage from No.15 it is considered that it would not cause material harm to these	✓

		properties. With regard to No. 8 the fence and vegetation screening between the two properties means that the development would not cause any more material harm to the outlook from this property. As mentioned previously the ~2m high hedge between No.10 and No.13 means the material impact on this property is significantly reduced. In terms of light there would be some shadowing to No.8 in the late evening in summer months however this is not considered to warrant refusal.	
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Policy 2 of the HVNDP • 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	N/A	N/A

	• Chapter 12 of the NPPF		
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	Property hosts a large driveway at the front of the property and down the side of the house. However, no additional bedrooms are proposed, and the garage will increase parking provision.	✓
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	There is a mature protected tree on the boundary of the site in the front. Due to the proposal being to the rear this will not cause any further impact to this tree. Therefore, the development would be in accordance with Policy LP33 of the Local Plan.	✓
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Policy 13 of the HVNDP • 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	✓

Carbon Budget / Climate change statement	• KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • Policy 13 of the HVNDP • 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 LP34 of the KLP	The rear garden and landscaping would be retained to allow for run-off. The site is not located within an identified Flood Risk Zone 2 or 3 area and the garage would be sited on an existing slab.	✓

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**
None		N/A

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: 2023/93146
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

NOTE: The Council's GIS system indicates that 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 to 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:-

Application form	-	-	31/10/2023
Climate Change statement	-	-	31/10/2023
Location plan	23D08-FBA-ZZ-XX-DR-A-0100-P01	-	24/10/2023
Existing grouped plans and elevations	23D08-FBA-ZZ-XX-DR-A-2000-P03	-	24/10/2023
Proposed grouped plans and elevations	23D08-FBA-ZZ-XX-DR-A-2001-P02	-	24/10/2023
Supporting statement	-	-	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 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.

Report Dated: 19/12/2023