

**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:	2024/62/92305/E
Site Address:	102, Leeds Road, Littletown, Liversedge, WF15 6AA
Description:	Erection of garden room to front
Recommending Officer:	Jennifer Booth

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-Jan-2025

OFFICER REPORT

Site Description

102 Leeds Road is a stone built, mid-terraced property with gardens to the front and rear.

The neighbouring properties are similar in terms of age and style with a shared drive at the rear. The row of properties is set back from the main road with trees between.

Description of Proposal

The application seeks planning permission for a detached outbuilding to the front of the property.

The building would have a depth of 7m and a width of 3m with a sloping roof.

The building would be clad with vertical timber boarding.

Relevant Planning History

None

History of negotiations

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. The outbuilding would be in close proximity to protected trees. The agent was asked to provide a tree report which has been provided. The agent also moved the outbuilding and as the alteration did not increase the scale, the amendments have not been advertised.

Representations

The application was advertised by neighbour letters, which expired on 08/10/2024

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

- The outbuilding would not be in keeping with the traditional row of properties.
- The size of the outbuilding would not be subservient to the properties.
- Overshadowing of the neighbour's amenity space.
- loss of ground available to soak away rainwater could lead to localised flooding risk due to run-off.

Other comments include:

- The applicant has not discussed the proposals with the neighbours prior to submission.
- The outbuilding does not meet building regulations criteria due to proximity to boundary.
- The red line contains land which is not in the ownership of the applicant.

Consultation Responses

K.C. Trees – Informal, support after reviewing the tree report

Policy

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

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design
- **LP 30** – Biodiversity
- **LP 33** - Trees

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate

in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, and the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

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

Assessment

Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions & Alterations SPD and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

Impact on visual amenity:

Key Design Principle 1 of the House Extensions & Alterations SPD does state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. Furthermore, Key Design Principle 2 of the House Extensions & Alterations SPD goes onto state that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and details.

Paragraph 5.29 and 5.30 of the House Extensions & Alterations SPD considers an outbuilding can have as much of an impact on the appearance of a building as any extension. These should be designed to reflect the style, shape and features of the host property and be subservient in terms of the scale of the original dwelling.

Whilst it is noted that the outbuilding proposed would be forward of the principle elevation, the setting would not be prominent. The dwelling has a long garden and the outbuilding would still allow for the retention of a significant amount of the space. The scale is modest relative to the curtilage and whilst modern in appearance would not significantly detract from the character of the wider area. Furthermore, the distance from the existing properties is such that the design can be considered to be appropriate in this instance. The outbuilding is therefore considered to be acceptable in terms of visual amenity.

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

Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Extensions & Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

There are no neighbours to the north west which could be affected by the proposed outbuilding.

Impact on 100 Leeds Road

The outbuilding is proposed to be a single storey structure set some 7m from the neighbouring property and at a lower level. Given the spatial relationship, the outbuilding proposed would result in no significant overlooking, overshadowing or overbearing.

With regards to the impact on the neighbouring 100 Leeds Road, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Impact on 104 Leeds Road

The outbuilding is proposed to be a single storey structure on the shared boundary some 7m from the neighbouring property. Whilst the structure will be positioned on the shared boundary with this neighbouring property, given the land levels together with the spatial relationship, the single storey outbuilding will not result in any significant overbearing, overshadowing or overlooking.

With regards to the impact on the neighbouring 104 Leeds Road, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions & Alterations SPD and Paragraph 135 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposals will not result in any intensification of the domestic use. Bin storage for the dwelling would not be moved as part of the proposals. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & Alterations SPD.

Other matters:

Biodiversity

The development is for a single storey outbuilding in the grounds of the dwelling. Whilst the property is sited in area, which is known to include bat habitats, in this instance, as the works proposed are single storey and include no work to the main roof, then it is considered unlikely to have an impact on the bat population.

Trees

There are protected trees in the grounds of the property which add an aesthetically pleasing greenery to the area. The agent has moved the outbuilding slightly to be positioned away from the root protection area and provided a tree report which concludes that the development can be carried out without harm to the protected trees. The scheme can therefore be considered to be acceptable in terms of Policy LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Carbon Budget

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

There are no other matters for consideration.

Representations:

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

- The outbuilding would not be in keeping with the traditional row of properties – **Response:** *this is a material consideration relating to visual amenity. Although outbuildings are read in the wider area, there is no requirement for these to perfectly “match” the main house to which they are associated with. The scale and materials of the outbuilding, whilst not strictly in keeping with the palette within the terraced block, will not give rise to a significant adverse effect.*
- The size of the outbuilding would not be subservient to the properties – **Response:** *The property has a long garden and the outbuilding is not considered to be out of scale with the overall scale.*
- Overshadowing of the neighbour’s amenity space – **Response:** *The outbuilding would be a single storey structure and would align with a modest area of the shared boundary. Given the existing spatial relationship, it is not considered that the outbuilding would give rise to significant overshadowing to the neighbouring properties to warrant refusal.*

Other comments include:

- The applicant has not discussed the proposals with the neighbours prior to submission.
- The outbuilding does not meet building regulations criteria due to proximity to boundary.
- The red line contains land which is not in the ownership of the applicant.
- loss of ground available to soak away rainwater could lead to localised flooding risk due to run-off.

Although these matters are not material planning consideration as follows:

- *Although prior engagement with neighbours is encouraged, this is not a statutory nor policy requirement*
- *The application is for planning permission not building regulations which is a separate legislative framework.*

- *The applicant has signed Certificate B of land declarations on the submitted Application Form to indicate that notice has been served on other landowners. Any subsequent planning permission would not alter ownership and permission from other landowners for works within land in alternate ownership would still be required.*
- *Drainage in this instance, is not a material consideration as it would be covered under alternate legislation such as Building Regulations.*

Negotiations:

None

Proposed conditions

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

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

Conclusion:

This application to erect a single storey outbuilding in the grounds of 102 Leeds Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations SPD, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposals are considered to be acceptable.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2024/92305

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions & Alterations SPD and the aims of the National Planning Policy Framework.

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

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

07.30 and 18.30 hours, Mondays to Fridays

08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

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

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan	-	1054911	27/08/2024
Proposed plans	-	1070036	18/12/2024
Tree survey	-	1070037	18/12/2024

Plan Type	Reference	Web ID	Date Received
Climate change statement	-	1054790	27/08/2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

The outbuilding would be in close proximity to protected trees. The agent was asked to provide a tree report which has been provided. The agent also re-allocated the outbuilding however as the alteration did not increase the scale, the amendments have not been advertised.

Report Dated

06/01/2025