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:	**2024/62/91522/E**
Site Address:	50, Rosewood Drive, Shaw Cross, Dewsbury, WF12 7SX
Description:	Erection of detached garage and alterations to integral garage to increase living accommodation
Recommending Officer:	Edward Cheseldine

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: 07-Oct-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/91522
Location	50, Rosewood Drive, Shaw Cross, Dewsbury, WF12 7SX
Proposal	Erection of detached garage and alterations to integral garage to increase living accommodation
Publicity end date	26-Aug-2024
Number of representations received	0
Kirklees Local Plan Allocation/Designation	N/A
Extension to Time (EoT)	07 October 2024
Recommendation	Conditional Full Permission

	NO	**YES**
Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)	✓	
Contrary to previous decision	✓	
Called in by Ward Member	✓	
Significant number of representations received	✓	

If 'No' to all above, proceed with a fast track report

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

Policy

National

National Planning Policy Framework (NPPF) July 2023
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed places and beautiful places
- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 51** – Protection and improvement of air quality

Supplementary Planning Document 'House Extensions and Alterations' (2021).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

	YES / NO	**SUMMARY**
Negotiations/Amendments during course of application	Yes	Amended plans were received to increase the internal space of the garage. Additional plans were requested to demonstrate personal vehicles can maneuverer and exit the site in a forward gear. The

		additional plans satisfied the concerns raised by KC Highways.
Parish/Town Council comments sought	No	
Planning History	N/A	
Consultations required	KC Highways	Requested further information detailing vehicles could safely use the turning head and accorded to appropriate spacing. No objection.

Assessment

The Kirklees SPD sets out that outbuildings/garages should comply with certain parameters set out at paragraph 5.30 on page 33 (and listed below) and if they do not, they need to be justified:

	Yes - COMPLY	**No - JUSTIFY**
Be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings	The garage would be 4.50m(w) x 5.50m(d), with an eaves height of ~2.20m and an ridgeline height of ~3.00m. There is a clear separation from the surrounding dwellings. The single-storey structure is 'tucked-away' in a corner of the site providing a sense of subservience to the host dwelling.	
Be set back behind the building line of the original building so that they do not impact on the street scene		The garage is forward of the building line, however the host dwelling sits within a 'dead-end' street of two dwellings. The street itself is set away from the main building group

		of Rosewood Drive. The garage will therefore not appear overly prominent.
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 garage will be positioned upon existing hardstanding material, there will be no loss to usable garden space. The dwelling has a front, and rear garden which given its residential setting leaves a high proportion of usable amenity space.	

The application also includes the conversion of the garage space to a habitable room, with alterations to the existing opening to windows. In terms of visual appearance, the windows are proportionate to the existing windows of the host dwelling. Frames will match the windows in the existing building with details to match. Therefore, the alteration is appropriate.

Design and Visual Amenity: Are the considerations in the following table acceptable?

Summary of local street scene/character: 50 Rosewood Drive is a two-storey, detached dwelling in Shaw Cross. The building is constructed with brick exterior walls that fall under a cross-pitched roof clad in clay roof tiles. The building includes a prominent gable-end and a lean-to roof, amongst other features. The dwelling also contains a modest sized front garden and driveway suitable for the parking of two vehicles, as well as a broad turning-head. To the front of the property is a brick wall that separates the application from No. 48 Rosewood Drive.

Properties in the immediate vicinity are residential, they are similar in terms of age and appearance, although each property differ slightly in terms of architectural design.

Consideration has been given here in terms of the proposals impact on the local character and street scene, including subservience, terracing and building line.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	**Further comments**	**✓ / X / N/A**
Impact on the Local character and street scene	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	Rosewood Drive is a 'dead-end' road, of which No. 50 is the last property. The property is not highly prominent when considering the main thoroughfare of Rosewood Drive, even though the garage will host a frontal position. The garage will appear residential amongst a highly residential area and will have a neutral impact on the character of the area.	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	The garage will be forward of the principal elevation. The garage is well spaced and does not interfere with the view of the front elevation.	✓
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	The height and scale is relatively proportionate, the scale is further mitigated by its position away from roadside and will appear 'tucked away' down the side street.	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	Materials will match the host dwelling. It is to be constructed with red-brick exterior walls, interlocking clay concrete tiles, a steel garage door and Upvc windows.	✓

Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	The roof will be pitched, which although adds height, will make the garage have an appealing architectural design and draw the roof mass away from No. 48.	✓
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Windows are integrated above the garage door and are acceptable.	✓

The design of the proposal is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Residential Amenity: Are the considerations in the following table acceptable?

The proposal is therefore acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

The main properties affected are:

- 53 Rosewood Drive

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	**Further comments**
Impact on privacy of neighbours (to sides, rear and front)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	There will be no impact to the privacy of this house as the garage is not classed as a habitable space and there are no windows. The garage alteration will add new windows on the front elevation. They will largely have a view of the garage, there will therefore be no impact to privacy.

Impact on light, outlook and an overbearing impact to neighbours	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	The garage will abut the brick wall boundary treatment. The wall is relative to the height of the eaves. A pitched roof will be constructed that will draw the visible mass of the garage away from the shared boundary. It is not considered there will be a loss of light, outlook or an overbearing impact to the neighbour.

The proposal is therefore acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

The garage unit is a non-habitable space with no windows. The unit is distanced appropriately away from dwellings, it will not cause a loss of light, loss of outlook or an overbearing impact to other neighbours.

Highways and Parking: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	**Further comments**	**✓ / X / N/A**
Impact on highway safety	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	The plans have been assessed by KC Highways. The positioning and width of the garage allows for vehicles parked to the front of the dwelling to turn and exit the shared access drive in a forward gear, which protects the safety of other users of Rosewood Drive. The turning head will be ~4.00m wide, which is suitable for most modern, personal vehicles. The alterations will not	✓

		impede users of No. 52 Rosewood Drive.	
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	It is considered the garage will be placed in an area that could be used to park a car. The dimensions of the garage are suitable in allowing a vehicle to park, therefore there will be no loss of spaces.	✓
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	Side access for bin storage will remain.	✓

The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Other matters: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	**Further comments**	**✓ / X / N/A**
Impact on trees	• KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF	N/A	✓
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	There will be a net loss of planted shrubs. The site of the garage is constrained, and it would be unreasonable to request the replanting of the shrubs considering it may impact upon the	✓

		ability to maneuverer vehicles. Upon the site visit it was understood the shrubs were relatively juvenile. In this instance, the loss of the shrubs is acceptable.	
Carbon Budget / Climate change statement	• KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • Chapter 14 of the NPPF	Small scale domestic development to an existing dwelling. As such, no special measures required in terms of the planning application with regards to carbon emissions. A Climate Change Statement has been submitted with this application.	✓
Drainage and Flood Risk	• KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP	N/A	✓

The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

Representations, including Parish/Town Council comments:

Summary of Representation	**Officer response**	**Addressed ✓ / X / N/A**
N/A		

<u>Conclusion</u>:

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: CONDITIONAL FULL PERMISSION

Decision Authorisation - Delegated Powers
Application Number: 2024/91522
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 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.Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) the garage shall not be converted into habitable living accommodate at any time.
Reason: So as not to result in overdevelopment of the site in accordance with the requirements of Policy LP21, LP 22 and LP24 of the Kirklees Local Plan and the provisions of the Kirklees House Extensions and Alterations SPD (2021) and the Housebuilder Design Guide SPD (2021).

4. 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	LP	-	29 May 2024
Grouped plans and elevations	-	-	19 September 2024
Climate change statement	CCS	-	29 May 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.

Amended plans were received to increase the internal space of the garage. Additional plans were requested to demonstrate vehicles can maneuverer and exit the site in a forward gear. The additional plans satisfied the concerns raised by KC Highways.