

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:	2024/62/92021/W
Site Address:	48, Deighton Road, Deighton, Huddersfield, HD2 1UF
Description:	Erection of detached building to create dwelling forming annex accommodation associated with 48 Deighton Road, Deighton, Huddersfield, HD2 1UF
Recommending Officer:	Laura Yeadon

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: 10th September 2024

Officer Report

[Website](#)

Site Description

48 Deighton Road is an end-terraced gable fronted property located within area without notation on the Kirklees Local Plan. The property is constructed from stone and has a tiled roof with uPVC openings. There is a small garden area to the front of the property with a path leading to a larger garden area to the rear. There is a parcel of land to the side of the property which historically appears to be a separate parcel of land with a garden area to the rear.

To the east, south and west of the site are residential properties and to the north is an area of Urban Greenspace. Directly to the side of the site is a driveway access which provides access to a commercial warehouse unit.

Description of Proposal

The application is for the erection of detached building to create dwelling forming annex accommodation associated with 48 Deighton Road, Deighton, Huddersfield, HD2 1UF.

The measurements of the proposal are:

- Width – 5.2m
- Depth – 9.1m
- Height to eaves – 2.4m
- Height to ridge – 3.6m

It is proposed that the building would be constructed from artificial stone for the walls and artificial blue slate for the roof.

The floor plans indicate that the building would be entrance, store, lounge, bathroom and 2 no bedrooms.

History of negotiations/amendments received

Whilst no negotiations have taken place as part of this submission, following the refusal of planning permission for the erection of an outbuilding at the site, discussions were undertaken to provide advice in relation to overcoming the previous reasons for refusal.

Relevant Planning History

2024/91042 Erection of detached building - Refused 14th June 2024 for the following reasons:

1. The proposed building by virtue of its siting, overall footprint and construction materials would form a prominent and incongruous building failing to retain the appearance of a subservient, ancillary building that would be out of character with the host and surrounding development and the wider character and appearance of the area. This is contrary to Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD, Policy LP24a of the Kirklees Local Plan and Policies within Chapter 12 of the National Planning Policy Framework.

2. The proposed development would reduce on-site parking and increase the living accommodation whereby off-street parking would be required. The resultant pressure for on-street parking on the highway whereby access to a commercial warehouse unit adjacent to the site is located would give rise to highway safety concerns contrary to Policies LP21 and LP22 of the Kirklees Local Plan and Principle 15 of the Council's adopted House Extensions and Alterations SPD.

Whether the amended scheme the subject of this application has overcome these reasons is discussed in the 'Assessment' section of this report.

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.

Final publicity date expired 30th August 2024 – No third party representations received.

Parish/ Town Council – not applicable

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 without notation on the Kirklees Local Plan however it is within an area defined as the Strategic Green Infrastructure Network, biodiversity 'bat alert' layer on the Council's mapping system and within a 'low risk' area of coal mining activity.

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity
- **LP 31** – Strategic Green Infrastructure Network
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 53** – Contaminated and unstable land

Supplementary Planning Documents:

- 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 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.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment

Legislation

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).

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters

- 6) Representations
- 7) 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 adopted 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 policies 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 design principles for consideration are:

- 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 12: Natural environment

- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

With specific regard to outbuildings, Section 5.30 of the adopted SPD states that 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.

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

On the basis the development has an acceptable impact upon visual amenity, residential amenity and access / highway safety considerations, as well as all other relevant considerations, the principle of development is considered to be acceptable in this case.

2 – Impact on visual amenity:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. 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 SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

These are also reinforced within Chapter 12 of the NPPF (Achieving well designed and beautiful places) where paragraph 131 provides an overarching consideration to design stating that *“The creation of high quality, beautiful and sustainable 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 the development acceptable to communities.”*

Paragraph 135 goes on to state that planning decisions should ensure developments are sympathetic to local character, including the surrounding and built environment.

The application seeks permission for the creation of an detached building to create a dwelling forming annex accommodation associated with the host dwelling, 48 Deighton Road.

The overall size and scale of the building has been reduced from the previous with the footprint being reduced from 73.4 sq m to 47.3 sq ad therefore the overall footprint has been reduced in a meaningful way, by approximately 35%. The height of the structure has also been reduced from the previous submission which has reduced from 3.9m to 3.6m. On balance, this has overcome the previous concerns regarding the subservient design of the structure.

The proposed construction materials have also been amended. The previous scheme proposed render and stone for the external finish whereby the finishing materials as part of this application proposes stone with a blue slate roof. This would be more in keeping with the materials already in situ on the host dwelling.

In terms of the proposal and with regard to the recommendations within the SPD, it is considered that due to the reduction in footprint and overall height results in a single storey building, on balance, the structure is acceptable given its requirement to provide annex accommodation in association with the host dwelling.

The proposed annex is set back from the front elevation of the host dwelling that less than 50% of the garden area would be lost as a result of the proposal, therefore complying with this part of the SPD.

It is therefore considered that the previous reason (no.1) for refusal has been overcome by virtue of addressing the size of the proposal, overall footprint and construction materials and that the application clearly sets out that the proposed building would form annex accommodation rather than being a domestic outbuilding.

It is clear from the floor plans that the proposed accommodation is self-contained however no independent kitchen is demonstrated within the layout, however some form of kitchen facilities could be provided internally which do not require planning permission. Therefore, taking into account the above, there would be a level of reliance upon the host property for primary accommodation and therefore, in this instance, it is considered reasonable and necessary to impose a condition on the planning permission that the building shall not be sold or let out as separate living accommodation and shall be used ancillary to the host dwelling, 48 Deighton Road.

The works are therefore considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, having regard to Key Design Principles 1, 2 and 9 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.

Sections B and C of Policy LP24 of the Kirklees Local Plan state that alterations to existing buildings should: *"...maintain appropriate distances between buildings" and "...minimise impact on residential amenity of future and neighbouring occupiers."*

In this case the Further to this, paragraph 135 of the NPPF states that for planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Openings are proposed within all four elevations of the property along with rooflights. Due to being set back slightly from the front elevation of the property, the separation distance between the proposed front elevation habitable room openings and the facing dwellings would not be reduced. Therefore, in terms of privacy it is considered to be acceptable. The side elevation opening facing the side elevation of the host dwelling would be a high-level opening within the store/lounge area of the building. As there are no ground floor openings within the side elevation of the host building, there are minimal concerns regarding overlooking. Roof lights are proposed and whilst there is a first-floor side elevation opening within No.48 it is not considered that this would be detrimental given that the building would be ancillary to the host dwelling.

In terms of the adjacent property, No. 36, this is separated from the proposed building by the access to the warehouse to the rear of the properties. There is a first floor opening within the side elevation of this neighbour which would be separated from the proposed bathroom window within the proposed building by approximately 11.8 metres. This falls slightly short of the separation distance of 12 metres as prescribed within the SPD. However, given that the openings are on separate storeys and that screening could be provided in the form of obscure glazing/appropriate boundary treatments in addition to the presence of the access for the warehouse separating the site from the neighbour, it is considered that in this instance, the impact from overlooking from the bathroom opening is acceptable. With regard to the rear elevation openings, these would project beyond the rear elevation of the existing property by approximately 2.2 metres. As there are no residential properties within close proximity of the rear boundary of the site, it is considered that these openings are also considered acceptable.

With the building being associated with the host property and due to its orientation and separation with neighbouring dwellings, it is considered that any overshadowing that would occur would be to the occupiers of the host dwelling and amenity areas. As the harm would be limited to this host dwelling

with minimal harm to 3rd party occupiers, it is considered that the proposal would have an acceptable impact on residential amenity.

Therefore, it is considered that the proposed annex building is acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within chapter 12 of the National Planning Policy Framework.

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 proposed building would replace the existing garage building within the site. The accommodation within the building would increase the bedroom provision by a further two bedrooms. It would appear that the total number of bedrooms within the site would be increased to a minimum of 4 no. bedrooms. As such, to comply with the SPD, a minimum of 3 no. off-street parking spaces would be required.

The second reason for refusal on the previous application related to parking provision and is listed in the 'Planning History' section of this report.

As detailed within the covering letter with the application, advice from the LPA was sought by the Agent with regards to parking provision. It was noted that when assessing proposals for annexe's the level of parking requirement is more flexible as the annex can be conditioned to be used ancillary to the host dwelling and therefore the host property and the annex would be viewed as one planning unit rather than two separate dwellings with two sets of parking requirements.

Therefore, providing that the building is conditioned not be used as independent living accommodation, the provision of two parking spaces as shown on the proposed plan (ref: (100) 02 A) is considered acceptable in this case given the occupier of the proposal would be linked to the host property.

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:

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.

A Climate Change Statement has been submitted which highlights the proposed mitigation measures that the proposed annex would benefit from, which, are considered acceptable.

Biodiversity – Paragraphs 180, 186, 187 and 188 of 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.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance.

However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

Strategic Green Infrastructure Network – The site is within the Strategic Green Infrastructure Network and therefore Policy LP31 is of relevance in this instance. The role of the Network is to safeguard and enhance green infrastructure networks, green infrastructure assets and the range of functions they provide. As the proposed works would be within the confines of the residential curtilage, it is not considered that the proposed works would be detrimental to the aims of Policy LP31 of the Local Plan.

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 186 and 191 of the National Planning Policy Framework.

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.

The previous reasons for refusal are considered to have been suitably addressed within this application as a result of the amendment to the design, scale, materials of construction and nature of the use of the building.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2024/92021

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, LP30, LP31, LP51 and LP53 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 15 and 16 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 materials of construction use for the external walls and roofing materials of the development hereby approved shall be in accordance with those set out within submitted drawing (100)03RevA. The development shall not be brought into use until the building has been completed with the materials set out in drawing (100)03RevA which shall be retained thereafter.

Reason: In the interests of visual amenity and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework.

4. The building approved as part of this permission shall be used solely for purposes ancillary or incidental to the enjoyment of the existing dwellinghouse known as 38 Deighton Road, Deighton, Huddersfield, HD2 1UF and shall at no time be sold or rented as a separate residential unit.

Reason: For the avoidance of doubt as to the development permitted, in the interests of amenity and access and highway safety to accord with Policy LP21 and LP24 of the Kirklees Local Plan and policies within Chapter 12 the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and 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 to 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
Covering letter	HG/JC/2902		18 th July 2024
Location plan	2902 – LOC		18 th July 2024
Existing site plan	2902 – (100)01		18 th July 2024
Proposed site plan	2902 – (100)02 – A		18 th July 2024
Proposed elevations and floor plans	2902 – (100)03 – A		18 th July 2024
Climate Change Statement	Appendix A		18 th July 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.

Coal – low