

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:	2024/62/92953/W
Site Address:	186, Victoria Road, Lockwood, Huddersfield, HD1 3TT
Description:	Erection of single garage to rear
Recommending Officer:	Joshua Merriman

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: 28-Jan-2025

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/92953
Location	186, Victoria Road, Lockwood, Huddersfield, HD1 3TT.
Proposal	Erection of single garage to rear.
Publicity end date	02/12/2024
Number of representations received	None
Kirklees Local Plan Allocation/Designation	The application site is located in an area with identified presence of bats and great crested newts but is otherwise unallocated in the Kirklees Local Plan.
Extension to Time (EoT)	Yes EoT Date: 28/01/2025
Recommendation	Conditional Full Permission

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

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

Policy

National

National Planning Policy Framework (NPPF) December 2024
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 9 – Promoting sustainable transport
- NPPF Chapter 12 – Achieving well-designed places
- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- NPPF Chapter 15 – Conserving and enhancing the natural environment

Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 51** – Protection and improvement of air quality

Supplementary Planning Document ‘House Extensions and Alterations’ (2021).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 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 12: Natural environment

- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	No	
Parish/Town Council comments sought	No	
Planning History	Yes	98/93249 – Erection of detached garage and boundary wall – Conditional Full Permission. 2021/92057 – Erection of single storey extension to side and associated alterations – Conditional Full Permission. 2022/91143 – Erection of two storey side extension and single storey rear extension – Refused. - The proposed design, scale, and proximity to the boundary would have an incongruous appearance and fail to harmonise with the character of the locality. 2022/92809 – Erection of two storey side and single storey rear extensions – Conditional Full Permission.

		Permission 2022/92809 appears to have commenced.
Consultations required	No	

Assessment

The application seeks permission for an outbuilding.

The garage has a maximum height of 3.48m, with an eaves height of 2.44m, a width of 3.63m, and a depth of 6m.

The Kirklees SPD sets out that outbuildings should comply with certain parameters set out at paragraph 5.6 on page 3 (and listed below) and if they do not, they need to be justified:

Outbuildings should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings	The garage is subservient in footprint to the original house, and the rear amenity space at the property.	
be set back behind the building line of the original building so that they do not impact on the street scene;	The garage is set well back from the building line of the original building and constructed completely using materials to match the existing building, therefore, not having a significant impact on the street scene.	
preserve a reasonable private amenity space appropriate to the		It is at a stage where, as a result of the extant permission at site which

potential number of occupants of the house, and follow a general principle that no more than 50% of garden space should be lost		has commenced and the proposed development the subject of this application, it is close to 50% of the amenity space at the dwelling remaining. However, a small, yet usable private amenity space area would remain available, as well as other amenity areas around the dwelling and it is considered that refusal on this basis could not be substantiated in this case given that a reasonable private amenity space would remain.
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Design and Visual Amenity

Summary of local street scene/character:

The application site refers to 186 Victoria Road, a two-storey terraced dwelling constructed from primarily a concrete tiled roof, natural stone walls, uPVC black windows, and uPVC black doors. The application property lies in a rather consistent street scene with buildings of a similar size, character, age, and style, despite some properties using coloured stone.

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

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
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Impact on the Local character and street scene	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	As the outbuilding has been constructed using materials to match the house on the application site, and is subservient to the host dwelling, it is considered that there is no significant impact on the local character and street scene.	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	As the garage has been constructed with materials to match the original house, and is subservient to the host dwelling, it is considered that there will be no significant impact on the original house.	✓
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	The garage is subservient to the original house in terms of height, scale, and massing.	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	The garage has been constructed using natural stone walls, uPVC black windows and doors, and uPVC black gutters and downpipes, all of which match the existing building. A condition to ensure their retention in relation to the walls and roof materials is recommended.	✓
Roof style	• KDP 1 and 2 of the SPD	The roof of the garage is concrete tiled, matching	✓

	• Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	that of the existing house.	
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	All windows in the outbuilding are deemed proportionate to the scale of the building and are in keeping with windows in the rear elevation of the host dwelling in terms of size and positioning.	✓
Accessibility for all users	• KDP 17 of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Private domestic extension – no alternate access arrangements required.	✓

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

Residential Amenity:

The main properties affected are:

- 188, Victoria Road, Lockwood, Huddersfield, HD1 3TT – Neighbouring property to the South West.
- 1, Armytage Crescent, Lockwood, Huddersfield, HD1 3TY – Neighbouring property to the West.
- 4, Armytage Crescent, Lockwood, Huddersfield, HD1 3TY – Neighbouring property to the North.
- 6, Armytage Crescent, Lockwood, Huddersfield, HD1 3TY – Neighbouring property to the North.
- 8, Armytage Crescent, Lockwood, Huddersfield, HD1 3TY – Neighbouring property to the North.

- 10, Armytage Crescent, Lockwood, Huddersfield, HD1 3TY – Neighbouring property to the North.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on privacy of neighbours (to sides, rear and front)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	As the only windows in the outbuilding are facing towards the original dwelling, it is considered that this will not facilitate any significant overlooking or impacts on privacy on neighbours. Particularly as the windows are at ground floor level, serve a non habitable room and having regard to the boundary screening in place at the site.	✓
Impact on light and outlook of neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	The garage has a level of impact on the rear windows to the East of 188 Victoria Road, however, taking account of the scale of the outbuilding and its siting it is considered the building is not of a size / scale or close enough to the neighbouring property for the impacts to be considered as so significant as to warrant refusal in this case.	✓
Impact on overbearing or overshadowing	• KDP 5, 6 of the SPD	As aforementioned, the scale of the garage is not considered great enough, and the	✓

	• Policy LP24 Design (b) • Chapter 12 of the NPPF	positioning of the outbuilding not close enough, to the neighbouring property for there to be a significant impact on neighbouring properties with regard to overbearing or overshadowing that could warrant refusal of the application in this case.	
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	As set out earlier in this report, the impact of the proposal is considered to be acceptable in this regard.	✓

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

Highways and Parking:

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on highway safety	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	As the outbuilding is set back from the nearest highway (Armytage Crescent), and an adequate amount of off-street parking is retained at the site (which would be secured via condition to ensure the garage is used for vehicular), it is considered that it will not	✓

		cause any significant impact on highway safety.	
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	Although the introduction of the outbuilding reduces the hard-standing space to the rear of the property currently utilised for parking, it is considered a suitable level of off street parking can be ensured through the inclusion of a condition requiring the garage to be used for vehicular parking only. It is noted a further space would also remain available adjacent to the garage.	✓
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	Although nothing specific is detailed within the submitted plans, the space currently used for waste storage will remain.	✓

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

Other matters:

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on trees	• KDP 13 of the SPD	The proposal is not close enough to have any	✓

	• Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF	significant impact upon trees.	
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	While the site is within a bat alert layer and an area containing great crested newts, the nature of the proposal is not considered to have significant impacts to roosting/nesting potential. It is recommended that in this case an appropriate approach of the LPA is the inclusion of an informative note upon and grant of permission which alerts the applicant of their private responsibilities if any signs of bats or great crested newts or potential to disturb those protected species are found.	✓
Carbon Budget / Climate change statement	• KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • Chapter 14 of the NPPF	Small scale domestic development to an existing dwelling. As such, no special measures required in terms of the planning application with regards to carbon emissions. A Climate Change Statement has been submitted with this application.	✓
Drainage and Flood Risk	• KDP 14 of the SPD	The rear garden and landscaping would be retained to allow for run-	✓

	Policy LP24 (d) (vii), LP27 and LP34 of the KLP	off. The site is not located within an identified Flood Risk Zone 2 or 3 area.	
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The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

Representations, including Parish/Town Council comments:

Summary of Representation	Officer response	Addressed ✓ / X / N/A
None		N/A

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: **CONDITIONAL FULL PERMISSION**

Decision Authorisation - Delegated Powers

Application Number: 2024/92953

Officer Recommendation: Conditional Full Permission

Conditions and Reasons

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

Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

2. The materials of construction used for the external walls and roof of the development hereby approved shall be retained for the lifetime of the development.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

3. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order) the detached garage hereby approved shall not be used for any purpose other than for storage or the parking of a vehicle incidental to 186, Victoria Road, Lockwood, Huddersfield, HD1 3TT.

Reason: In the interests of highway safety and parking provision in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, Principle 15 of the House Extensions and Alterations SPD, and policies within Chapter 9 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 42 of The Conservation of Habitats and Species Regulations 2017. 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
Application Forms	-	-	16/10/2024
Climate Change Statement	-	-	23/10/2024
Location-Elevations_Plans Exist-Proposed	001	-	16/10/2024

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. It was not considered necessary to seek any amendments/further information during the course of this application.

Report Dated: 24/01/2025

