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:	**2024/62/93336/W**
Site Address:	209, Scar Lane, Milnsbridge, Huddersfield, HD3 4PZ
Description:	Erection of detached building to create dwelling forming annex accommodation associated with 209, Scar Lane, Milnsbridge, Huddersfield, HD3 4PZ
Recommending Officer:	Joshua Merriman

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: 17-FEB-2025

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/93336
Location	209, Scar Lane, Milnsbridge, Huddersfield, HD3 4PZ.
Proposal	Erection of detached building to create dwelling forming annex accommodation associated with 209, Scar Lane, Milnsbridge, Huddersfield, HD3 4PZ.
Publicity end date	11/01/2025
Number of representations received	None.
Kirklees Local Plan Allocation/Designation	The application site is located in a bat alert area and a Tree Preservation Order (TPO) however is otherwise unallocated in the Kirklees Local Plan.
Extension to Time (EoT)	Yes **EoT Date:** 18/02/2025
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 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 33** - Trees
- **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 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 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	Yes	It was concluded that the submission of an Arboricultural Impact Assessment was necessary due to the presence of TPO's on the application site. This has since been submitted by the applicant and considered acceptable by the Tree Officer
Parish/Town Council comments sought	No	
Planning History	Yes	97/90180 – Erection of replacement porch – Conditional Full Permission. 2012/92253 – Works to TPO(s) 38/94 – Granted. 2015/93740 – Work to TPO(s) 38/94 – Granted. 2017/94158 – Erection of single storey side extension and patio, demolition of existing single storey side extension – Conditional Full Permission.
Consultations required	Yes	KC Trees – Following a formal consultation with KC Trees, the following comments were received:

		There are Protected trees to the North of the site under TPO 38/94. The submitted tree information shows that T1, T2, and T3 are category C trees and recommended for removal. This is a fair assessment due to their species and stature. These 3 trees are also not protected under the TPO and therefore their removal to facilitate the development is acceptable. *With the three trees removed there would be no further impact on the surrounding trees. The submitted tree protection plan also looks to provide adequate protection to the surrounding trees during construction.* *There is no objection and no further comments, proving all submitted plans are adhered too.* KC Highways Development Management – Following a formal consultation with KC Highways, the following comments were received: *This application is for the erection of a detached 2-bedroom dwelling in the garden of and forming an annexe to a dwelling with an existing access on to B6111 Scar Lane, a 30mph two-way single carriageway secondary distributor road of approximately 9.2m width with footways on both sides and street lighting present. The B6111 Scar Lane hosts a medium frequency bus route and there are stops within 85m of the proposed development*

		site. *The access to the site is from the fourth arm of a mini roundabout at the junction of B6111 Scar Lane and Tintern Avenue and because of this we would not wish to support any development that causes a noticeable intensification of use of the access. As a detached 2-bed annexe to the existing dwelling at 209 Scar Lane we would not expect the proposal site to generate sufficient trips as to have an adverse impact at the junction. To maintain this level of trip generation we would request that a condition is put in place to keep the proposed building annexed to the existing dwelling and not to be rented commercially.* *No parking is to be provided with the proposal building, however there is parking associated with the existing dwelling and any additional parking demand created by the proposals should be able to be accommodated within the existing car parking area without obstructing any turning areas.* *We would expect any waste collection to be carried out as with the existing dwelling.* KC Environmental Health – Following a formal consultation with KC Environmental Health, the following comments were received: <u>Contaminated Land</u>

		The proposed development is shown on our mapping systems to be located adjacent to the site of a former quarry, listed as landfill (our site ref: 409/9). Whilst we have no objection to the application, we recommend conditions in relation to contaminated land to ensure the site is safe and suitable for the proposed development. <u>Construction Related Noise</u> The proposed site is adjacent to an existing dwelling, we recommend a condition to ensure construction noise associated with the proposal does not cause loss of amenity to existing residents. Five conditions have been recommended.

<u>Assessment</u>

The application seeks planning permission for an outbuilding to provide ancillary accommodation.

The proposed outbuilding would have a maximum height of 5.38m, with an eaves height of 2.8m, a width of 9.29m, and a depth of 7.1m.

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	The proposal would be subservient to the original building and its garden in footprint and scale.	

outbuildings		
be set back behind the building line of the original building so that they do not impact on the street scene;	The outbuilding is proposed to be set back behind the building line of the original building as not to impact the street scene, however, due to the heavy screening of the application site, and limited scale of the outbuilding in comparison to the host dwelling, it is not considered to have a significant detriment to the street scene.	
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	At least 50% of the garden space on the application site will be retained, which is deemed acceptable.	

Design and Visual Amenity

Summary of local street scene/character:

209 Scar Lane is a large detached property located within a predominantly residential area within Milnsbridge. The property is set back from the roadside by approximately 19 metres separated by a front garden and vehicular access. There is a single storey flat roofed extension to the side/rear of the property and a detached garage to the eastern side of the plot. There is also a garden area to the rear of the dwelling. To the site frontage is a blanket Tree Preservation Order which protects the exiting trees. There is a driveway which is access off Scar Lane which leads through the site frontage to the front and side of the property.

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**
Impact on the Local character and street scene	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	Due to the heavy screening of the property, limited scale of the outbuilding in comparison to the original house, and predominant use of materials to match the existing building, it is considered that the proposal will have no significant impact upon 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 outbuilding is set to be subservient to the original house and constructed using primarily materials to match the existing building, it is considered that there will be no significant impact upon 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 proposal will be subservient to the original building in terms of height, scale, and massing.	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of	The proposed materials of the outbuilding are stone walls and uPVC windows to match the existing building. However, the	✓

	the KLP • Chapter 12 of the NPPF	use of composite doors and stainless steel up and down light will not match the existing house. Despite this, the use of these detailing materials are not considered to have a significant enough impact to warrant a refusal on such a well-screened site that will have no major effect on the local character of the surrounding area.	
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	The proposed roof is slate to match the existing building.	✓
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 proposed in the outbuilding are proportionate to the scale and massing of the structure.	✓
Accessibility for all users	• KDP 17of 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:

- 4, Vista Court, Scar Lane, Milnsbridge, Huddersfield, HD3 4PZ – Neighbouring property to the West.
- 252, Scar Lane, Golcar, Huddersfield, HD7 4AU – Opposing neighbour.
- 254, Scar Lane, Golcar, Huddersfield, HD7 4AU – Opposing neighbour.

	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	Due to the heavy natural screening around the application site, and the placement of windows in the outbuilding not overlooking the neighbouring dwelling to the West (4 Vista Court), it is considered that there will be no significant impact on the privacy of neighbours.	✓
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	Due to the large scale of the application site, and the limited scale of the outbuilding in the context of this, it is considered that the proposal will not be of a great enough scale to cause significant impacts on light and outlook of neighbours.	✓
Impact on overbearing or overshadowing	• KDP 5, 6 of the SPD • Policy LP24	As aforementioned, due to the limited scale of the proposal in the context of the large application site, it is considered that the	✓

	Design (b) • Chapter 12 of the NPPF	outbuilding will cause no significant overbearing or overshadowing.	
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	The application property will retain all of its garden space to the rear, and most to the front, which is over 50% of the total garden space on the site, and deemed acceptable.	✓

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 proposal is set well back from the nearest highway (Scar Lane), it is considered that there will be no significant impacts on highway safety.	✓
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	It is considered that the large hard-standing parking area to the front of the property is great enough to meet the requirement of three off-street parking spaces at the dwelling.	✓
Provision for waste storage	• KDP 16 of the	Although nothing specific is detailed in the	✓

	SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	submitted plans, waste storage at the site is acceptable to remain as current.	

Following a formal consultation with KC Highways there were no objections to the proposal, however, a condition is recommended to be attached that the outbuilding shall be retained as ancillary accommodation to the main dwelling.

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 • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF	Following a formal consultation with KC Trees the following comments were received: *There are Protected trees to the North of the site under TPO 38/94. The submitted tree information shows that T1, T2, and T3 are category C trees and recommended for removal. This is a fair assessment due to their species and stature. These 3 trees are also not protected under the TPO and therefore their removal to facilitate the development is acceptable.*	✓

		With the three trees removed there would be no further impact on the surrounding trees. The submitted tree protection plan also looks to provide adequate protection to the surrounding trees during construction. *There is no objection and no further comments, proving all submitted plans are adhered too.* As a result, it is considered that the proposal will have no 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, the nature of the proposal is not considered to have significant impacts to roosting 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 potential to disturb those protected species are found.	✓
Carbon Budget / Climate change statement	• KDP 8, 9, 10 & 11 of the SPD	Small scale domestic development to an existing dwelling. As such,	✓

	• Policy LP51 • Chapter 14 of the NPPF	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 • Policy LP24 (d) (vii), LP27 and LP34 of the KLP	The rear garden and landscaping would be retained to allow for run-off. The site is not located within an identified Flood Risk Zone 2 or 3 area.	✓

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: 2024/93336

Officer Recommendation: Conditional Full Permission

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 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

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

4. The development hereby approved shall be used as annexe accommodation by the owner / occupier of No 209 Scar Lane for their private use only and shall not be used for commercial purposes or sold, leased, rented or used as an independent dwelling unit or let out as holiday accommodation.
Reason: To ensure that the annex is used solely as ancillary accommodation to the main dwellinghouse in accordance with Policies LP21, LP22 and LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

5. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

6. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (CLC1) groundworks (other than those required for a site investigation report) shall not commence until a

Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (CLC2) further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (CLC3). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

9. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the

Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.
NOTE: To safeguard the amenities of the occupiers of nearby properties, no construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Bank/Public Holidays.
NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

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
Location Plan	-	-	25/11/2024
Existing Site/Block Layout	127 101A	-	27/11/2024
Existing Site / Block Layout	127-209	-	25/11/2024

Plan Type	Reference	Version	Date Received
Proposed Site / Block Layout	127-209	-	25/11/2024
Existing Elevations	127-102 – 1/2	-	25/11/2024
Existing Elevations	127-103 – 2/2	-	25/11/2024
Proposed Elevations	127-105 – 1/2	-	25/11/2024
Proposed Elevations	127-106 – 2/2	-	25/11/2024
Application Form	-	-	27/11/2024
Tree / Arboricultural Survey	SA 21603 Arb Survey Report BS5837	-	28/01/2025
Tree / Arboricultural Survey	SA 21603 TC01	-	28/01/2025
Tree / Arboricultural Survey	SA 21603 AIA01	-	28/01/2025
Climate Change Statement	-	-	27/11/2024
Design and Access Statement	127-209	-	25/11/2024

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 found it necessary to seek an Arboricultural Impact Assessment regarding the TPO's on site, however, this was provided and deemed acceptable.

Report Dated: 31/01/2025