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:	**2024/62/90462/W**
Site Address:	53, Heaton Road, Paddock, Huddersfield, HD1 4HZ
Description:	Change of use of land to domestic garden and erection of garden room with associated engineering operations
Recommending Officer:	Katie Chew

DECISION – REFUSED

I hereby authorise the refusal 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: 3rd June 2024

Officer Report

Site Description

53, Heaton Road, Paddock, Huddersfield, HD1 4HZ

The application site relates to a three-storey semi-detached dwelling located off Heaton Road in Paddock. Garden/amenity spaces are provided to both the front and rear of the dwelling, with off-street parking provided to the front within the existing tarmacadam driveway.

The property is surrounded by residential properties to the north, east and west however, to the south is Gledholt Woods Local Nature Reserve.

The application site is not located within a Conservation Area, or in close proximity to any Listed Buildings.

Description of Proposal

The application seeks planning permission for change of use of land to domestic garden and erection of garden room with associated engineering operations.

The area of land to be changed to domestic garden is located to the south of the host dwelling, resulting in a total area of approximately 122sqm. As a result of this change of use, the extent of garden amenity space at 53 Heaton Road would be increased.

The proposed garden room/store is to measure approximately 6m x 9m, with a height of 2.5m. The structure is to be finished in composite cladding boards with a fibreglass or rubber roof.

Engineering operations are proposed to excavate the land out by around 1.4m to allow a flat surface area for the proposed garden room/store to be located. A new retaining wall and stairway are proposed to allow access between the two garden levels.

The application also seeks to change the use of the land in which the garden room and engineering operations are proposed to be located. At present this land is partially grassed and contains a polytunnel however, the majority of land is covered with building waste.

History of negotiations/amendments received

No amendments have been sought on this occasion as the proposals as deemed to be unacceptable in principle.

Relevant Planning History

2023/91194 – Erection of single storey rear extension with roof terrace. Approved 14th June 2023.

Planning Enforcement

COMP/23/0598 – Development not built in accordance with approved plans (bi-fold doors) app ref: 2023/91194. Breach not expedient.

Representations

Final publicity date expires:

Site Notice – Expired 10th May 2024.

Press Notice – Expired 18th May 2024.

Neighbour Letters – Expired 16th May 2024.

3 objections have been received to date; these are summarised below.

- Approving this application could set a precedence for householders to build over valuable garden land and alter the nature of the neighbourhood/urban green space.

Officer note: Noted. However, each application would be based on its own merits and assessed as such should any future planning applications be submitted at adjacent sites.

- The proposed garden house covers most of the width of the plot, effectively removing the natural garden space.

Officer note: Noted. The scale and size of the proposed building is discussed in more detail within the visual amenity section of this report.

- The application states the land is rough grassland but it is already covered with building waste.

Officer note: Noted.

- Sales in the area have been conditioned by the vendor to prohibit permanent buildings, this should be the case here.

Officer note: Noted. As this relates to a legal matter this would fall outside the remit of this planning application and would need to be investigated by the applicant/owner should planning permission be granted.

- The application site abuts the Gledholt Woods Local Nature Reserve. The value of this is understated by the author of this section of the application. There are ponds in neighbouring gardens with newts and

frogs, foxes and deer seen frequently. Bats can also been seen over the gardens in the evening.

Officer note: Noted. The Council's Ecology Officer has been consulted on the proposals, their comments can be found under the consultation responses and biodiversity sections of this report.

- Any change of use should as a minimum require that any building waste located within the greenspace/allotment area be completely removed and any environmental waste be removed/mitigated.

Officer note: Noted. Should significant amounts of spoil be left at the site which results in 'untidy land', it may be the case enforcement action is undertaken to address the matter were it to arise.

- The proposed change of use includes a structure, as well as paving and hard landscaping comprising a considerable proportion of the plot, leaving negligible garden area.

Officer note: Noted. This is discussed in more detail within the visual amenity section of this report.

- The photograph within the submitted Environmental Report is out of date, the front garden of no. 53 has already been totally tarmacked over, the report also cannot easily evaluate the contribution of the garden space to the wildlife in the area.

Officer note: Noted.

Officer note: This application has been advertised by site notice and press notice in line with the legal statutory publicity requirements as set out at Table 1 in Kirklees Development Management Charter. This is due to the site resulting in a departure from the Local Plan as part of the site is allocated as Urban Green Space.

Consultation Responses

KC Ecology Unit – Comments received 7th May 2024. No objections subject to a condition which requires the installation of one sparrow terrace and one bat box to be installed at the site.

Parish/Town Council

N/A.

Local Ward Members

None.

Planning Policy Background

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 is partially located within Urban Green Space and Gledholt Woods Local Nature Reserve (to the south). The site is also located within a Bat Alert Area.

Kirklees Local Plan (LP):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP21 – Highway Safety
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity and Geodiversity
- LP61 – Urban Green Space

Supplementary Planning Documents:

- *Highways Design Guide SPD (2019)*
- *House Extensions and Alterations SPD (2021)*
- *Planning Applications Climate Change Guidance (2021)*
- *Kirklees Open Space Study 2016 (KOSS)*

National Planning Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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. 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 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment

Summary of Principal Planning Issues

The following matters are considered in the assessment below -

1) Principle of development
2) Impact on visual amenity
3) Impact of the proposed development upon the privacy and amenity of neighbouring properties
4) Impact on highway safety
5) Other matters
6) Conclusion

1 - Principle of Development:

1.1 – Sustainable Development

NPPF paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout this proposal. 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.

1.2 – Land Allocation (Urban Greenspace)

Part of the site (in which the proposed outbuilding and change of use relates) is designated as Urban Green Space (UGS) in the Kirklees Local Plan. Therefore, Policy LP61 (Urban Green Space) is central to the consideration of the proposed development. This policy states that development proposals which would result in the loss of Urban Green Space will only be permitted where:

'a) An assessment shows the open space is clearly no longer required to meet local needs for open space, sport or recreational facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value; or
b) Replacement open space, sport or recreation facilities which are equivalent or better in size and quality are provided elsewhere within an easily accessible location for existing and potential new users; or
c) The proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space'.

This local policy basis is consistent with paragraphs 102 and 103 of the NPPF, which recognise that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of local communities.

In this case the proposed development would form a departure from Policy LP61 of the Local Plan. Thus, whether the principle of a development which is a departure from the Local Plan can be accepted, or what material considerations indicate otherwise is the first matter to address.

Green spaces of identifiable open space value within the towns and villages of Kirklees are allocated as urban green space on the Policies Map where they are 0.4 hectares or above in size. This includes sites in public and private ownership.

The part of the application site which falls within Urban Greenspace in this instance is approximately 114sqm in size and as stated within the submitted application forms is privately owned by the applicant. As the site forms part of Gledholt Woods Local Nature Reserve, this portion of land is considered to be Natural and Semi-Natural Greenspace.

Natural and Semi-Natural Greenspace is defined within the Council's Open Space SPD as being: '*Sites that provide wildlife conservation, biodiversity and environmental education and awareness. This type of greenspace includes woodlands,* ***local nature reserves****, scrubland, grassland, heath or moor, wetlands and wastelands and bare rock habitats, as well as unmanaged and unused sites'.*

The application is supported by an Urban Greenspace Statement, this statement sets out what are considered to be justification(s) for the departure as follows:

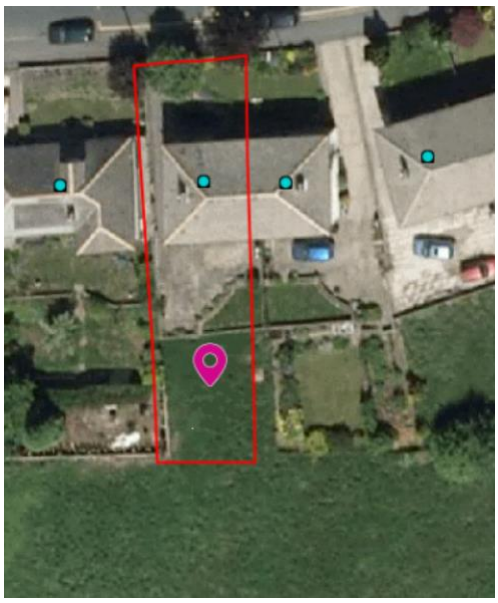
> *'The site forms a very small area that is part of much larger part of Urban Greenspace. In terms of its form and appearance, the site forms urban fringe land. All other adjacent gardens provide a clear natural boundary between the this and the land in our client's ownership is the last parcel of land to be formed into a garden. The proposal would clearly distinct the character and would be physically separated from the wider greenspace to the south of the site. In physical form, it forms a coherent part of the settlement, abuts housing and does not function as greenspace. The removal of the site from greenspace will round off the settlement and provide the opportunity for the provision of a small garden like adjacent properties. This site forms only a small part of the overall greenspace allocation and can be brought forward for the proposal without having a major impact on the functioning of greenspace in the area'.*

Taking into consideration the points noted within the applicant's Urban Greenspace Statement Officers note that this parcel of land does form a small area of a much larger part of Urban Greenspace however, looking at the Kirklees Open Space Study (2021) Quantity Standards informs the Open Space SPD and the quantity standards are set out in Appendix 1. The standards detail whether there are shortfalls or not across the district. This information is split by ward. The site falls within the Greenhead ward where there is a provision of 1.2 hectares of Natural & Semi-natural Greenspace

provided per 1000 people. This is a significant shortfall from the standard of 2.0 hectares per 1000. The change of use of this land to domestic garden, with the provision of a large outbuilding and extended raised garden area with large retaining wall and stairway would further exacerbate this shortfall. In addition, no replacement open space has been suggested by the applicant.

In addition, whilst it is acknowledged that planning permission has previously been granted at sites to the east and south of the application site, these permissions are over 20 years old and were granted prior to the adoption of the Kirklees Local Plan. Since these permissions there have been significant changes in both national and local planning policy and therefore, they hold little weight in the consideration of this current application. It is also noted that some of the adjacent domestic garden extensions have not received planning permission for this change however, as they have been in situ for in excess of 10 years, they could not be subject to enforcement action.

Furthermore, the proposals are purely in the private interest and therefore no public benefits would arise from granting planning permission on this occasion. The submitted statement outlines that the change of use would allow the applicant extra garden space to the rear of the property however, this extra garden space would be covered by a large outbuilding which would cover 44% of this new garden area. It is also noted that the applicant highlights that by approving this permission it will allow for a clear separation between the host dwelling and the wider greenspace to the south, although from looking at historic aerial imagery there does appear to have been a clear separation for many years, and that more recently this clear delineation has been diluted, which has resulted in the site now being covered in a large amount of building waste, of which this was clearly visible during the Officers site visit on the 30th May 2024 (site visit photos and aerial imagery from 2021 shown below). When viewing how the site appeared previously in comparison to how it looks currently, and would be viewed should planning permission be granted, it is considered that as a whole the proposals would have a detrimental urbanising impact on the setting of Gledholt Woods Local Nature Reserve.



It is therefore concluded that, for there to be any recommendation for approval in this case, material considerations would need to be present which clearly indicate the circumstances which justify development which is not in accordance with the Development Plan.

For the reasons set out above, it is considered that the proposals would not constitute sustainable development and fails to build on the strengths, opportunities and help address the challenges identified within the Local Plan. It has not been sufficiently demonstrated that the open space is no longer required or does not make an important contribution in terms of visual amenity, landscape or biodiversity value, there is also a shortfall of this type (Natural and Semi-Natural) of greenspace within the area as outlined within the Council's adopted Open Space SPD, and finally no alternative space has been identified/provided by the applicant to justify its loss. The principle of development is therefore considered to be unacceptable on this occasion and the proposals do not accord with LP61 of the Kirklees Local Plan and Chapter 8 of the NPPF.

2 – Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby paragraph 131 provides a principal consideration concerning design which states:

"The creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities".

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with

the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

"a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…"

With regards to the House Extensions and Alterations SPD, Key Design Principles 1 and 2 are relevant which state:

- Principle 1 – 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".*

- Principle 2 – 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 details".*

Furthermore, Paragraph 5.29 of the House Extensions and Alterations SPD states 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''.

Paragraph 5.30 further goes on to state that outbuilding should normally:

- be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings;
- be set back behind the building line of the original building so that they do not impact on the street scene; and
- 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.

In this instance the proposed garden room would be set back behind the building line of the host dwelling and therefore would not impact on the streetscene when viewed from Heaton Road and although single storey in height, the structure is to have a footprint of around 53.64sqm which is more than half (80%) the size of the original dwelling (not including the single storey extension to the rear) which has a footprint of approximately 67.12sqm. This when coupled with the additional engineering works to extend the raised rear amenity space which includes a large amount of excavation, a new retaining wall (measuring approximately 2.56m in height) and steps down to the lower level, is considered to result in a proposal which is not subservient to the original building and its garden. The proposals are therefore not considered to accord with the above criterions.

In addition to the above, the proposed works as a whole are considered to introduce unsympathetic, incongruous and overly dominant features within the site which are considered to appear cramped and result in an urbanising form of development that when viewed against adjacent properties and from the Urban Green Space to the south, would cause detrimental harm to the setting of Gledholt Woods Local Nature Reserve and the wider area.

Taking the above into consideration, the proposals are not considered to be in accordance with Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD, Chapter 12 of the NPPF or Policies LP1, LP2 and LP24 of the Kirklees Local Plan.

3 – Impact on Residential Amenity:

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'.

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

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 occupiers and neighbours. In addition, 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, 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. Principle 6 states that extensions and alterations should not unduly reduce the outlook from a neighbouring property.

Neighbouring residential properties most likely to be impacted by the proposals are discussed below.

Impact on no. 51 Heaton Road

This neighbouring property adjoins the application site to the east. As no windows are proposed within the northern elevation of the proposed garden room and store building, Officers have no concerns with regards to overlooking or the loss of privacy on this occasion. In terms of overshadowing, whilst it is acknowledged that there may be some overshadowing in the late afternoon/evening across the rear amenity/allotment space of no. 51, this would not be for a prolonged period of the day and would still allow for a large

portion of this neighbouring property's amenity space to be free from shadowing throughout the day. Furthermore, whilst it is acknowledged that the proposed garden room/store is large in scale and size, given its large separation distance from the main amenity space for no. 51 (at the higher ground level) Officers do not consider the proposals to appear overbearing or overly dominant on this occasion.

Moving on to the proposed engineering works, Officers do have concerns in respect of this element of the scheme as the extended raised garden area will result in excavation works and the provision of a retaining wall measuring approximately 2.56m in height, to be located along the boundary to no. 51, which is considered to appear overbearing and overly dominant on this neighbouring property's rear amenity space. It also enables additional overlooking of which just a 1.1m high glazed balustrade is proposed around the boundary of the new extended garden area. This is not considered to be sufficient to overcome Officers concerns regarding privacy and providing a more solid fence/screen of a larger height would further compound concerns relating to the proposals appearing oppressive. The proposed engineering works are therefore considered to impact upon the residential amenity of this neighbouring property.

Impact on no. 55 Heaton Road

This neighbouring property is located to the west of the application site, approximately 14.3m away from the proposed garden room and store building. As no windows are proposed within the northern elevation of the proposed garden room and store building, Officers have no concerns with regards to overlooking or the loss of privacy on this occasion. In addition, the proposed building is to be single storey in height and set down from the host dwelling of no. 55, therefore the prosed garden room is not considered to be overbearing or overly dominant on this occasion. In terms of overshadowing, it is acknowledged that there may be some overshadowing in the early/late morning across the rear amenity space of no. 55, however this would not be for a prolonged period of the day and would still allow for a large portion of this neighbouring property's amenity space to be free from shadowing throughout the day.

Moving on to the proposed engineering works, as outlined above Officers do have some concerns in respect of the proposed excavation works and 2.56m high retaining wall appearing overly dominant and overbearing. In addition to this, towards the boundary of no. 55 a new stairway is to be constructed, which further adds to the above concerns. The issues raised previously in regard to potential overlooking, is also relevant for this adjacent neighbouring property and therefore again, it is concluded that the proposed engineering works are considered to impact upon the residential amenity of this neighbouring property.

In conclusion, taking the above into account, it is considered that the proposals would result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, thus not complying with Policy

LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Principles 3, 4 and 5 of the House Extensions and Alterations SPD and Chapter 12 of the National Planning Policy Framework.

4 – Impact on Highway Safety:

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Principle 15 of the House Extensions and Alterations SPD states that extensions and alterations should maintain appropriate access and off-street 'in-curtilage' parking. With Principle 16 going on to say that proposals should maintain appropriate storage arrangements for waste.

It is considered that bin storage and collection points would remain as existing, and as no changes are proposed to the existing parking arrangements, and no additional bedrooms are to be provided at the property should planning permission be granted, Officers have no concerns in respect of highway safety in this instance.

Therefore, having taken into account the above, the proposal is considered acceptable from a highways perspective and would accord with policies LP21 and LP22 of the Kirklees Local Plan, the aims of the Highways Design Guide SPD and policies within Chapter 9 of the NPPF

5 - Other Matters:

<u>Biodiversity</u>

Chapter 15 of the National Planning Policy Framework is 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. Principle 12 of the Council's House Extensions and Alterations SPD is also relevant in that it relates to the natural environment and states that '*extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity'.*

As the application site is located within the boundary of Gledholt Woods Local Nature Reserve/Local Wildlife Site and the Kirklees Wildlife Habitat Network, the Council's Ecology Officer was consulted on the proposals. They note that a Preliminary Ecological Appraisal has been submitted alongside the application, and that this report is welcomed.

The Council's Ecology officer notes that when viewed retrospectively, the development will result in the loss of neutral grassland amounting to 100-115m2 . Taking into account the location of this land parcel (between two garden boundaries), along with the size of the land parcel, it is concluded that the proposal would not result in any significant direct or indirect adverse effects on the qualifying features of the Local Nature Reserve or the Local Wildlife Site. In addition, no significant effects are anticipated on the functionality of the habitat network.

Given the above, the Council's Ecology Officers has no objection to the proposals, subject to a condition requiring the positioning, location and specification of one house sparrow and one bat box on to the host dwelling, in the interests of providing an enhancement to biodiversity. The proposals are therefore considered to accord with Policy LP30 of the Kirklees Local Plan, Chapter 15 of the NPPF and Principle 12 of the House Extensions and Alterations SPD.

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 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.

The application is supported by a Climate Change Statement, this statement outlines that materials to be used within the development are to be locally sourced and ordered as and when they are required to enable a reduction in waste, low energy light bulbs are also to be used within the proposed garden room. Landscaping is also proposed to the garden to promote wildlife.

Taking the above into account, it is not considered reasonable to expect any additional information to be submitted in respect to meeting the Council's climate change agenda in this instance.

There are no other matters for consideration.

6 – 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.

The proposal is therefore considered to be contrary to policy LP2 which seeks to ensure all development proposals build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation:

Refuse.

Decision Authorisation – Delegated Powers

Application Number: 2024/90462

Officer Recommendation: Refuse.

Reason(s) for Refusal:

1. The principle of a change of use of land to domestic garden and erection of garden room with associated engineering operations at no. 53 Heaton Road would lead to the loss of urban green space. It has not been sufficiently demonstrated by the applicant that the open space is surplus to requirements within the ward area and therefore is no longer required, or that alternative open space will be provided elsewhere. Therefore, the proposals are contrary to policy LP61 of the Kirklees Local Plan and policies within Chapter 8 of the National Planning Policy Framework.

2. The outbuilding, by virtue of its large scale and massing, as well as the extensive engineering works proposed to extend the existing garden area to the south, would introduce unsympathetic, incongruous and overly dominant features within the site which are considered to appear cramped and result in an urbanising form of development that causes detrimental harm to the setting of Gledholt Woods Local Nature Reserve, and is contrary to Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Principles 1 and 2 of the House Extensions and Alterations Supplementary Planning Document and policies contained within Chapter 12 of the National Planning Policy Framework.

3. By reason of its siting, scale, massing and relationship with neighbouring land, the extensive engineering works which includes the provision of a retaining wall and stairway to create an extended raised garden space to the rear of no. 53 Heaton Road, would have a significant overbearing and oppressive impact upon the amenity of nos. 51 & 55 Heaton Road. In addition the extended garden area would lead to overlooking of adjacent neighbouring properties resulting in a detrimental lack of privacy. To permit such a development would be contrary to Policy LP24 (b) of the Kirklees Local Plan, Principles 3, 4 and 5 of the House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Regrading to Form Garden and Construction of Garden Building	2016-24-004	A	19th February 2024
Ecology Technical Note – Supporting Information	-	-	3rd April 2024
Urban Greenspace Supporting Statement – Supporting Information	2016	-	10th April 2024
Climate Change Statement – Supporting Information	-	-	23rd February 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 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 on this occasion as the proposals were deemed unsupportable as submitted and in principle.

Report Dated:

31st May 2024.