

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:	2024/62/90708/W
Site Address:	31, Warrenside, Deighton, Huddersfield, HD2 1LW
Description:	Demolition of existing garage and erection of replacement garage
Recommending Officer:	Molly Storer

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: 10-Jul-2024

OFFICER REPORT

Site Description

The application site refers to 31 Warrenside, a two storey, detached property in the area of Deighton. The property benefits from garden amenity space to the rear and a hard standing area of amenity space to the front. A driveway runs alongside the property and leads to a detached garage. The main property is constructed from primarily stone and the garage is constructed from pebbledash concrete panels with a corrugated cement fibre board roof. The surrounding the site is predominantly residential in character, whereby the dwellings appear to vary in design and form.

Description of Proposal

The applicant seeks permission for the demolition of existing garage and erection of replacement garage. The new garage would be considerably larger and would be converted from a single garage to a triple garage. The new garage would measure 10m in length and have a width of 8m with 3 large garage doors each with a width of 2.44m. The height to the eaves of the development would measure 1.98m with an overall height of 2.7m. It will host a shallow pitched gable roof design.

The garage will be constructed from pebble dashed concrete panel sides and brick effect to front and have a Spanish red corrugated cement fibre roof.

Relevant Planning History

No relevant planning history on site.

History of negotiations

Amended plans were requested as the scheme was deemed to be unacceptable in its present form due to the excessive scale of the proposed structure.

The agent confirmed that no amended plans would be submitted and instead provided justification for the scheme which will be assessed in the following report.

Representations

We are currently undertaking the legal 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.

Final publicity date expired 25th April 2024 – no representations received.

Consultation Responses

The following consultations have been undertaken for this application with the summarised responses listed below.

K.C. Health and Safety – No Objection

The site is located within a middle consultation zone for a Hazardous Material Site (Syngenta middle zone - H0396), and the Health and Safety Executive (HSE) has been formally consulted as part of this application. No objections were raised.

K.C. Trees – Advice provided relating to tree within the rear amenity space

Tree officers were informally consulted due to the large tree located to the rear of the site. Comments from the Tree officers will be assessed with in the relevant section of the report.

Allocation & Policies

The site is located in an area with a known presence of bats, within a hazardous material zone (Syngenta middle zone - H0396) and it is also in the historic landfill buffer zone. But is otherwise unallocated within the Kirklees Local Plan.

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan:

- LP1 - Achieving Sustainable Development
- LP2 - Place Shaping
- LP21 - Highway and Access
- LP22 - Parking
- LP24 - Design
- LP30 - Biodiversity and Geodiversity
- LP 33 - Trees
- LP51 - Protection and Improvement of Local Air Quality
- LP 53 – Contaminated and unstable land

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. Considered to be of relevance to the consideration of this application are policies within the following chapters:

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- Chapter 2 Achieving sustainable development
- Chapter 12 Achieving well-designed & beautiful places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 Conserving and enhancing the natural environment

Supplementary Planning Documents / guidance

House Extensions & Alterations SPD (adopted June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

Assessment

1. Principle of development
2. Impact upon visual amenity
3. Impact upon residential amenity
4. Impact upon highway safety
5. Other matters
6. Representations
7. Conclusion

Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take

a positive approach that reflects the presumption in favour of sustainable development contained in chapter 2 of the National Planning Policy Framework.

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”.

The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations.

Impact on visual amenity:

Policy LP24 (Design) of the Council’s adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

Key Design Principle 1 of the House Extensions & Alterations SPD does state 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. Furthermore, Key Design Principle 2 of the House Extensions & Alterations SPD goes onto state 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.

Paragraph 5.29 of the House Extensions & Alterations SPD are of relevance with regards to outbuildings as they require that Outbuildings, such as detached, 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 goes into specific detail stating that outbuildings should:

- 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.

The agent submitted justification as the scheme deviates from the SPD which stated that the footprint of the garage, which is greater than that of the original house, is justified by the large plot in which it would stand.

However, in this instance the proposed garage, even in relation to the large rear plot, would not be subservient to the garden this is due to the large footprint of the garage (10m x 8m). Furthermore, the original house is smaller (10m x 5m) than the proposed garage which would result in the scale of the garage dominating the original house.

The justification also stated that the proposed garage is lower than the existing two storey house and would be situated to the rear of the dwelling. However, it is considered that although the garage would be set back from the street, due to the orientation of the original house and the proposal the garage in addition to the proposal being set on a higher ground level to the street, the garage would still be visible from the street leading to a negative impact on the street scene.

The proposal is therefore considered to have an unacceptable visual impact in relation to the host property and the character of the wider locality, having regard paragraphs 5.29 & 5.30 of the House Extensions and Alterations SPD. Having taken into account the above, it is considered that the proposal would not be subservient in size and scale to the original house and would not harmonise with the surrounding development and the wider street scene, Therefore, the proposal is concluded to fail to comply with Policy LP24 of the KLP, principles 1 and 2 of the Councils House Extensions and Alterations SPD, and policies within Chapter 12 of the NPPF.

Impact on residential amenity:

Sections B and C of LP24 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 users.

The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that: "extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours."
- Principle 4 – 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."

- Principle 5 – that: “extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.”
 - Principle 6 – that: “extensions and alterations should not unduly reduce the outlook from a neighbouring property.”
 - Principle 7 – that: “extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals.”
- The impact of the development on each of the surrounding properties will be assessed in turn.

Impact on 33 Warrenside

A two storey property to the east of the application site. The garage is proposed to be built up within a metre of the boundary with this property however due to the garage being located to the rear of the garden a separation distance to the property at No.33 would remain at 2m and therefore would not create significant overshadowing. In terms of privacy, there are no windows proposed in the elevation which faces onto this property therefore an acceptable level of privacy would be maintained.

With regards to the impact on 22 Warrenside the scheme is considered acceptable in terms of privacy, overshadowing and overbearing impact having regard to the principles of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and policies within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable in relation to this neighbouring property.

Impact on 29 Warrenside

A two storey property to the west of the application site. The garage is proposed to be constructed on the opposite side of the garden to that which adjoins No.29 and will have a separation distance of 8m as such would have no significant impact in terms of overbearing or overshadowing. In regard to privacy there are two small windows proposed in the elevation that faces onto this property however due to the separation distance and orientation of the houses it is considered that there would be no significant impact to privacy. With regards to the impact on 29 Warrenside the scheme is considered acceptable in terms of privacy, overshadowing and overbearing impact having regard to the principles of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and policies within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable in relation to this neighbouring property.

Impact on 245, 243 & 241 Keldregate

These properties are located to the north (rear) of the application site. With regard to privacy there no windows are proposed in the rear elevation of the garage and therefore there will be no overlooking impact. In addition, due to

the separation distance to the boundary of ~5.5m it is considered that there will also be no overshadowing to these properties.

With regards to the impact on 245, 243 & 241 Keldregate the scheme is considered acceptable in terms of privacy, overshadowing and overbearing impact having regard to the principles of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and policies within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable in relation to this neighbouring property.

Having considered the above factors, the proposals are not considered to result in any significant impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions & Alterations SPD and Paragraph 135 (f) of the National Planning Policy Framework.

Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

The proposal will not result in intensification of the domestic use. The plans show that two car parking spaces would be made available to the rear of the site in addition to the three created by the detached garage. Bin storage for the dwelling would not be moved as part of the proposals. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & Alterations SPD.

Other matters:

Health and Safety –

The site is located within a middle consultation zone for a Hazardous Material Site (Syngenta middle zone - H0396), and the Health and Safety Executive (HSE) has been formally consulted as part of this application.

There were no objections from the Health and Safety Executive and therefore the proposal is considered acceptable with regards to health and safety.

Land contamination/ land stability -

Policy LP53 of the Kirklees Local Plan and paragraphs 174 and 183 of the National Planning Policy Framework are relevant which seek to ensure that a

site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The site is located both within the Coal Authority's "Development Low and High Risk Area" of ground movement as a result of past mining activities as determined by the Coal Authority. Whilst falling within a high risk area the Coal Authority identify the development type as that which does not need submission of a Coal Mining Risk Assessment. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with policy LP53 and paragraphs 174 and 183 of the National Planning Policy Framework.

Paragraph 184 of the National Planning Policy Framework states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner

Trees -

Policy LP33 of the Kirklees Local Plan states that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.

With regard to trees Policy LP33 of the Kirklees Local Plan is of relevance and states the following:-

'The Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. Proposals should normally retain any valuable or important trees where they make a contribution to public amenity'

Tree officers were informally consulted due to the large tree located to the rear of the site. It was considered that the proposal could directly affect this tree as to achieve the footprint work would need to be done which would interfere with the trees root protection areas (RPA), likely damaging proportion of the roots. Overall, as a result of the proposal, the tree could potentially be impacted.

Notwithstanding this advice, it is considered that the tree is not worth of protection via TPO and that it is noted works to this tree could be undertaken in any event. As such it is considered that refusal on the grounds of impact upon this tree could not be substantiated in this case and the proposal is therefore concluded to meet the requirements of the aforementioned policy in this regard.

Carbon Budget

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. Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The application has been submitted with a Climate Change Statement which states that materials used in the construction will be locally sourced and the design would use a well-insulated construction and roof space.

This is considered to be acceptable in terms of mitigation against climate change.

Ecology -

Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

Given the scale of the proposal it is considered that it would be unreasonable of the LPA to insist upon a full bat survey in this case. Nevertheless, it is considered appropriate to include an informative note upon any grant of permission which draws the attention of the applicant / developer to the requirements of the law should a bat be encountered on site.

There are no other matters for consideration.

Conclusion:

This application to erect a detached garage to 31 Warrenside has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations SPD, the National Planning Policy Framework and other material considerations.

The proposed garage by reason of scale and massing, would result in an addition which would not be subservient and would dominate the host property having a harmful impact to the visual amenity of the area. To permit the proposals would be contrary to Policy LP24 of the KLP, the aims of the Councils House Extensions and Alterations SPD, and Chapters 12 and 16 of the NPPF.

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.

Recommendation

Refuse

Decision Authorisation - Delegated Powers

Application Number: 2024/90708

Officer Recommendation: Refuse

Reasons for refusal

1. The proposed development by reason of its design, scale and massing, would result in a development which would not be subservient to the host property and which fails to harmonise with the character of the host property and wider locality causing a harmful visual impact. To permit the proposals would be contrary to Policy LP24 of the KLP, Principles 1 and 2 of the Councils House Extensions and Alterations SPD, and policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Application form	-	-	11/03/2024
Climate change statement	-	-	11/03/2024
Proposed site plan	A(90)-01	-	11/03/2024
Location plan	PP-12873413v1	-	11/03/2024
Existing plans	A(00)-01	-	11/03/2024
Proposed elevations	A33X26	-	11/03/2024

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 Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015. Amended plans were sought to

reduce the scale of the proposed garage however these were not provided by the agent. Justification was provided however it is considered these points do not overcome the reason for refusal.

Report Dated

11 th July 2024
