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:	**2024/62/90745/W**
Site Address:	11 & 13, Bowness Drive, Dalton, Huddersfield, HD5 9PY
Description:	Erection of new garage to no. 11 and no.13 Bowness Drive, including demolition of existing garages.
Recommending Officer:	Molly Storer

DECISION – FULL CONDITIONAL 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 9-JUL-2024

OFFICER REPORT

Site Description

The application site refers to 11&13 Bowness Drive which are two, single story semi-detached dwellings located within the Dalton area. The two properties are bungalows separated by individual driveways and individual detached garages. Each property hosts garden amenity areas to the front and the rear. Due to the topography of the site the gardens slope upwards and the top of both the gardens sit at a significantly higher ground level than the properties. They are primarily constructed from red brick with render and grey roof tiles.

The application site is situated in a cul-de-sac surrounded by properties of a similar age and style, it is also situated in an area with a known presence of bats.

Description of Development

The application is seeking planning permission for the erection of a new double garage to no.11 and no.13 Bowness Drive, including demolition of the existing garages. The new double garage would be located to the northwest of No. 11 and to the southwest of No.13.

The proposed garage would be built from render to the sides and rear and facing brickwork to the front with two roller shutter doors and the roof would be made from PPC profiled metal sheeting

The garage would measure 10m x 6.5m and have a height to the eaves of 2.6m with an overall height of 3.25m.

The majority of the garage will be located within the driveway of two dwellings however will reach into the rear amenity space of both property's, these are outlined in blue on the submitted location plan (dated 6th June 2024). Both no.11 and no.13 are outlined in blue on the submitted location plan and would be in the ownership of the proposal.

History of negotiations/amendments sought

The original plans showed that the garage had been significantly reduced in scale and taken off the higher ground level meaning it overcame the second and third reason for refusal on the 2023/93121 application:

"2. As a result of the siting and proximity of the development and means of access in relation to no.11 and no.13 Bowness Drive the development would result in an unacceptable level of overlooking, and lead to a detrimental level

of noise and disturbance to, those properties having an adverse impact upon the residential amenity of no.11 and no13 Bowness Drive, contrary to Policy LP24 of the Kirklees Local Plan (b), Key Design Principle 3, of the Council's House Extensions and Alterations SPD and policy contained within Paragraph 130 (f) of the National Planning Policy Framework."

And

"3. The development would have a detrimental impact upon the continued function of the adjacent playing field due to the conflict with the use of the playing field for cricket and the proposed development from resulting ball strike(s) which would likely occur. The development is therefore contrary to policy LP47(c) of the Kirklees Local Plan and paragraph 193 of the National Planning Policy Framework."

However, concerns were raised with the agent as it was considered that the original plans did not overcome all of the reasons for refusal on the 2023/93121 application. Specifically:

"1. As a result of the prominent siting, size, scale, design & materials of construction of the proposed building in conjunction with the associated increase in areas of hardstanding, loss of soft landscaped area and the resultant creation of further parking areas the proposed development would significantly detract from, and would fail to harmonise with, the character of the street and wider locality. The proposal would therefore result in significant visual harm contrary to Policy LP24 of the Kirklees Local Plan in terms of the form, scale and layout, paragraphs 4.43 & 5.29 and Principle 2 of the Council's adopted House Extensions and Alterations Supplementary Design Guide, and policies within chapter 12 of the National Planning Policy Framework."

It was suggested that the garages should be reduced in size and pushed back behind the front elevations of the dwellings so as to not hard surface all of the front garden in order to have less impact on the street scene.

The agent submitted amended plans showing the garages set back from the road and additional hard standing removed. These plans will be assessed in the following report.

Planning History

2023/93121 - Erection of detached garages and demolition of existing garages. Refused.

Publicity and Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management

Charter. As such, this application has been publicised via neighbour notification letters

Final publicity date expired 30th April – No representations received.

Consultation Responses

Sport England – No Objection

As part of the assessment of this consultation, Sport England has sought the views of the England Cricket Board (ECB). The ECB act as Sport England's technical advisors in respect of their sport and their sport facilities and advise on ball strike.

The comments of the ECB, have been summarised as:

- *The proposal will be at risk of ball strike.*
- *The risk will be no different to the current situation.*
- *Given it is a like for like reprovision we have no objection.*

Therefore, Sport England states that they raise no objection to the application because it is considered to accord Exception E3 of our Playing Fields Policy and paragraph 103 and 187 of the NPPF.

Health and Safety Executive (HSE) – It should be noted HSE were not consulted for this application due to a recent consultation on the site stating that the proposed development site does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site.

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 site is unallocated within the Kirklees Local Plan although does falls within an area with a known presence of bats and is within an area identified as being at low risk of ground movement as a result of former mining activity.

<u>Kirklees Local Plan</u>

- **LP 1 –** Achieving Sustainable Development
- **LP 2 –** Place Shaping
- **LP 21 –** Highway Safety
- **LP 22 –** Parking Provision
- **LP 24 –** Design

- **LP 30 –** Biodiversity and Geodiversity
- **LP48 -** Healthy, active and safe lifestyles

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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 8** - Promoting healthy and safe communities
- **Chapter 12** – Achieving well-designed and beautiful places
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Other Material Considerations

Kirklees Highway Design Guide (November 2019)
House Extensions and Alterations SPD (June 2021)

Assessment

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon the character and appearance of the area
3. Impact upon residential amenity
4. Impact upon highway safety
5. Other matters
6. Representations
7. Conclusion

1 – Principle of 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.

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 dimensions of sustainable development will be considered throughout the 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.

In this case, the principle of development is considered to be acceptable, and the proposal shall now be assessed against all pertinent material planning considerations.

2 – Impact on character and appearance of the area

Chapter 12 of the NPPF sets out that decisions should ensure that, amongst other things, developments are sympathetic to local character, including the surrounding built environment (para.135 of the NPPF). Policy LP24 of the KLP expands on this further, setting out that good design should be at the core of all proposals in the district. With regard to extensions, it states under part c, that proposals should promote good design by ensuring 'extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.

With regard to the Council's House Extensions and Alterations SPD, 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 5.30 of the Council's House Extensions and Alterations SPD states that outbuildings 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."

Paragraph 5.29 of the Council's House Extensions and Alterations SPD states that outbuildings, such as detached garages, "should reflect the style, shape and architectural features of the existing house and not be detrimental to the space around the building."

Paragraph 4.43 of the Council's House Extensions and Alterations SPD states that 'Where alternate parking areas are required in the property boundary, careful consideration should be taken to retain as much of the garden boundary and soft landscaping as possible. Proposals should not result in

street scenes dominated by large areas of hard surfaces and parked cars. Where parking surfaces are in the curtilage of the dwelling these should be permeable and preferably finished with a natural material.'

The plans show that the garages would largely be built upon the footprint of the original garages. Although the new development will take up some amenity space to the rear, due to the garages being pushed back and additional hardstanding removed, as shown on the amended plans, it is considered that the development would be subservient to the original dwellings. Furthermore, due to the garages being located on a similar height to the dwellings and the garages reduced in height from 2023/93121 application, it is considered that the new scheme has overcome previous reasons for refusal, creating a design that would not be visually harmful to the street scene.

Although the materials of render and roller shutter doors with PCC profiled metal sheeting do not match those used in the existing house, the brickwork that is proposed on the front elevation facing the street will harmonise with materials used in the host property's. The smaller scale nature of this garage also fit in with the scale of the surrounding development.

Therefore, due to the reduction in size from the 2023/93121 application, the removal of additional hard standing and being on a similar ground level to the applicant dwellings, it is considered that the proposal has overcome visual amenity reasons for refusal. The proposal now complies with Policy LP24 of the Kirklees Local, paragraphs 4.43 & 5.29 and Principle 2 of the Council's adopted House Extensions and Alterations Supplementary Design Guide, and policies within chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity

Section 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 130 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 designs 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 following neighbours' properties have been assessed for the impact of the residential amenity should the proposal be accepted.

Impact on neighbouring occupants

The proposed garages would be approximately 12 meters from the side elevations of 9 and 12 Bowness Drive which are the nearest properties (outside of those owned by the applicant) to the proposed development. Given the separation distance and the consideration that there are no openings within the garages, there would be limited impact on overlooking to these properties.

Whilst the use of the site could potentially be undertaken in a manner which is not associated with the host properties (were it not subject to a condition ensure that is the case) it is considered that the use of the building and associated vehicle movements could be suitably controlled by inclusion of an appropriately worded condition which ensured the use of the garages was by properties 11 and 13.

Impact of future occupiers

As the submitted plans do not clearly set out the intended use of the garages (although due to the reduced size it is now more clear will be most likely used for vehicle storage), there is potential to ensure the garages are not used by another user/separated from properties by inclusion of an appropriately worded condition which suitably split the garages and their use between no's 11 and 13.

Due to the siting of the proposed garages to the side of each property, retaining amenity space to the front and rear it is considered that amenity currently enjoyed by these properties would be maintained. Therefore, the new scheme has overcome previous reasons for refusal in regard to a feeling of overlooking to the rear private amenity spaces and rear elevations of No. 11 & 13. In addition, due to the garages being situated at a lower ground level than proposed on the 2023/93121 application, it is considered that it would not have an oppressive/overbearing impact in this case.

Having considered the above factors, it is considered that the proposal complies with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principle 3, of the Council's House Extensions and Alterations SPD and policy contained within Paragraph 130 (f) of the National Planning Policy Framework.

4 – Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan and Policies within 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 Key Design Principle 15 of the Council's adopted House Extensions and Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The existing garages on site do not meet the required parking standard measurements therefore with the addition of this scheme two additional parking spaces will be created. Plans also show that there will be one parking space on each of the driveways meaning the scheme will allow both properties to meet the parking standard while maintaining the front and rear gardens.

It is considered that waste storage and collection arrangements would remain as existing, and that the proposal would also be in accordance with Principle 16 of the House Extensions and Alterations SPD too.

It is therefore considered that in terms of access and highway safety / parking the proposal would comply with Policies LP21 and LP22 of the Kirklees Local Plan, Principles 15 and 16 of the House Extensions and Alterations SPD and Chapter 9 of the National Planning Policy Framework.

5 – Other matters

<u>Climate Change</u>

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 modest nature 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. However, a climate change statement has been submitted as part of this application.

Biodiversity

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.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the fact that the proposal is small in scale with little opportunity for bats to be affected. However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

Impact upon Healthy, active and safe lifestyles

There is a cricket pitch adjacent to the site, as such the impact of the development upon this facility needs to be taken into account in light of policy LP47 (c) which states the following:

'The council will, with its partners, create an environment which supports healthy, active and safe communities and reduces inequality. Healthy, active and safe lifestyles will be enabled by… the protection and improvement of the stock of playing pitches'

Paragraph 193 of the NPPF is also considered to be relevant, stating the following:

Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such

as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

Sport England have therefore been consulted regarding this proposal; they have advised the following:

In the case of this planning application, the proposal is a replacement. Although the proposal would be at risk of ball strike, in this particular case, there is no agent of change as the new proposal reflects the existing situation. As such, there is no requirement for the applicant to provide any ball strike/stop mitigation and ECB have confirmed this in their comments where they state that they have no objection.

It is therefore concluded that, in this case, the proposed development would not have a detrimental impact upon the continued function of the adjacent playing field for cricket. The development therefore complies with policy LP47(c) of the Kirklees Local Plan and paragraph 193 of the National Planning Policy Framework

6 – Representations:

No representations have 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, the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation **APPROVE**

Decision Authorisation: Delegated Powers

Application Number: 2024/90745

Officer Recommendation: APPROVE

Conditions

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 (as amended).

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 with Policies LP1, LP2, LP21, LP22, LP24 & LP51 of the Kirklees Local Plan and policies within Chapters 2, 8, 12, & 15 of the National Planning Policy Framework.

3. The external walls and roofing materials of the development hereby approved shall in all respects match those used in the construction of the existing houses and be retained thereafter.
   Reason: In the interests of visual amenity and in accordance with Policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

4. The development hereby approved shall not be used for any purpose other than as ancillary accommodation in connection with 11 & 13, Bowness Drive, Dalton, Huddersfield, HD5 9PY.
   Reason: In the interests of the amenity of the occupiers of the development hereby approved and neighboring properties and access and highway safety to accord with policies LP21, LP22 and LP24 of the Kirklees Local Plan, the Council's adopted Highway Design Guide and policies contained within chapter 12 of the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a license. 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	Blackwells mapping services 1:1250	-	13/03/2024
Proposed and existing grouped plans and elevations	2023.068 002	A	06/06/2024
Application form	-	-	26/03/2024
Climate change statement	-	-	13/03/2024

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 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 reduce the scale of the garages and to remove additional hard standing from the scheme.

Report Dated: 2nd July 2024