

**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:	2024/62/90331/E
Site Address:	105, Marsh Lane, Shepley, Huddersfield, HD8 8AP
Description:	Erection of garage and external alterations
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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 11-Jul-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/90331
Location	105, Marsh Lane, Shepley, Huddersfield, HD8 8AP
Proposal	Erection of detached double garage
Publicity end date	18-Mar-2024
Number of representations received	0
Kirklees Local Plan Allocation/Designation	N/A
Extension to Time (EoT)	12 July 2024
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	✓	

If 'No' to all above, proceed with a fast track report

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) July 2023
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development & beautiful places
- 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		Yes, the garage has been set back in line with the adjacent properties, quoins have been added to the design of the garage. Fencing to the front of the property has been removed from the plans.
Parish/Town Council comments sought	No	

Planning History		<p>2021/91976 - Demolition of conservatory, increase in roof height and formation of dormers and erection of attached garage – Full permission granted</p> <p>2020/92849 - Increase roof height to create first floor accommodation, erection of single storey extension and detached double garage – Full permission granted</p> <p>2017/90837 - Increase roof height to create first floor accommodation, erection of single storey extension and detached double garage – Full permission granted</p> <p>2008/91403 – Erection of single storey extension – Full permission granted</p>
Consultations required		<p><u>KC Highways</u> – An informal consultation was held with KC Highways, they concluded there would be no impact to highway safety given the access will remain as existing and there is no intensification to the dwelling.</p>

Assessment

The Kirklees SPD sets out that outbuildings should comply with certain parameters set out at paragraph 5.30 on page 33 (and listed below) and if they do not, they need to be justified:

	<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		Whilst the garage is a large structure, the garden space can accommodate such a building. There is previous permission

extensions and existing outbuildings		which contains a garage to the front of the property of a similar footprint to the proposed garage.
Be set back behind the building line of the original building so that they do not impact on the street scene		The site features a long front garden space. The position of the garage is set back adjacent to the extension of the neighbouring dwelling, No 107 so not to disrupt the building line at Marsh Lane.
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.	Private outdoor amenity space is situated to the rear of the property, this area will not be affected by the proposal. Over 50% of the garden space will remain.	

Design and Visual Amenity: Are the considerations in the following table acceptable?

Summary of local street scene/character: 105 Marsh Lane is a detached bungalow property in Shepley. The property is constructed of stone exterior walls with wooden clad panelling on the front façade. The property sits ~22.70m from Marsh Lane due to a generous front garden. There is hardstanding to the surfacing at the front of the dwelling which leads to a shared access driveway, there is space for two cars on the hardstanding area. In terms of boundary treatments, there is a low stone wall to the front of the property and a low wooden fence separating the property from the shared access driveway.

Marsh Lane is a main thoroughfare that runs through Shepley. It is characterised by the dwelling plots that run along the road. Properties generally have front garden plots, there is a strong building line from

properties to the south-west. These properties are traditional, stone built dwellings with an appealing character and style.

	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	<ul style="list-style-type: none"> • KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF 	<p>The garage unit is positioned to the front of the property. It sits ~8.90m from the public pathway and ~1.00m from the boundary to the south-west. The garage is adjacent of the extension of the neighbouring property which is set back behind the original dwelling. The external walls of the garage consist of an off-white render and stone quoins. Due to its position and stone features the garage unit will blend in with the streetscene. Frontal positioned garages are found within other sites on the street.</p>	✓
Impact on original house	<ul style="list-style-type: none"> • KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF 	<p>A proportion of the front façade will remain visible due to the position of the garage. A garage unit is proposed in a similar position under extant permission 2021/91976. In terms of this material weight can be given to the extant permission for</p>	✓

		the positioning of the garage.	
Height, scale and massing	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	The height and scale is such that it does not compete with the adjacent dwellings which form a distinctive character to the street. The ridgeline and part of principal elevation of the original dwellinghouse will still be visible due to the scale which is acceptable.	✓
Facing materials and detailing	<ul style="list-style-type: none"> • KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF 	<p>Materials are to be off-white render walls and concrete roof tiles. A single garage door and residential door will be formed on the side elevation.</p> <p>In terms of these, given the position of the garage and stone quoins, the construction is acceptable.</p>	✓
Roof style	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	The roof will be pitched, which although adds height, will make the garage have an appealing architectural design.	✓
Window proportions	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	N/A	✓

Bi-Folding Windows and Doors

Bi-folding doors will be installed on the rear elevation of the dwelling. There are currently large window openings and a conservatory on the rear elevation of the building. As part of the proposal the conservatory will be removed from the rear and replaced with the bi-folding doors. The level of glazing is acceptable given it will replace a glazed conservatory.

Decking & Stone Pavers

Timber decking and stone pavers are proposed to the rear of site, which will remove a substantial section of lawn, therefore introducing a significant amount of hardstanding to the property. Outdoor space to the front of the property will remain, with a minimal lawn to the rear. A 2.00m fence will be erected to the rear. Due to the screening, the decking and pavers is acceptable.

Render External Areas of the Dwelling

Render will be introduced on sections of the exterior walls of the property. It will provide a visual break to the brick-built dwelling. There is rendering within the building group. The modification is acceptable.

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: Are the considerations in the following table acceptable?

The main properties affected are:

- *Impact to 105b Marsh Lane*

	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)	<ul style="list-style-type: none"> • KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF 	105b Marsh Lane is to the south-west of the application property, it is ~16.00m from the bi-folding doors. The doors light a dining room. 105b	✓

		Marsh Lane sits at an acute angle to the application dwelling. In terms of impact to privacy, the bi-folding doors will replace the conservatory which had a further projection than the proposed openings. Therefore, there was already an overlooking relationship which will be slightly improved. Given this, there will not be a significant impact to privacy, that will detract from the amenity of the neighbours	
Impact on light and outlook of neighbours (to sides, rear and front)	<ul style="list-style-type: none"> • KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF 	Due to distance, there will not be a loss of light or outlook from the development.	✓

- *Impact to 107 Marsh Lane*

	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)	<ul style="list-style-type: none"> • KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF 	107 Marsh Lane is the adjacent building to the west of the application site. In terms of privacy, there are no windows proposed on the garage unit, therefore there will not be an impact to privacy.	✓
Impact on light and outlook of neighbours (to	<ul style="list-style-type: none"> • KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) 	The garage unit will sit adjacent to the side extension. There will be a distance of ~1.00m	✓

sides, rear and front)	<ul style="list-style-type: none"> Chapter 12 of the NPPF 	between the side window which lights a W/C. Whilst it is considered the relationship is close, the window is obscurely glazed and is to light the room, which is classed as non-habitable. The maintained gap will allow for a flow of light into the room.	
------------------------	--	---	--

Impact to 103a Marsh Lane

103a Marsh Lane is ~21.00m from the application dwelling, there will therefore be no impact to privacy, a loss of light or outlook

Impact to 105a Marsh Lane

105a Marsh Lane sits directly behind the application dwelling, it too is ~21.00m away from the dwelling. Although there is a direct the relationship, the distance mitigates the impact of the new windows. Notwithstanding this, the bi-folding doors will be set behind where the conservatory was, there is already an existing view in this direction. Due to this there will not be an impact to privacy, a loss of light or a loss of outlook.

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: Are the following acceptable?

	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	<ul style="list-style-type: none"> KDP 15 of the SPD Policy LP22 Parking (f) of the KLP Chapter 12 of the NPPF 	Following a conversation with KC Highways, the existing turning onto Marsh Lane will not increase in levels beyond its current use, there will	✓

		be no impact to highway safety when entering/exiting the site.	
Parking provision	<ul style="list-style-type: none"> • KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF 	The area currently used for parking will be covered by the garage. A space for parking will still remain to the side of the plot, whilst the garage is large enough to accommodate one vehicle. Given the number of bedrooms the number of parking bays is sufficient.	✓
Provision for waste storage	<ul style="list-style-type: none"> • KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF 	Bin storage for the dwelling is currently to the front of the house as such, adequate room will remain.	✓

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: Are the following acceptable?

	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	<ul style="list-style-type: none"> • KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF 	N/A	✓
Impact on ecology	<ul style="list-style-type: none"> • KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF 	The development is for the erection of an outbuilding. Whilst the property is not located in	✓

		an area which is known to include bat habitats, a cautionary note should be added that if bats are found during the development, then work must cease immediately, and the advice of a licensed bat worker sought.	
Carbon Budget / Climate change statement	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP 	N/A	✓

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
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:

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. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no additional door or window openings other than those expressly authorised by this permission shall be constructed on the garage at any time.

Reason: So as not to detract from the visual amenity of the area and maintain the residential amenity of neighbouring occupants and comply in accordance with the requirements of Policy LP24 of the Kirklees Local Plan and the provisions of the Kirklees House Extensions and Alterations SPD (2021).

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing block and floorplans	224-01-001-RevA	RevA	26-02-2024
Existing elevations	224-01-002	-	26-02-2024
Proposed block and floorplans	224-01-003-RevC	RevC	08-07-2024
Proposed elevations	224-01-004-RevB	RevB	08-07-2024
Planning statement	PS	-	26-02-2024
Climate change statement	CCS	-	26-02-2024

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. Amendments were sought to change the position of the garage, introduce stone materials and remove the fencing.