

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:	2024/62/91980/W
Site Address:	Milner Street Garage, Lockwood, Huddersfield, HD1 3UH
Description:	Erection of single storey rear extension and increase in roof height and erection of boundary fence and gates
Recommending Officer:	Lucy Taylor

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.

John Holmes

AUTHORISED OFFICER

Date: 7th October 2024

Officer Report.

Reference: 2024/91980

Location: Milner Street Garage, Lockwood, Huddersfield, HD1 3UH

Proposal: Erection of single storey rear extension and increase in roof height and erection of boundary fence and gates

Site Description.

Milner Street Garage is a single storey building, located on Milner Street in Lockwood. The external walls of the building are faced in bricks, with the roof above constructed from metal sheets. A garage door is present to the elevation fronting the highway of Milner Street. The site benefits from outdoor space around the building, which is hard surfaced, with fences and gates around the parameters.

Byway HUD/261/10 runs adjacent to the western boundary of the site.

Description of Proposal.

Planning permission is sought for the erection of a single storey rear extension and increase in roof height and erection of boundary fence and gates.

The single storey rear extension will have a projection of 3 metres, with a width of 9.5 metres, the same width as the existing structure. The extension will be faced in brick to match the host structure.

The roof height of the garage to the front elevation will be increased from 3.85 metres to 4.4 metres and to the rear elevation will be increased from 3 metres to 3.8 metres. The roof will be constructed from plastic coated metal sheets.

The application form sets out that the proposal will see the retention of boundary fencing and gates.

History of Negotiations / Amendments Received.

None.

Relevant Planning History.

None.

Representations.

This application was advertised via neighbour notification letters, a site notice and within the newspaper.

Final publicity date expired: 27th September 2024.

No representations received.

Consultation Responses.

KC PROW (formal) – No comments received within three-week consultation period. The case officer sent an email to the KC PROW team on 25th September to confirm that they have no comments, no response was received.

KC Highways Development Management (informal) – No objections.

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).

Byway HUD/261/10 runs adjacent to the western boundary of the site.

The application site is located within an area with a known presence of bats.

The application site is located within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking
- LP23 – Core Walking and Cycling Network
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality

Other Material Considerations:

- Kirklees Highway Design Guide (adopted November 2019)

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, together with Circulars, Parliamentary 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 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment.

1) Principle of Development

Chapter 2 of the NPPF states that: *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*

Chapter 2 of the NPPF goes on to further state that objectives should: *“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

Policy LP1 goes further and states: *“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals 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”*.

The Council’s GIS mapping system categorises the garage as being workshop / light industrial. This application does not seek to change the use of the site and therefore, upon any grant of approval, a condition shall be imposed with regard to its use, this is explored in greater depth throughout this report.

It is considered that, on balance, the principle of the proposed development is acceptable, subject to being considered acceptable with regard to other considerations addressed within the below sections of this report, is concluded to be acceptable in principle.

2) Impact on Visual Amenity

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'*.

The proposal seeks to erect a single storey rear extension to Milner Street Garage, increase its roof height and erect a boundary fence and gates.

The single storey extension proposed is considered to be a subservient addition to the existing built form. It will be erected to the rear elevation, will be of a single storey height with the same width as the host building and will be constructed in matching materials, including brick to the exterior walls and plastic-coated metal sheets to the roof.

The increase in the roof height of the building is considered to be of a relatively minimal scale, with the roof height to the front elevation to be increased by 0.55 metres and to the rear to be increased by 0.8 metres. The roof will be constructed from plastic coated metal sheets. It is considered that this an appropriate material to construct the roof, with the existing roof constructed from metal sheets.

The application form sets out that the proposal will see the retention of boundary fencing and gates, suggesting that the forms of boundary treatment erected around the parameters of the site are to be retained. These forms of boundary treatment are considered to be appropriate for the context of the site to which they relate.

To improve the overall visual appearance of the fencing and gates within the streetscene, officers consider it reasonable to impose a condition relating to their colour finish upon any grant of approval. This condition shall see the colour finish be conditioned to be dark green. It is considered that a dark green colour finish will see fencing and gates to appear less stark in appearance and appropriately harmonise with the locality. Whilst being palisade fencing, rather than weld mesh, which is considered to have a more utilitarian appearance, it is noted the height is not significantly imposing and on the basis it is of a dark green colour it is considered that refusal on visual grounds could not be substantiated in this case.

For reasons of visual amenity, upon any grant of approval, a condition shall also be imposed to ensure that no external storage or external operations be carried out at the site, excluding the parking of vehicles associated with the operation of the site. This is to ensure that the site does not appear as untidy from a visual amenity perspective.

Therefore, with the inclusion of the aforementioned conditions, the proposal is not considered to lead to a significantly harmful visual impact and therefore, the scheme is considered to meet the requirements of Policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the NPPF in this case.

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 135 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.

Paragraph 191 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development. Policy LP52 of the Kirklees Local Plan seeks to ensure that, amongst other things, the impact from noise for new development is acceptable.

Paragraph 191 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development. Policy LP52 of the Kirklees Local Plan seeks to ensure that, amongst other things, the impact from noise for new development is acceptable.

A back-to-back terrace house neighbours Milner Street Garage to the eastern side, No.'s 24 and 22 Milner Street. The proposed extension will retain a separation distance of approximately 1.8 metres from the adjacent shared boundary. Given this separation distance, and that the extension is to be single storey in height, with a ridge height of 3.8 metres, it is not considered that its erection would result in any undue impacts of overbearing or overshadowing for the occupiers of these neighbouring properties.

With regard to the raised roof height of the garage, the main structure will retain the same separation from these neighbouring properties, which have solid side elevations adjacent to the garage, with no glazing present. As such, it is not considered that the proposed raised roof height would result in any undue impacts of overbearing or overshadowing for the occupiers of No.'s 24 and 22 Milner Street.

No glazing is proposed to the garage as a result of the proposed works. Therefore, it is considered that the structure will retain the same relationship with surrounding properties with regard to residential privacy, posing no increased potential of overlooking.

The fencing and gates are not considered to pose any detriment to residential amenity, with regard to any impacts of overbearing or overshadowing. This is because, the fencing / gates are only erected along the boundaries which are not shared with any residential properties.

The Council's GIS mapping system categories the garage as having a workshop / light industrial use. This application does not seek to change the use of the site and therefore, upon any grant of approval, a condition shall be imposed with regard to its use. This condition shall restrict the use of the site to Class E(g) and B8. Officers consider that such a condition would restrict the uses of the site appropriately in the context of the existing use.

Furthermore, upon any grant of approval, a condition shall be imposed to restrict the hours of use, given that the site is located within close proximity to residential properties. Based upon the use of the site and its location, the following hours of opening would be included within this condition:

08:00:18:30 hours Monday – Friday

08:00-18:00 hours Saturdays

With no operations Sundays and Bank Holidays.

As set out within the visual amenity section of this report, upon grant of approval, a condition shall be included so that no external storage or external working takes place, other than the parking of vehicles associated with the use of the site. As well as for reasons of visual amenity, as set out within the above section of this report, this condition is also considered necessary for reasons of residential amenity, to limit the emission of noise, which could pose detriment to the amenity of neighbouring residents.

For these reasons, with the inclusion of the aforementioned conditions, the proposed developments at Milner Street Garage are not considered to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF and Policy LP24 of the Kirklees Local Plan.

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, which seeks to ensure acceptable levels of off-street parking, is also considered to be of relevance.

As part of the determination of this application, an informal consultation was undertaken with KC Highways Development Management. The Highways Officer raised no objections to the proposals, concluding that the gates and fences are to be retained as erected currently at the site, which are acceptable in the location of Milner Street Garage and would not appear to block any visibility splays.

Furthermore, the application form confirms that the number of parking spaces within the site is to be retained as existing, with six parking spaces.

Therefore, it is concluded that the scheme appropriately accords with Chapter 9 of the NPPF and Policies LP21 and LP22 of the Kirklees Local Plan.

5) Other Matters

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 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.

As part of this application, a Climate Change Statement was submitted, which sets out various mitigation measures.

It is considered that the proposed development would not have an impact on climate change that needs further mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF.

Byway HUD/261/10:

Whilst fencing is proposed along the boundary adjacent to Byway HUD/261/10, it will not impact upon its functionality or usability. The proposed style of fencing is considered to be of an appropriate design along the boundary adjacent to the Byway, of a vertical metal palisade design, which appropriately retains a sense of openness for Byway users.

Officers note that a formal consultation was sent to KC PROW as part of the assessment of this application, with no comments received within the three-week statutory consultation period. It is also noted that the case officer sent an email to the PROW team on 25th September to confirm that they had no comments to make, with no response received to this email. As such, an assessment of impacts to Byway HUD/261/10 as a result of the proposals has been made by planning officers.

Bats / Ecology:

Chapter 15 of the National Planning Policy Framework is 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 located within an area with a known presence of bats.

Given that the existing roof is constructed from metal sheets, rather than tiles, it is not considered that there would be a high likelihood in this instance for roosting bats to be present.

Even so, as a cautionary measure, in the event of any grant of permission a note would be added to the decision notice, stating that if bats are found development shall cease and the advice of a licensed bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

With regards to Biodiversity Net Gain, the application form and correspondence from the applicant / planning agent sets out that the development is exempt from Biodiversity Net Gain under the de minimis threshold, for reasons for the remaining curtilage around the building being hard surfaced with concrete.

Whilst officers note that the site appears to have been previously surfaced more naturally, with shrubbery and vegetation etc., it is not clear when exactly the site was cleared of this and replaced with hard surfacing. As the Local Planning Authority does not have conclusive evidence of this, on balance, officers have determined this application on the premise of the justifications and explanations as put forward by the applicant / planning agent.

Notwithstanding the statements made by the applicant / planning agent, under the legislation, a condition is in place by law. The biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990.

As such, it is not considered necessary for any further condition to be in place upon any grant of permission, given the statutory requirements in relation to biodiversity and the fact justifications / explanations as put forward by the applicant / planning agent would meet the requirements of the aforementioned policy.

Therefore, subject to the inclusion of the recommended informative note, the proposal is considered to be acceptable in this regard.

6) 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: 2024/91980

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 Policies LP1, LP2, LP21, LP22, LP23, LP24, LP30, LP51 & LP52 of the Kirklees Local Plan and policies within Chapters 2, 4, 12, 14 & 15 of the National Planning Policy Framework.

3. The building and site as outlined in red on the submitted Block / Site Plan, shall be used for no purpose other than uses falling within Class E(g) and / or Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: For the avoidance of doubt and to ensure that the development does not cause noise and disturbance to neighbouring properties in the interest of amenity, to comply with Policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework.

4. Other than the parking of vehicles, at no time shall any use falling within use class E(g) and / or B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) be undertaken externally and all activities falling within use class E(g) and / or B8 of Schedule 1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) shall be undertaken within the buildings hereby approved.

Reason: In the interests of visual amenity and residential amenity and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

5. The site shall not be operational outside the hours of:

- 08:00:18:30 hours Monday – Friday
- 08:00-18:00 hours Saturdays
- And at no time on Sundays or Public Holidays

Reason: To ensure that the proposed use does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

6. The external walls of the extension hereby approved shall be constructed from matching bricks. The roof above the host garage building and above the extension shall be constructed from plastic coated metal sheets of a dark grey colour finish. The external materials of construction of works to the walls of the host structure to increase the roof height shall be carried out in matching brick. These materials and colour finish shall thereafter be retained.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

7. The fence hereby approved shall be painted or powder coated in a dark green colour finish within 3 months of the date of this decision. This colour finish shall be thereafter retained.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of 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
Layout Plan	-	-	15.07.24
Palisade Boundary Fence	-	-	15.07.24
Site Location Plan & Block/Site Plan	-	-	22.07.24
Palisade Boundary Fence & Block/Site Plan	-	-	05.08.24
Climate Change Statement	-	-	05.08.24
Supporting Information	-	-	13.08.24

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 negotiations took place, and no amended plans were sought or submitted.

Report Dated: 07.10.24