

**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:	2024/62/91127/W
Site Address:	37, Oaklands Crescent, Birchencliffe, Huddersfield, HD2 2FX
Description:	Conversion of garage to living space, erection of detached double garage and off street parking for three vehicles
Recommending Officer:	Joanna Redhall

DECISION – Conditional Full Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Sarah Longbottom

AUTHORISED OFFICER

Date: 02-Jul-2024

The Site

37, Oaklands Crescent is a two-storey detached dwelling constructed from artificial stone with a grey concrete tile roof. The site is located within a wider residential area and is at the end of a cul-de-sac on Oaklands Crescent. Surrounding development is similar in terms of style and design, with the dominant construction material being artificial stone. The property benefits from an integral garage that projects from the front of the dwelling. To the front of the property is a large area of hardstanding surfacing with private amenity space to the rear.

The Proposal

The applicant is seeking planning permission for conversion of garage to living space, erection of detached double garage and off-street parking for three vehicles.

The measurements of the detached garage are as follows:

- ~6.2m in width
- ~6.2m in length
- ~2.4m eave height
- ~4.2m ridge height

The exterior walls of the garage would be constructed from artificial stone with a pitched roof infilled with grey concrete tiles. The existing garage door from the host property is to be reused for the front/north facing elevation of this detached garage. The detached garage would provide two parking spaces.

One parking space is proposed between the detached garage and the host property.

The integral garage would be converted into a cinema room as part of the works. The garage door would be removed and replaced with two windows with external walling constructed from artificial stone to match the host.

Planning History

There is no planning history for the site which is considered relevant to the current proposal.

History of Negotiations

No amendments have been sought in the processing of this application as it was considered acceptable as submitted.

Publicity & 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: 14 June 2024

2 letters (which includes hand-written letters, e-mails and on-line representations) of representation have been received. These are summarised as follows:-

Letters of objection

- Potential damage to boundary wall during construction
- Drainage
- Loss of outlook
- Overshadowing

Consultations

KC Highway Structures (formal) - The proposal does not entail the construction of any new retaining structures nor amendments to any existing highway retaining structures and as such does not require a structures condition.

Allocation & Policies

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).

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 (LP)

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway Safety
- LP22 Parking Provision
- LP24 Design
- LP30 Biodiversity

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 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 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

House Extensions and Alterations SPD (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

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon the character and appearance of the area (including impact upon historic environment)
3. Impact upon residential amenity
4. Impact upon highway safety
5. Impact upon land stability
6. Other matters
7. Representations
8. Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

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”.

In this case, the principle of development in this application is acceptable and shall be assessed against the applicable material planning considerations within the following report.

2 – Impact on character and appearance of the area

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 Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions and Alterations SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

The existing garage door would be removed and replaced with two matching upvc windows within the front/west-facing elevation of the dwelling. These would be of same design and similar proportions to the existing openings within the front elevation of the house. These alterations would be in keeping with the host dwellinghouse and the character of the street-scene, compliant with policy LP24 of the KLP and guidance given in the Kirklees house extensions and alterations SPD.

It is noted that the dwelling is located to the end of a cul-de-sac with amenity space to the front and rear of the property. The detached garage would be located to the front of the dwelling on an existing area of hardstanding surfacing that is currently being used as off-street parking. While this is considered to be amenity space for the property, the main outdoor amenity space for the dwelling is to the rear and therefore the loss of the hardstanding area to the front property is not considered to be detrimental to visual amenity.

The detached garage would be set back behind the building line of the original dwelling. It has been acknowledged that the property is set at the end of a cul-de-sac where the proposed works would not appear an incongruous addition within the street-scene. Detached garages are an established feature within the wider locality, such as at No.22, and as such the works would appear in keeping with the surrounding development. The garage would be constructed from materials to match the host dwelling and is of a simplistic design and is considered acceptable in terms of KDP 2 of the SPD. Although the garage is large in size, the hipped roofing style would reduce the overall bulk and massing of the structure. In addition, it is noted that the dwelling is newly built and has no subsequent extensions and would preserve the rear amenity space of No.37 and would therefore comply with paragraph 5.30 of the SPD in this regard.

It is therefore considered that in terms of visual amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, the adopted House

Extensions and Alterations SPD, and advice within the National Planning Policy Framework.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

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.”*

The properties potentially affected by the proposed development are those which directly neighbour the site, these being No. 24 & 35 Oaklands Crescent and No.151 & 149 Yew Tree Road.

There are openings proposed within the exposed elevations of the detached garage. A garage door is located within the front elevation which faces onto Oaklands Crescent and is not considered to cause undue harm from overlooking due to the separation distance between the works and the properties on Oaklands Crescent. The openings proposed within the garage conversion of the host would be screened by the detached garage and therefore would not cause significant overlooking due to this.

In terms of overshadowing and overbearing, it is proposed that a hipped roof would be located over the garage which would increase the overall height of

the structure from approximately 2.4m to 4.2m. The site is located on a higher ground level than neighbouring properties 151 & 149 Yew Tree Road to the south. However, given the extent of the separation distance between the application site and these two neighbouring properties, it is not anticipated that there would be a significant harm to the amenity of these properties in terms of causing overshadowing or by being overbearing in this case. In addition, the existing detached garage to the rear of No.151 Yew Tree Road further works to mitigate the overbearing/overshadowing impacts of the development. The development is also sited at a sufficient distance from No.35 Oaklands Crescent that this neighbour would not be detrimentally impacted with regard to overbearing/overshadowing.

With regard to the impact of the development on No.24 Oaklands Crescent, the detached garage would be located ~0.5 metres from the shared boundary. Given the size and scale of the works, it can be concluded that no detrimental impacts of overbearing or overshadowing will be caused as a result of its erection. Sunlight calculator software has been used to confirm that any potential overshadowing will be concentrated to the rear garden of No.24 only and will only potentially occur during the early morning, meaning it is not considered to post detriment to residential amenity or the living conditions within the neighbouring dwelling.

It is therefore considered that in terms of visual amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, and advice within Chapter 12 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 adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off street parking are retained are also considered to be of relevance.

The proposed development would not increase the number of bedrooms on site, and it is considered the number of occupants within the dwelling would remain as existing. The detached garage would provide off-street parking for two vehicles, and the plans indicate the use of a parking space between the host property and the detached garage. This area is already hard surfaced and there is no impediment to its use.

The proposal does not propose any changes highway access. It is therefore considered that the proposal is acceptable in relation to highway safety.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, principle 15 of the Council's Street Design Guide and chapter 9 of the National Planning Policy Framework.

5 – Impact upon land stability:

The application site falls within an area at High risk 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. In this case the proposal would require minimal ground disturbance works. 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 Chapter 15 of the National Planning Policy Framework.

6 – Other matters:

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. Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest, and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been 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.

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 pre-dates 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. A Climate Change statement has been submitted with this application.

6 – Representations:

Insofar as they are not addressed elsewhere in this report, the third party representations are addressed as follows:

- Potential damage to boundary wall during construction
Officer response: This is a separate legal matter which would need to be addressed separately by the applicant / developer. The granting of planning permission does not override existing legal covenants of convey any right of access.
- Drainage
Officer response: Given the requirement for building regulations approval for the development, it is considered these are matters which are covered by separate legislation and in this case the scale of the development is such that it would be unreasonable of the LPA to require a scheme detailing such works to be submitted for written approval.

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 Powers

Application Number: 2024/91127

Officer Recommendation: Approval

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 to accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

3. The external walls and roofing materials of the garage hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & 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.

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
Application form			08/05/2024
Climate change statement			22/04/2024
Location Plan	PP-12995147v2		08/05/2024
PROPOSED GARAGE PLANS	PDA 24-044-001	A	22/04/2024

Plan Type	Reference	Version	Date Received
PROPOSED HOUSE PLANS AND SECTION	PDA 24-044-002	C	22/04/2024
EXISTING HOUSE PLANS AND SITE	PDA 24-044-003	A	22/04/2024

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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated:

01/07/2024

High coal