

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:	2024/62/90345/W
Site Address:	68, New Hey Road, Marsh, Huddersfield, HD3 4AJ
Description:	Erection of detached garage to the rear
Recommending Officer:	Teresa Harlow

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: 17-Apr-2024

Officer Report

Site Description

2024/90345 – 68, New Hey Road, Marsh, Huddersfield, HD3 4AJ

68 New Hey Road is semi-detached, two-storey stone built property located off one of the main arterial routes into Huddersfield town centre. The property is approximately late 19th to early 20th century and is of a relatively large scale with a two-storey rear projection. To the front of the property is a small area of garden and there is a narrow hard surfaced area to the rear, given over to parking. Vehicular rear access is via narrow, single width unadopted road to rear of 16 to 58 Thornhill Avenue.

It is not Listed or in a Conservation Area. It is adjacent to Lindley Masonic Hall to its northwest (designated as a community facility) and to its semi-detached paired property no. 66. The local area is residential with various styles of detached single-storey outbuildings at the rear of the properties' gardens.

Description of Proposal

Erection of detached garage to the rear

All figures are approximate and in metres.

It is proposed to erect a single-storey, double garage with a pitched roof to be the full width of the rear garden. It would be 6.8m width x 6.5m depth and a roof ridge height of 4.1m and eaves of 2.4m measured from ground level.

It would be constructed in natural stone with stone tiling and slimline PV panels to both roof planes; the flank elevations would be 'stitched' into the existing stone boundary walls. There would be a garage door to the front (northeast elevation) and a single door to the rear (southwest elevation), both in timber. Guttering would be traditional cast-iron ogee guttering to match the host's ironworks. A bat roost is proposed to each of the front and rear gables.

History of negotiations/amendments received

The case officer considered the application on review and sought no amendments as pre-application advice was provided previously with a clear indication on the acceptability of the proposed development. The application has been progressed on the basis of the submitted plans and moved to determination.

Relevant Planning History

None

Representations

We are currently undertaking 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 letters, which had a final expiry date of 03/04/2024.

No representations have been received.

Consultation Responses

No technical consultees 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 unallocated land within the Kirklees Local Plan.

Kirklees Local Plan (LP):

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place shaping
- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 26 – Renewable and low carbon energy
- LP 30 – Biodiversity & Geodiversity
- LP 51 – Protection and improvement of local air quality

Supplementary Planning Guidance and other considerations

- Highways Design Guide SPD
- House Extensions and Alterations SPD (2021)
- Waste Management Design Guide for New Developments (Oct 2020, v.5)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th December 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.

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

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology
- 5) Representations
- 6) Conclusion

1 – Principle of development:

1.1 Sustainable Development

Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive and proactive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

Key Design Principles 1 and 2 of the House Extensions and Alterations SPD have been used as a guide in considering the proposal’s visual amenity impact on the streetscene and host.

Key Design Principle 1 states 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”

Key Design Principle 2 states 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.”

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

2 –Impact on visual amenity:

In terms of visual amenity, general design considerations are set out in Policies LP02 and LP24 of the Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD, and Chapter 12 of the NPPF, which seeks to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, respecting and enhancing the character of the townscape, and protect amenity. LP24 also requires extensions to be *“subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details”*.

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Relevant to this is the Kirklees House Extensions and Alterations SPD 2021, which aims to ensure future development of extensions and alterations is of high-quality design.

Paragraphs 5.29-5.30 of the SPD (page 33) set out that *“Outbuildings, such as garden offices, detached garages and granny annexes, can have as much of an impact on the appearance of the building as any other extension. Wherever possible these should reflect the style, shape and architectural features of the existing house and not be detrimental to the space around the building.”*

They should be subservient in footprint and scale to the host and garden, be set back behind the host to avoid impact on the streetscene and retain a reasonable amenity space with no more than 50% of the garden space lost. The proposed outbuilding would be faced and tiled in matching high quality materials to the host presenting a harmonised appearance and be set behind the host in accordance with the SPD. The proposed PV element to the roof would not protrude beyond the roof plane, whilst it would not appear of conventional material, it would not be visually obtrusive as such and given the

mix of materials to existing outbuildings and is considered to appear acceptable when viewed in the context of the rear access road.

Being of single-storey design it would appear visually smaller to the host in height. The solidity and massing of the proposed within a narrow garden is acknowledged. It would be a substantial addition which would be built into the existing solid stone boundary walls and be proximate to the host. In this specific case however, there are examples in the immediate setting of many different garages and outbuildings addressing the rear access road to properties. There is no one individual size, height or width to these structures, see below.



Although not all clearly extend the width of a property, the application proposal is set back from the access track and is of good design with a pitched roof. Whilst noting it would be a dominant feature within the rear curtilage of the dwelling, this is not uncommon along the rear of New Hey Road and Thornhill Avenue.

The substantial footprint of the structure within the rear 'garden' area set in from the highway would preserve an adequate proportion of private amenity space, the remaining space would leave more than 50% of the amenity space between the mass of the garage and the dwelling itself. Furthermore the remaining amenity space would be private and usable for occupiers of the dwelling. It is noted in this regard that as part of this application the applicant states that 'the existing rear garden is currently fully paved with no clear provisions for amenity space for the occupier, the provision of a detached garage at the rear allows for a defined zone for a secluded private courtyard garden improving the amenities of the occupier'.

On balance, the footprint, size and scale of the outbuilding would appear to be sited acceptably within the rear grounds of the host, given the strong evidence of outbuildings in the rear streetscene. The development would appear adequately in keeping with the locality in accordance with policies LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Section B and C of Policy LP24 of the Kirklees Local Plan states that alterations to existing buildings should:

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

Further to this, Paragraph 135f) of the National Planning Policy Framework 2023 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Key Design Principle 3 of the Kirklees Householder Extensions and Alterations SPD sets out that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours. In addition, Key Design Principle 4 notes that 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. Furthermore, Key Design Principle 5 states that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property, and recommends that a horizontal 45 degree line from a neighbouring habitable room window is not breached. Key Design Principle 6 states extensions and alterations should not unduly reduce the outlook from a neighbouring property.

The proposed outbuilding is assessed upon whether it would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking and also in terms of its design, size and visual amenities. The closest neighbour to be affected would be no. 66 which would have no windows to contribute to overlooking or loss of privacy to this and other neighbouring properties. The proposed development would be sited 4.4m from the rear elevation of this neighbour's kitchen window (and to the north west) which would result in a somewhat dominant feature along the boundary and have some overbearing impact, but would not result in material overshadowing. Notwithstanding this, it is concluded that the proposal would not have such a significant impact to warrant refusal.

Whilst the proposed pitch roof design would reduce some of the bulk and massing to the boundary, the width of the development in close proximity would create a more imposing structure. In mitigation, this neighbour has a substantial garden which would counterbalance the modest overbearing effect

enough to be acceptable, there would be no material loss of sunlight and the building would provide somewhat of an improved boundary treatment, with the garden being less immediately open to view from the rear access track.

Due to the orientation, design and position of the site in relation to neighbour, in terms of the loss of direct sunlight and overshadowing, the impact would not be significant.

Other Residential Properties

It is considered that the proposed development would be sited a sufficient distance away from any other neighbouring properties not referred to above so as to prevent undue harm to these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect. This includes the likelihood of residential accommodation in the adjacent Masonic Hall.

Future Occupiers

With reference to Key Design Principle 7 of the House Extensions and Alterations SPD, as previously discussed in the Visual Amenity Section, the proposal would reduce available private outdoor amenity space available to future and present occupiers but would retain an appropriately sized and useable outdoor space to the significant host. The Planning Statement indicates an available space of 104.2sqm would be taken up by 42.4sqm footprint for the development with 52.1sqm to the adjacent private amenity space and 9.7sqm to the front of the garage.

The development would ensure that an appropriately sized and useable area of private outdoor space is retained for the future residential amenity of present and future occupants of the host. The proposal is therefore in accordance with Policy LP24b of the Kirklees Local Plan, Key Design Principle 7 of the House Extensions and Alterations SPD and Government guidance contained within Chapter 12 of the NPPF.

4 – Impact on highway safety:

Turning to highway safety and parking, policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking. The Highways Design Guide SPD advises that new development should have sufficient off street parking spaces to meet need and to ensure on street parking impact is limited.

It is not known how many bedrooms the substantial property has. It is likely that it has 3 or more bedrooms judging from its substantial design, the Highways Design Guide SPD advises that for a 3+ bedroom property, three off street parking spaces be supplied to ensure that parking and highway safety would not be adversely affected. Currently it appears the property has potential for 3-4 informal parking spaces off street within the rear amenity space as demonstrated by previous parking within visual aerial surveys of the

site. The Planning Statement puts forward that 2 parking spaces are feasible and that therefore the provision of a double garage providing two off-street parking spaces would not have a deleterious impact on this parking provision.

On the basis the proposed garage is used for parking then, whilst reducing the overall provision which is possible within the rear amenity space (as it is clear 3 cars could park in this area) when balanced against the use of this space for amenity / garden function it is considered that two spaces provided within the garage would be acceptable. It is recommended this is secured by an appropriately worded condition being included upon any grant of permission.

The location of the proposed garage has been set back by 1.5m, with the boundary walls limited to approx. 1m height from ground level allowing for adequate sight lines in a low speed and poorly surfaced access route.

The proposed development would not substantially harm the existing parking spaces within the site, nor would intensify use and therefore would not cause additional harm to highway safety. This would comply with Policies LP21 and 22 of the Kirklees Local Plan, Key Design Principles 15 –16 of the House Extensions and Alterations SPD, the KC Highway Design Guide SPD and Chapter 9 of the NPPF

5 – Other matters:

Climate Change

When determining planning applications the Council will use the relevant Local Plan policies, the NPPF and guidance documents/SPDs to meet targets to achieve net zero carbon emissions. Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development. Climate change is in part addressed in the Planning Statement.

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 predates 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.

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.

It is noted that the provision of solar PV panels would have a positive impact on climate change. The proposal is considered to be acceptable in this regard given the scale of the development, fact stone is a locally prevalent material which could be locally sourced and the renewable energy measures intended to be incorporated.

Drainage

Policy LP28 of the Kirklees Local Plan & Section 14 ('Meeting the challenge of climate change, flooding and coastal change') of the National Planning Policy Framework and the National Planning Policy Framework technical guidance document are considered to be relevant in terms of foul / surface water drainage.

The site is within a low probability Flood Risk Zone and has development limited to the rear within an area of existing hardstanding therefore this would have no conflict with Policy LP28 of the Kirklees Local Plan and Key Design Principle 14 of the House Extensions and Alterations SPD.

Biodiversity

Whilst considering Biodiversity, Key Design Principles 12 –13 of the House Extensions and Alterations SPD, and LP 30 of the Kirklees Local Plan is relevant.

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposal is small scale and would not disturb roosts. The proposal seeks to provide bat roosts to the front and rear. The northwest elevation of the frontage would not be suitable for bats due to restricted solar heating potential. The southwest elevation facing the rear elevation of the host is likely to be affected by artificial lighting sources, suffering from close shading from the host and is of limited height from ground for bats to avoid predation. Whilst it had been considered that roosts could be provided to the southwest/front elevation of the host, the artificial lighting and the proximity to noise on the busily trafficked highway would not provide a suitable alternative within the plot. As such given the site constraints, it would not be recommended to apply a condition to require the provision of those roosts attached to a supportive decision.

An informative would be provided however, 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 small scale of the proposal would be on an existing hardsurface with no impacts to existing vegetation or biodiversity. As such, it is proposed that this would require no additional compensation or mitigation to improve biodiversity to make it acceptable in line with KDP 12-13 of the SPD and LP30 of the Kirklees Local Plan.

6 – Representations:

No representations had been received.

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

Application Number: 2024/90345

Officer Recommendation: Approve

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 so as to ensure the satisfactory appearance of the development on completion, and to accord Policies LP21, LP22, LP24, LP30 and LP51 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 & 15 of the adopted House Extensions and Alterations SPD and policies within Chapters 9, 12, 14 and 15 of the National Planning Policy Framework.

3. Other than the solar panels sited upon the roof, the external walls and roofing materials of the garage hereby approved shall in all respects match those used in the construction of the host building and be retained thereafter.

Reason: In the interests of visual amenity, and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the adopted House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order) the detached garage hereby approved shall not be used for any purpose other than for parking of vehicle(s) incidental to no 68 New Hey Road, Marsh, Huddersfield, HD3 4AJ.

Reason : To ensure suitable off street vehicular parking is provided to accord with policies LP21 & LP22 of the Kirklees Local Plan, principle 15 of the adopted SPD on House Extensions and Alterations and Policies within Chapter 9 of the National Planning Policy Framework.

NOTE: Due to its location, 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 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
Location Plan.	Drawing no. 01-01.	A	15/02/2024
Location Plan, Existing Site and Elevation Plans with photographs.	Drawing no. 02_01.	Unamended	07/02/2024
Proposed Elevation and Site/Floor Plans.	Drawing no. 02_04.	Unamended	07/02/2024
Planning Statement	-	Unamended	07/02/2024

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. The case officer considered the application on review and sought no amendments.

Report Dated:

16/04/2024
