

**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:	<b>2024/62/91957/W</b>
Site Address:	24, Parkwood Road, Golcar, Huddersfield, HD7 4QW
Description:	Erection of detached garage and formation of vehicular access
Recommending Officer:	Molly Storer

**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: 03-Oct-2024**

## **Officer Report**

### **Site Description**

The application site refers to 24 Parkwood Road, an end of terrace, two storey dwelling located in the area of Golcar. The property is set back from the highway by the properties large front garden. From aerial imagery it appears that there was once a large (~5m x 10m) detached garage towards the front of the property however it appears that this is not within the red line boundary of the site and has since been demolished.

Surrounding development consists of residential properties which are on the same terrace and constructed from similar materials. The property is surrounded by open fields to the north and east and the open land to the north is allocated as Green Belt land. There is also a public footpath (COL/49/10) running adjacent to the site to the north.

### **Description of Proposal**

The application is for the formation of vehicular access and erection of detached garage.

#### Vehicular access:

It is proposed that the existing boundary wall would be removed to the front of the property to create the access onto Parkwood Road. Part of the front garden in front of the proposed garage would be tarmacked to create a hardstanding area for the car parking area. The submitted plan indicates that the area to be tarmacked would be approximately 3.5m x 6m.

#### Detached garage:

The outbuilding will be located to the front (east) of the site. It will have a height to the eaves of 2.3m with an overall height of 3.3m and have a gable roof design. The footprint of the building will measure 6.5m x 3.5m, this will create garage space. The outbuilding will be constructed from natural coursed stone with a concrete tiled roof.

## **History of negotiations/amendments received**

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

## **Relevant Planning History**

None

## **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, site notice and newspaper advert.

Final publicity date expired 31<sup>st</sup> August 2024

Parish/ Town Council – not applicable

As a result of the public consultation period no representations have been received.

## **Consultation Responses**

K.C. Highways: The proposal will provide for the parking for two cars within the site and is acceptable. No objections.

K.C. PROWs: As long as no vehicular access is taken from the footpath adjacent to the site, no parking is authorised, material stored, or changes to the surface of the footpath, prowl has no objection to the application.

## **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 27<sup>th</sup> February 2019).

The site is without notation on the Kirklees Local Plan.

### Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 51** – Protection and Improvement of Local Air Quality

### Supplementary Planning Documents:

- Highways Design Guide SPD
- House Extensions and Alterations SPD

### National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20<sup>th</sup> December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 4 – Decision-making
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment

### Legislation

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### **Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) 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 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These polies state the following:

- Principle 1 – 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.”
- Principle 2 – 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.”

With specific regard to the House Extensions and Alterations SPD the other key designs principles for consideration are:

- Key design principle 3: Privacy
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 9: Construction materials
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- 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

The above listed policies and guidance within the SPD are taken into account within sections below of this report.

In this instance, the creation of vehicular access and the erection of a detached garage can be acceptable in principle, subject to the assessment of the impact on visual amenity as well as highway safety and any other impacts that may arise.

## 2 – Impact on visual amenity:

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby Paragraph 131 provides a principal consideration concerning design which states:

*“The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

Paragraph 135 of the NPPF is of relevance, in particular the following parts:-

- *‘b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping’*
- *‘c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change’*

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

Policy LP24 states that proposals should promote good design by ensuring:

- *‘a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...’*

*and*

- *‘c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...’*

Key Design Principles 1 and 2 of the Council’s adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

5.6 of the Supplementary Planning Document refers to the general rules in relation to outbuildings, and its states:

*“Outbuildings, such as garden offices, detached garages and granny annexes, 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”*

*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.”*

With regards to the detached garage it will be set back approximately 8m from Parkwood Road behind the proposed driveway/parking area. Although there are no other current detached garages within the front gardens of this row of terraces, aerial images show that a larger shed-like structure was located to the front of the application site within recent years. It is also noted that due to the orientation of the properties the application site has a larger amenity space to the front and many of the other properties do have smaller sheds/stores within the front garden. Therefore, the outbuilding will not appear to compete with prominence with the existing dwelling or the surrounding development. The location of the proposed outbuilding is therefore considered acceptable from a visual amenity perspective.

With regard to the design of the proposed outbuilding, the total garden space at the property is of a sufficient area to support it without appearing cramped. Furthermore, the outbuilding will have a gable roof form to match that of the neighbouring properties and other sheds/stores within the street scene and will have a maximum height of only 3.3 metres. In turn, the siting and design works to mitigate undue bulking or massing from the overall appearance of the outbuilding. The proposed construction materials of natural coursed stone and concrete tiles would harmonise with the original dwelling.

With regards to the vehicular access/ parking area this would result in the total loss of some amenity area to the front of the dwelling. However, street scene is characterised by both soft and hard landscaping with a couple of properties within the street scene of Parkwood Road having driveways to the front.

Therefore, the outbuilding and vehicular access is concluded to be in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, principles 1, 2 and 7 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of 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.

Due to the property being surrounded by open fields to the north and east and the development being to the front of the property, there are no neighbours in these directions that would be affected.

26 Parkwood Road is the adjoining property to the south of the application site. Impact to this property will be assessed below:

With regards to the proposed outbuilding, there are no windows proposed within the development and only a single door facing to west over the host property's land and a garage door facing east onto the road and open fields therefore there would be no significant impact to privacy. In terms of being overbearing or overshadowing due to the garage not being built up to the boundary with this neighbour and also having a limited height, it is considered not to cause harm to the amenity of these neighbours.

The use of the parking area/vehicular access to the front of the property would introduce vehicles manoeuvring within close proximity to 26 Parkwood Road. This would have some impact on amenity but in the context of the existing use of Parkwood Road it is not considered to be undue.

The property will maintain a relatively large amount of amenity space behind the garage therefore a sufficient amount of garden space would remain in accordance with Key Design Principle 7 of the SPD.

It is therefore considered that the proposed works would not cause undue harm to the amenity of neighbouring properties and therefore the works would comply with Key Design Principles 3, 4, 5, 6 and 7 of the SPD, Policy LP24 of the Kirklees Local Plan and advice within the NPPF.

### 4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan 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.

In this case the works would not increase the bedroom provision of the property. There is currently no off-street parking to the front of the property and therefore,

to provide two additional spaces would be of benefit to both the highway and parking provision in accordance with Policies LP21 and LP22 of the Kirklees Local Plan. Access would be provided off Parkwood Road whereby permission will also be required from the Highway Authority under a separate consent regime.

K.C. Highways stated that the proposed garage is shown to have internal dimensions of 3m x 6m which meets the minimum requirements for a single garage and the proposed driveway in front of the garage is 6m long by approximately 3.5m wide and would be able to accommodate a parked car. They also stated that a new vehicle access onto Parkwood Road is proposed and is acceptable.

The space provided is considered acceptable to facilitate 2 no. off street parking spaces which is considered acceptable in this case and in accordance with the Highways Design Guide SPD, Key Design Principle 15 of the House Extensions and Alterations SPD and Policy LP22 of the Kirklees Local Plan.

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.

## 5 – Other matters:

### Drainage

The application proposes tarmac as the finishing material for the car parking area. It is noted that tarmac is not a permeable surface. Due to the risk of increased flood risk through surface water run-off it is considered reasonable and necessary in this instance to impose a condition on the decision notice stating that the surface should be designed in accordance with DCLG guidance on the permeable surfacing of front gardens to prevent flood risk through surface water run-off as noted above in the assessment on highway safety. This would also be in compliance with Policy LP28 of the Kirklees Local Plan and highway safety Policy LP21 as well as advice within the NPPF alongside Key Design Principle 14 of the House Extensions and Alterations SPD.

### Climate Change

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

### Coal legacy

The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. 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 paragraphs 174 and 183 of the National Planning Policy Framework.

### Public Rights of Way:

Public Right Of Way (COL/49/10) is located to the north of the site. K.C. PROWs was consulted on this application due to the close proximity to the footpath and stated that as long as no vehicular access is taken from the footpath adjacent to the site, no parking is authorised, material stored, or changes to the surface of the footpath, prow has no objection to the application. A note will be attached to the report to ensure this is not impacted upon and the other legal duties on the developers regarding PROW.

### 6 – Representations:

None

### 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:** 2024/91957

**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 51 of the Planning and Compulsory Purchase Act 2004.

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, LP28, LP51 and LP53 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 9, 11, 12, 14, 15, 16 and 17 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapters 2, 4, 9, 12, 14 and 15 of the National Planning Policy Framework.

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

**Reason:** In the interests of visual amenity and so as to preserve the openness of the Green Belt, in accordance with Policies LP01, LP02, LP24 & LP57 of the Kirklees Local Plan, principles 1 and 2 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with policies within chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the information within the application form, the formation of any parking area between the front elevation of the dwelling and the highway shall be drained and surfaced in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 as amended (or any Order revoking or re-enacting that Order) the parking area shall be so retained thereafter.

**Reason:** In the interests of amenity and traffic safety and to avoid an increase in flood risk through surface water run-off by the provision of permeable surfacing and in accordance Policies LP21 and LP28 of the Kirklees Local Plan, Key Design Principle 14 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework.

**Note:** Public footpath COL/49/10 is adjacent to the development site/form access to the site and must not be interfered with or obstructed, prior to, during or after development works. The Council's public rights of way unit may be contacted by telephone 01484 221000 and ask for Sharon Huddleston. Contact via email can be made at [publicrightsofway@kirklees.gov.uk](mailto:publicrightsofway@kirklees.gov.uk).

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Application form	-	-	18/07/2024
Location plan	24/1030/01a	-	22/07/2024
Existing site/block layout plan	24/1030/02a	-	22/07/2024
Proposed site/block layout plan	24/1030/04a	-	22/07/2024
Proposed plans and elevations	24/1030/03a	-	18/07/2024
Climate change statement	-	-	18/07/2024

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.

The Case Officer did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

**Report Dated:**

4<sup>th</sup> October 2024

Coal – low