

**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:	<b>2024/62/93571/W</b>
Site Address:	14, Smithy Close, Lindley, Huddersfield, HD3 3ZB
Description:	Demolition of existing garage and erection of detached garage and alterations to existing dwelling
Recommending Officer:	Joanna Rednall

**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.**

Emma Thompson

***AUTHORISED OFFICER***

**Date: 10-Mar-2025**

## **The Site**

14, Smithy Close is a two-storey detached dwelling finished in stone with a concrete tile roof. To the front of the dwelling is a small lawned garden and an area of hardstanding leading to a garage situated behind the host property. A larger lawned garden is located to the rear which is bound by timber fencing.

The application site is located within a wider residential area where surrounding development is similar in terms of design and architectural features.

## **The Proposal**

The applicant is seeking planning permission for the demolition of existing garage and erection of detached garage and alterations to existing dwelling.

The existing garage measuring approximately 7 metres in depth, 3.1 metres in width and a total height of 4.7 metres would be demolished to facilitate the proposed detached garage. This garage is proposed to the rear garden and would measure approximately 6.5 metres in depth, 6.5 metres in width, 2.1 metre eave height and 3.5 metres in total height.

The garage would be finished in stone with a concrete tile roof, upvc openings to the east-facing elevation and a roller-shutter door to the south-facing elevation.

The submitted plans show the area to the side and rear of the dwelling would be hard-surfaced leading up to the proposed garage and the climate change statement sets out this will be permeable surfacing.

Alterations are proposed to the rear elevation of the dwelling, this is in the form of removing the existing patio doors, widening the existing opening, and inserting bi-folding doors.

## **History of Negotiations**

Updated plans were provided to correct discrepancies in the proposed elevation measurements.

## **Planning History**

Relevant planning history for this site is summarised as follows:-

2000/93276 Outline application for erection of employment business park comprising industrial, commercial and storage units with ancillary facilities, roads and car parking

*Withdrawn*

2018/91078 Erection of 82 dwellings, landscaping and associated works

*Section 106 Full Permission*

2018/93914 Discharge of conditions 3, 7, 9, 11 on previous permission

2018/91078 for erection of 82 dwellings, landscaping and associated works

*Approved*

2019/90182 Discharge of conditions 4, 6, 10, 12, 13, 14, 15, 17 on previous permission 2018/91078 for erection of 82 dwellings, landscaping and associated works at land off Crosland Road, Oakes, Huddersfield, HD3 3PA

*Approved*

2019/91863 Variation of Condition 2 (plans and specifications) on previous permission 2018/91078 for erection of 82 dwellings, landscaping and associated works

*Section 106 Removal/modification of conditions – approved*

2021/90100 Discharge of Condition 4 (Noise) of previous permission 2018/91078 for erection of 82 dwellings, landscaping and associated works

*Discharge of Conditions – Split Decision*

### **Publicity & Representations**

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters.

Final publicity date expired: 26<sup>th</sup> February 2025

2 letters (which includes hand-written letters, e-mails and on-line representations) of representation have been received. These are summarised as follows:-

### **Letters of objection**

- Loss of light
- Impact on drainage
- Devaluation of neighbouring properties
- Scale is too large

## **Consultations**

No statutory consultations were requested for this application.

## **Allocation & Policies**

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).

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

### **Kirklees Local Plan (LP)**

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway Safety
- LP22 Parking Provision
- LP24 Design
- LP28 Drainage
- LP34 Conserving and enhancing the water environment

### **National Policies and Guidance**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 12<sup>th</sup> December 2024, 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. Considered to be of relevance to the consideration of this application are policies within the following chapters: -

- Chapter 2 – Achieving sustainable development
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 – Conserving and enhancing the historic environment

### Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)

Kirklees Highway Design Guide (November 2019)

### Legislation

The Town & Country Planning Act 1990 (as amended).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

### **Assessment**

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon visual amenity
3. Impact upon residential amenity
4. Impact upon 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 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case, the principle of development in this application is acceptable and shall be assessed against the applicable material planning considerations within the following report.

## **2 – Impact upon visual amenity**

Policy LP24 (Design) of the Council’s adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

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. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

5.6 of the Supplementary Planning Document refers to the general rules in relation to outbuildings, and its states:

“Outbuildings, such as garden offices, detached garages and granny annexes, can have as much of an impact on the appearance of the building as any other extension. Wherever possible these should reflect the style, shape and architectural features of the existing house and not be detrimental to the space around the building”

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;
- 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 proposed garage would have a larger footprint than the existing garage and appear relatively large in comparison to the footprint of the host building. However, the application property is a substantial 2-storey detached dwelling which is set within a spacious plot, as such there would be an adequate amount of garden space retained to avoid an overdeveloped or cramped appearance as a result of the new garage. The lean-to roof design would reduce any significant bulking and massing to the rear of the dwellinghouse as the overall height of development would be reduced from the existing garage and would not over dominate the application site.

The proposed garage is also set behind the host property and therefore would have a minimal impact on the street scene. The material choices to construct the proposal would match that of the existing dwellinghouse and the local area, and these can be secured by a condition to ensure the development would have an acceptable visual impact.

The submitted elevations show the existing patio doors would be removed and replaced with bi-folding doors. This would not significantly alter the visual appearance of the host property and would appear in keeping with the design of the host.

Subject to conditions, it is therefore considered that in terms of visual amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, the adopted House Extensions and Alterations SPD, and advice within 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.

The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that: *“extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours”.*
- Principle 4 – that: *“extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook.”*
- Principle 5 – that: *“extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property”.*
- Principle 6 – that: *“extensions and alterations should not unduly reduce the outlook from a neighbouring property.”*

The properties potentially affected by the proposed development are those which directly neighbour the site, these being:

#### 16, Smithy Close

This neighbour is located west of the application site.

The proposed development would add some bulk and massing near to the common boundary, though this is limited by the garage's low eave and ridge height. Although the position of the garage would be further back within the application site than the existing garage, the overall height of built form would be reduced, mitigating any detrimental impacts of overshadowing or overbearing. The submitted elevations show that boundary treatment screens most of the structure. With the garage set about 7 meters from the rear elevation of No. 16 and taking into consideration the sun's path, the garage would not significantly affect the light currently received at any habitable windows, nor would it unduly overshadow the rear amenity space of No.16.

The development is considered to have an acceptable impact upon the privacy of No.16, this is because there are no new openings proposed that would face this neighbouring dwelling. Due to these reasons, the proposed development is considered to have an acceptable impact upon the amenity of No.16.

### 6 & 8, Smithy Close

These neighbours are located east of the application site.

The garage would be located approximately 7.8 metres away from the common boundaries with a total of 21 metres achieved from the rear elevations of No.6 and No.8 Smithy Close. The development would also be partially screened by existing boundary treatment. Due to these reasons, the proposed development is considered to have an acceptable impact upon the amenity of No 6 & 8.

### 15 & 11, Smithy Way

These neighbours are located north of the application site.

The development would result in a degree of bulking and massing closer to the common boundaries, any harmful impacts are mitigated by the structures limited height. The submitted elevations show no openings are proposed to the elevations facing No.15 and 11, therefore the development would not result in a significant loss of privacy to the occupants of these dwellings.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework.

### **4 – Impact on highway safety:**

Policies LP21 and LP22 of the Kirklees Local Plan and policies within chapter 9 of the NPPF 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.

The proposed development involves the demolition of the existing garage, which will be replaced with a larger garage structure located at the rear of the garden. In addition, the driveway will be extended to provide access to the new garage. The domestic use of the application property would not change as a result of the development, therefore the proposed level of parking is considered to be acceptable. Given the scope of the works and the need to address drainage concerns, it is necessary to include a condition on surfacing and drainage to ensure that both highway and drainage requirements are met. This is in line with Policies LP21, LP22, LP24, LP28 and LP34 of the Kirklees Local

Plan, design principles of the SPD and the Council's Highways Design Guide. The proposal does not propose any changes highway access. It is therefore considered that the proposal is acceptable in relation to highway safety.

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.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, principle 15 of the Council's Street Design Guide and chapter 9 of the National Planning Policy Framework.

## **5 – Other matters:**

### *Climate Change*

On 12<sup>th</sup> 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.

Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. A Climate Change statement has been submitted with this application.

## **6 – Representations:**

- Loss of light  
*Officer response: Noted. The impact upon residential amenity has been assessed under Section 3 of this report, due to the scale and location of the development it is not considered to result in material harm to any adjacent occupant.*
- Devaluation of neighbouring properties

*Officer response: This is not a material planning consideration.*

- Impact on drainage caused by the new plans as the area already struggles with drainage.

*Officer response: Noted. The site is not located within in a flood zone. It is considered that this scheme is not of a scale whereby it would be reasonable for the LPA to insist upon a scheme of surface water drainage to be submitted as part of this application.*

- Scale is too large

*Officer response: Noted. The impact upon visual and residential amenity has been assessed under Section 2 of this report. The development is not considered to be detrimental to visual or residential amenity due to the scale, design and location.*

## **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.

**Recommendation**

**APPROVE**

**Decision Authorisation - Delegated Powers**

**Application Number: 2024/93571**

**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 91 of the Town and Country Planning Act 1990 (as amended).

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 of the outbuilding hereby approved shall in all respects match those used in the construction of the existing building and 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 Council's adopted Supplementary Planning Document on House Extensions, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and to accord with Policies within Chapter 12 of the National Planning Policy Framework.

4. The approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded. The development shall be retained as such.

**Reason:** In the interests of highway safety and to ensure that the additional hardstanding is appropriately drained to mitigate flood risk in accordance with Policies LP21, LP22, LP28 and LP34 of the Kirklees Local Plan, Key Design Principle 14 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and Chapter 14 of the National Planning Policy Framework.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing Floor Plans and Location Plan	2499 - 0101 - P01	-	06/01/2025
Existing Elevations	2499 - 0102 - P01	-	06/01/2025
Proposed Block Plan	2499 - 0301 - P05	-	20/01/2025
Proposed Floor Plan & Block Plan	2499 - 0301 - P04	-	06/01/2025
Proposed Elevations	2499 - 0302 - P05	-	13/02/2025
Climate Change Statement	-	-	06/01/2025
Application Form	-	-	20/01/2025

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.

Updated plans were provided to correct discrepancies in the proposed elevation measurements.

**Report Dated:**

04/03/2025

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