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:	**2024/62/91510/E**
Site Address:	268, Halifax Road, Hightown, Liversedge, WF15 6NP
Description:	Erection of garage and link to dwelling
Recommending Officer:	Jennifer Booth

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: 09-Aug-2024

OFFICER REPORT

Site Description

268 Halifax Road is a two storey, detached stone built dwelling with limited amenity space to the front and east side.

The adjacent property to the west is the listed building, Middle Hall Farm with an area of grassed land to the east side. There are residential properties to the front and rear.

Description of Proposal

The applicant is seeking permission to erect a garage with a link to the dwelling.

The garage would have a width of 4.2m and a depth of 6.6m with a pitched roof form.

The front and rear walls would be stone with the side walls rendered and the roof covering would be tiles.

Relevant Planning History

1995/91673 - erection of porch - approved

2021/91296 - erection of two storey extensions with juliet balcony to rear and associated alterations - refused

2021/94438 - erection of two storey extensions with juliet balcony to rear and associated alterations with parking - refused and dismissed at appeal

2023/91459 - erection of two storey side and rear extension - approved

2024/90508 - NMA for window alterations - approved

2024/90511 - Variation of condition 2 (plans) on previous permission 2023/91459 for erection of extension and associated alterations - approved

Representations

The application was advertised by neighbour letters, which expired on 25/07/2024.

As a result of the above publicity, one representation has been received. The material planning matters raised are summarised as follows:

- The design of the garage and link would not be in keeping with the host property.

Although other matters may have been raised in terms of land ownership, only material planning matters can be considered.

Consultation Responses

None

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map

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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP23** – Core walking and cycling network
- **LP 24** - Design
- **LP 35** - Historic Environment

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

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, and 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 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

Assessment

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 the NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions & Alterations SPD and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

Planning permission has been granted for extensions to the front and rear of the dwelling. The current application seeks to increase the built form with the addition of a garage and link to the house. The proposals shall be assessed below.

Impact on heritage:

Policy LP35 of the Kirklees Local Plan, consistent with chapter 16 of the NPPF, states, that development proposals affecting a heritage asset should preserve or enhance the significance of the asset.

This 19th century dwelling is adjacent to the Grade II listed, 17th century, Middle Hall Farm and the two properties are separated by an access track. 268 Halifax Road was previously part of a short terrace, with the adjacent properties to the east likely to have been demolished in the late 20th century. It sits forward of the building line of the hall and has a direct impact on its setting.

The previously approved plans were considered to retain the simple detail and materials on the relevant elevations. The current proposals are for further extension in the form of the garage and link which are further from the listed

building and on balance can be considered to have a limited relationship with the neighbouring listed building. The scheme is therefore considered to be compliant with Policy LP35 of the KLP and chapter 16 of the NPPF, in particular paragraphs 199-202.

Impact on visual amenity:

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.

Although the proposal is for a garage, this would adjoin the house with the link and as such shall be assessed as a rear extension.

Paragraphs 5.1 and 5.2 of the House Extensions & Alterations SPD go into further specific detail regarding rear extensions requiring development to maintain the quality of the residential environment, respect the original house and use appropriate materials.

The properties surrounding are mixed in terms of palette, age and style with the host property forming an irregularity in the street scene with its existing design and form. The design of the approved side and rear extension with the roof alterations to the original house were considered to form a cohesive appearance for the property which would not be considered to be out of character with the area. The addition of the garage and link would result in additional bulk. However, with the angling between the house and the garage together with the link would form a suitable relationship with the host property. It is further noted that the proposed materials of construction would match those used in the construction of the main house. Therefore the proposals are considered to be acceptable in terms of visual amenity.

Having taken the above into account, the proposals would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extensions & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Extensions & Alterations SPD goes

into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

Given the position of the works to the rear of the property, the properties on the opposite side of Halifax Road would not be affected by the works proposed.

Impact on Middle Hall Farm

The garage and link would be set further from the neighbouring Middle Hall Farm and as such there would be no overlooking, overshadowing or overbearing.

With regards to the impact on the neighbouring Middle Hall Farm, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Impact on 5 Primrose Lane

The garage and link would be set further from the neighbouring 5 Primrose Lane and as such there would be no overlooking, overshadowing or overbearing.

With regards to the impact on the neighbouring 5 Primrose Lane, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Impact on 260 Halifax Road

The adjacent neighbour to the east occupies a position some 13m from the host property. The garage extension would align with the neighbours attached outbuilding to the rear. Although it is noted that ground floor windows have been added to the outbuilding between 2019 and 2023, which according to a representation received serve a gym, as this is not a habitable room as per the House Extensions & Alterations SPD. Furthermore, there is no planning consent for the neighbour’s outbuilding to be converted to additional living accommodation. There is a kitchen diner window in the single storey element and whilst this is considered to be habitable, the extension would not align with this window. As such, any relationship would be oblique. The windows in the main house serve a dining room and bedrooms which are habitable. However, the oblique angling between the extension and the main house is such that there would be no impact on these windows or the neighbouring property in terms of overlooking, overshadowing or overbearing.

With regards to the impact on the neighbouring 260 Halifax Road, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Having considered the above factors, the proposals are not considered to result in any adverse 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:

The proposals will not result in some intensification of the domestic use. The proposed garage is of a sufficient size to host a vehicle and the layout of the drive allows for two further spaces along the boundary wall. Bin storage for the dwelling is also shown 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:

Public right of way

The proposed extension would be located close to the boundary with Primrose Lane which carries bridleway SPE/111/30 to the west of the application site. Due to the location of the proposal, the proposal would not prejudice the function of the bridleway nor impact upon users of the PROW, in accordance with Policy LP 23 of the KLP.

Carbon Budget

The proposal is a small scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

There are no other matters for consideration.

Representations:

One representation has been received. The material planning matters raised are summarised as follows:

- The design of the garage and link would not be in keeping with the host property – **Response:** *this is a material consideration relating to visual amenity. The appearance of the garage and link extension would, when considered cumulatively with the approved extensions, form an appropriate relationship with the main house as outlined in the visual amenity section of this report*.

Although other matters may have been raised in terms of land ownership, only material planning matters can be considered.

Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Matching materials to ensure that the extensions harmonise with the host property as using alternative materials would look out of place within the street scene.

Conclusion:

This application to erect a garage and link extension at 268 Halifax Road 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 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.

As set out above, 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: 2024/91510
Officer Recommendation: Approve
Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions & Alterations SPD and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays
08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Proposed plans	10 rev D	1043185	11/06/2024
Climate change statement	-	1044556	11/06/2024

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 and otherwise actively engaged with the applicant in dealing with the application.

As the submitted plans were considered to be acceptable, no changes were sought.

Report Dated 02/08/2024